

# **2025-UNAT-1581, Waleed Ammar**

## **UNAT Held or UNDT Pronouncements**

The UNAT held that the UNDT erred in finding that the Administration had not proven by clear and convincing evidence that Mr. Ammar made the Facebook post because the Inspector General's Office (IGO) inappropriately discounted the possibility that Mr. Ammar's Facebook account had been hacked. The UNAT found that the Administration met its burden of establishing that it was highly probable that Mr. Ammar posted the Comment and thus publicly expressed support for an honour killing. The Administration produced uncontradicted evidence that the comment came from Mr. Ammar's Facebook account and he adduced no evidence that his account was hacked.

The UNAT held that the UNDT erred in finding that the IGO investigators failed in their duty to somehow compel Mr. Ammar to coordinate with Facebook to check and verify the IP address from which the Comment was made. Once the Administration met its burden of establishing the facts underlying the disciplinary measure through clear and convincing evidence, Mr. Ammar bears the burden to provide sufficient and credible evidence to substantiate allegations adduced in his defense, which he did not do.

The UNAT affirmed the UNDT's finding that that the sanction imposed on Mr. Ammar was lawful and not arbitrary, nor adopted beyond the limits stated by the respective norms, excessive, abusive, discriminatory or absurd in its severity. The Secretary-General appropriately weighed aggravating and mitigating circumstances when deciding upon the appropriate sanction. The Comment was posted on a widely followed Facebook page, where Mr. Ammar presented himself as UNHCR staff, and it "severely clashed with the values of the Organization, displayed a complete disregard for fundamental human rights", and created a significant risk of reputational damage to UNHCR.

The UNAT granted the Secretary-General's appeal and reversed the UNDT Judgment.

## Decision Contested or Judgment/Order Appealed

Mr. Ammar, a former staff member of the United Nations High Commissioner for Refugees (UNHCR), contested the disciplinary measure of separation from service with compensation in lieu of notice and with half termination indemnity, for posting a public comment on a Facebook page in support of an honour killing.

In Judgment No. UNDT/2024/078, the UNDT granted the application.

The Secretary-General appealed.

## Legal Principle(s)

Clear and convincing evidence requires more than a preponderance of the evidence but less than proof beyond a reasonable doubt. It means that the truth of the facts is “highly probable”.

There is no requirement that investigators pursue all lines of enquiry and search for any possible exculpatory evidence in a case. Rather, the requirement is that the investigators should make every reasonable effort to search for relevant and obtainable inculpatory and exculpatory evidence. What constitutes reasonable effort will depend on the circumstances of each case.

If a party raises a defence to the allegation, then they have the burden of proving their case. It is a principle in evidence law that the burden of proof lies with the party who presents a claim.

## Outcome

Appeal granted

## Outcome Extra Text

## Full judgment

[Full judgment](#)

## Applicants/Appellants

Waleed Ammar

## Entity

UNHCR

## Case Number(s)

2024-1974

## Tribunal

UNAT

## Registry

New York

## Date of Judgement

4 Sep 2025

## President Judge

Sandhu

Judge Colgan

Judge Ziadé

## Language of Judgment

English

## Issuance Type

Judgment

## Categories/Subcategories

Dismissal/separation

Proportionality of sanction

Due process

Disciplinary

Misuse of information and communication technology resources

Disciplinary matters / misconduct

Investigation

Burden of proof

## Applicable Law

Staff Rules

- Rule 10.3(b)

UNDT Statute

- Article 9.4

UNHCR Administrative Instructions

UNHCR Administrative Instruction

- UNHCR/AI/2019/15

## Related Judgments and Orders

2024-UNAT-1431

2023-UNAT-1376

2020-UNAT-1033

2024-UNAT-1427

2023-UNAT-1357

2022-UNAT-1216

2020-UNAT-1024

2014-UNAT-407

UNDT/2024/078