UNITED N

to %ea$so%$ 8'e%9 $eyond 61 De"em$e% 2016. 4. +H. to sepa%ate 8'e%9 on 61 De"em$e% 2016& pend!ng 8t'e9 GA de"!s!on.). +H. t'at 8s'e9 8/ou d9 'a3e no !en on a post /'!e on tempo%a%y ass!gnment /!t' 4:CT. ?. +H. to !n" ude t'e statement ,2/* 'as no !en aga!nst Umo;a post- !n 8'e%9 8PA9 fo%m. =. +H. not to !nfo%m 8'e%9 /'o !s a""ounta$e fo% *22 %esou%"es so t'at 8s'e9 1no/8s9 /'o 8s'e9 "an spea1 to a$out 8'e%9 post-.

22. By ema! of 2? De"em$e% 2016& t'e App !"ant p%o3!ded "omments to t'e ,Note fo% t'e f!e- of 24 De"em$e% 2016& stat!ng& inter alia, t'at ,sepa%at!on- /as not ment!oned at t'e meet!ng. 2'e a so as1ed fo% fu%t'e% " a%!f!"at!ons "on"e%n!ng t'e de"!s!ons ta1en %ega%d!ng 'e% post.

26. By ema! of t'e same day& t'e Adm!n!st%at!3e 4ff!"e%& <4/D *& !nfo%med t'e App !"ant t'at 4:CT 'ad %eBuested t'e e7tens!on of 'e% tempo%a%y ass!gnment fo% an add!t!ona pe%!od of t'%ee mont's t'%oug' 61 *a%"' 2014. 2a!d ema! fu%t'e% stated t'e fo o/!ng +emp'as!s !n t'e o%!g!na .F

> :n t'!s %ega%d& p ease note t'at to date t'e 8GA9 'as not made a de"!s!on %ega%d!ng t'e p%oposed a$o !s'ment of you% post.
>
> :n !g't of t'e a$o3e and /'!e /e a/a!t t'e GAAs de"!s!on %ega%d!ng you% post& t'e t'%ee(mont' e7tens!on of t'e ass!gnment /ou d $e $ased on one of t'e fo o/!ng "ond!t!onsF
>
> 1. :f t'e 8GA9

24. By ema! of 2= De"em$e% 2016& t'e App !"ant e7p%essed 'e% /o%%!es a$out 'e% $e!ng on a tempo%a%y ass!gnment /!t' 4:CT /!t'out 'a3!ng a !en aga!nst any post as of 1 Janua%y 2014& not!ng t'at 'ad s'e 1no/n t'at s'e /ou d not 'a3e a post /'! e on a tempo%a%y ass!gnment& s'e /ou d 'a3e fo"used mo%e on app y!ng fo% :nsp!%a ;o$ open!ngs %at'e% t'an fo% tempo%a%y ;o$ open!ngs. :n 'e% ema! & t'e App !"ant a so %eBuested some ass!stan"e fo% an ,e7"ept!ona - p a"ement aga!nst anot'e% post& s'ou d 'e% post $e a$o !s'ed. :n t'e ema! s'e %e"e!3ed !n %ep y on t'e same day& t'e Adm!n!st%at!3e 4ff!"e%& <4/D *& p%oposed to meet /!t' 'e% on 60 De"em$e% 2016& $ut t'e App !"ant %ep !ed t'at $efo%e 'a3!ng su"'' a meet!ng& s'e /ou d !1e to %e"e!3e " a%!f!"at!on a$out /'o made t'e de"!s!on to a$o !s' *22 posts to ensu%e t'at t'e de"!s!on(ma1e%+s. pa%t!"'!pate at t'e meet!ng.

2). 4n t'e same day&

2>. 4n 1) Janua%y 2014& s'e aga!n f! ed a %eBuest fo% management e3a uat!on +* < %eBuest No. 4. of t'e de"!s!ons ,1. +H. t'at 8s'e9 8/ou d9 'a3e no !en on a post /'! e on tempo%a%y ass!gnment /!t' 4:CT $eyond 61 De"em$e% 2016. 2. +H. not to ass!st 8'e%9 !n e7"ept!ona p a"ement aga!nst a post. 6. +H. not to !nfo%m 8'e%9 /'o !s a""ounta$ e fo% *22 %esou%"es +H.-. 2'e %e"e!3ed a %ep y dated 1? Janua%y 2014& !n /'!"' t'e *<U "on" uded t'at 'e% *< %eBuest No. 4 /as not %e"e!3a$ e.

60. By app !"at!on f! ed on 10 #e$%ua%y 2014& t'e App !"ant "ontested t'e de"!s!on to a$o !s' 'e% post /!t' *22& t'e de"!s!ons to sepa%ate 'e% f%om t'e 4%gan!5at!on as of 61 De"em$e% 2016 and not to %ene/ 'e% f!7ed(te%m appo!ntment& as /e as t'e ,de"!s!on not to ass!st !n t'e e7"ept!ona p a"ement aga!nst a post& de"!s!on on t'e "ond!t!ons of 8'e%9 %e ease on tempo%a%y ass!gnment to 4:CT and t'e de"!s!on to /!t''o d !nfo%mat!on %ega%d!ng a""ounta$! !ty fo% *22 posts and %esou%"es-.

61. 4n 12 #e$%ua%y 2014& t'e app !"at!on /as se%3ed on t'e @espondent& /'o f! ed '!s %ep y on 14 *a%"' 2014.

62. 4n 4 *a%"' 2014& t'e App !"ant /as !nfo%med $y ema! f%om t'e Adm!n!st%at!3e 4ff!"e%& <4/D*& t'at 4:CT 'ad %eBuested t'e e7tens!on of 'e% tempo%a%y ass!gnment fo% an add!t!ona pe%!od of t'%ee mont's t'%oug' 60 June2014. T'e ema! spe"!f!"a y ment!oned t'at ,t'!s e7tens!on 8/ou d9 $e unde% t'e same te%ms and "ond!t!ons as 8'e%9 "u%%ent ass!gnment& !.e. t'e%e 8/ou d9 $e no !en on a post !n *22 o% any ot'e% post !n 8D*9 s!n"e 8'e%9 post !n *22 /as a$o !s'ed effe"t!3e 1 Janua%y 2014-.

66. By 4%de% No. 10E +GVA/2014. of 1? Ju y 2014& t'e T%!$una "on3o1ed t'e pa%t!es to an o%a 'ea%!ng& /'!"' /as 'e d on 4 2eptem$e% 2014 $y 3!deo"onfe%en"e. T'e App !"ant !nd!"ated at t'e 'ea%!ng t'at !n t'e meant!me 'e% "ont%a"t 'ad $een e7tended unt! 61 De"em$e% 2014 on 'e% "u%%ent tempo%a%y pos!t!on /!t'!n 4:CT.

o%de% to p%esent 'e% post as 3a"ant $efo%e t'e ACABG and #!ft' Comm!ttee as pa%t of t'e 6E pe%"ent of t'e 3a"ant posts as at 1 Janua%y 2014 !n o%de% to ;ust!fy a$o !s'ment of t'ose postsL

On the merits

e. 2'e 'ad %easona$e e7pe"tat!on to $e !e3e& $ased on t'e engt'y "o%%esponden"e $et/een t'e U2G/D* and t'e D!%e"to% Umo;a& t'at *22 posts /ou d %etu%n to t'e 4ff!"e of t'e U2G/D* fo o/!ng t'e "omp et!on of Umo;aL

f. T'e %eason g!3en $y t'e <7e"ut!3e 4ff!"e% D*& t'at 'e% post /ou d no onge% $e ne"essa%y g!3en t'at Umo;a /as a %eady do!ng $us!ness p%o"ess !mp%o3ement !s not suppo%ted $y t'e fa"tsL

g. :n A/?E/6=)& /'!"' /as t'e #!ft' p%og%ess %epo%t p%epa%ed on Umo;a s!n"e 200>& t'e%e /as no ment!on of t'e tempo%a%y !nteg%at!on of *22 staff !nto Umo;a anymo%e& e3en t'oug' *22 staff /e%e st! !nteg%ated /!t'!n Umo;a& /'! e t'e !ntent!on to "%eate a $us!ness %e(eng!nee%!ng g%oup /as a %eady statedL t'!s !nd!"ates t'at t'e !ntent /as to %ep a"e *22 /!t' a ne/ team pe%fo%m!ng t'e same fun"t!onsL fu%t'e%mo%e& no "ons!de%at!on /as g!3en to a"tua 3a"an"!es and p%o;e"ted %et!%ements /'en !dent!fy!ng posts to $e a$o !s'ed. T'e fa"t t'at se3e%a 3a"an"y announ"ements 'ad $een pu$!s'ed !n 2016 to %e"%u!t t'%ee G2 staff /!t' Umo;a& t'oug' t'e%e seemed to $e no fund!ng to "ont!nue 'e% post& s'o/s t'at t'e /'o e p%o"edu%e ead!ng to t'e a$o !s'ment of t'e *22 posts /as ta!nted $y an !n'e%ent "onf !"t of !nte%est and& 'en"e& /as f a/edL

'. T'e C'!ef& *22& /as not "onsu ted t'%oug'out t'e de"!s!on(ma1!ng p%o"ess. T'e Adm!n!st%at!on 'as $een !ntent!ona y e3as!3e t'%oug'out t'e ent!%e p%o"ess to/a%ds t'e App !"ant& and desp!te 'e% nume%ous %eBuests& !t d!d not !nfo%m 'e% as to /'o /as a""ounta$ e fo% t'e *22 %esou%"esL

!. 2'e /as not g!3en suff!"!ent not!"e of te%m!nat!on of 'e% "ont%a"t& /'!"' %esu ted !n "aus!ng 'e% an e7t%eme st%ess& espe"!a y !n De"em$e%

2016 /'en s'e /as fa"ed /!t' t'e un"e%ta!nty su%%ound!ng 'e% "ont%a"tua s!tuat!onL

;. T'e Adm!n!st%at!on t%eated 'e% /!t'out due "ons!de%at!on& !n pa%t!"u a% /'en s'e d!d not get t'e ass!stan"e s'e 'ad %eBuested $ased on se".11 of 2T/A:/2010/6 +2taff se e"t!on system.& /'!"' dea s /!t' -p a"ement aut'o%!ty outs!de t'e no%ma p%o"ess-L

1. T'e se%!es of e3ents s'e "ontests& name y t'e den!a of a !en aga!nst a post !n D*& t'e de"!s!on not to %ea$so%$ 'e% fo o/!ng t'e end of 'e% tempo%a%y ass!gnment& and t'e de"!s!on not to !nfo%m 'e% as to /'o !s a""ounta$e fo% *22 %esou%"es so t'at s'e "ou d e7p o%e e7"ept!ona p a"ement aga!nst a post& demonst%ates t'at t'e de"!s!on to a$o !s' t'e post s'e /as en"um$e%!ng /as !ntended to deny 'e% t'e oppo%tun!ty fo% "ont!nued emp oyment /!t' t'e UN fo% /'!"' s'e /as e !g!$ eL s'e a so /as not a$e to app y fo% t'e 0oung P%ofess!ona s P%og%amme& s!n"e to $e e !g!$ e fo% !t staff mem$e%s must 'o d an appo!ntment 3a !d fo% a m!n!mum of s!7 mont's& /'!"' /as not "ea% !n 'e% "ase due to 'e% un"e%ta!n "ont%a"tua s!tuat!onL

. 2'e %eBuests t'e %es"!ss!on of t'e !mpugned de"!s!ons and "ompensat!on fo% t'e d!st%ess& t'e 'a%m and damage "aused& !n" ud!ng t'e oss of ;o$ se"u%!ty& t'e oss of "'an"e fo% "on3e%s!on to a "ont!nu!ng appo!ntment& and t'e oss of "a%ee% oppo%tun!t!es /!t'!n t'e UN. #!na y& s'e %eBuests t'at t'e T%!$una o%de%s a %efe%%a of t'e matte% to t'e 2e"%eta%y(Gene%a fo% a""ounta$! !ty pu%poses.

6). T'e @espondentAs p%!n"!pa "ontent!ons a%eF

On receivability

a. T'e app !"at!on !s not %e"e!3a$e ratione materiae s!n"e t'e App !"ant does not "ontest adm!n!st%at!3e de"!s!ons unde% a%t. 2+1.+a. of t'e T%!$una As 2tatuteL

$. :ndeed& t'e T%!$una does not 'a3e ;u%!sd!"t!on to %e3!e / t'e GA#s de"!s!on to a$o !s' t'e post en"um$e%ed $y t'e App !"ant# mo%eo3e%& su"' a de"!s!on 'ad no effe"t on t'e App !"ant#s te%ms of appo!ntment as 'e% "ont%a"t 'ad $een fu%t'e% %ene / ed# fu%t'e%& a staff mem$e% does not 'a3e a %!g't to 'a3e '!s o% 'e% pos!t!on f!nan"ed $y a pa%t!"u a% post#

".

6?. At t'e outset& and !n 3!e/ of t'e nume%ous %eBuests fo% management e3a uat!on f! ed $y t'e App !"ant p%!o% to t'e f! !ng of 'e% p%esent app !"at!on& t'e T%!$una needs to dete%m!ne of /'!"' de"!s!ons !t 'as $een du y se!5ed. :ndeed& pu%suant to t'e ;u%!sp%uden"e of t'e Appea s T%!$una !n Massabni 2012(UNAT(26EF

> 2. T'e dut!es of a Judge p%!o% to ta1!ng a de"!s!on !n" ude t'e adeBuate !nte%p%etat!on and "omp%e'ens!on of t'e app !"at!ons su$m!tted $y t'e pa%t!es& /'ate3e% t'e!% names& /o%ds& st%u"tu%e o% "ontent t'ey ass!gn to t'em& as t'e ;udgment must ne"essa%! y %efe% to t'e s"ope of t'e pa%t!esA "ontent!ons. 4t'e%/!se& t'e de"!s!on(ma1e% /ou d not $e a$ e to fo o/ t'e "o%%e"t p%o"ess to a""omp !s' '!s o% 'e% tas1& ma1!ng up '!s o% 'e% m!nd and e a$o%at!ng on a ;udgment mot!3ated !n %easons of fa"t and a/ %e ated to t'e pa%t!esA su$m!ss!ons.
>
> 6. T'us& t'e aut'o%!ty to %ende% a ;udgment g!3es t

6>. 2!n"e t'e App !"ant e7p%ess y "onf!%med at t'e 'ea%!ng t'at t'ose /e%e t'e de"!s!ons s'e /!s'ed to "'a enge& t'e T%!$una "ons!de%s t'at !t !s du y se!5ed on y of t'e f!3e de"!s!ons as !sted a$o3e. :n 3!e / of t'e fa"t t'at t'e @espondent

$ut "on" ude t'at !t 'as no ;ud!"!a po/e%s /!t' %espe"t to matte%s fa !ng /!t'!n t'e GA‹s e7" us!3e %ea m . 2!n"e !t !s not /!t'!n !ts ;u%!sd!"t!on& t'!s T%!$una 'as no aut'o%!ty to %e3!e/ t'e de"!s!on !n Buest!on +fo% a s!m! a% app%oa"''& see %e"ent Judgments Smith

t'e mean!ng of t'e 2taff @u es-. T'e‰efo‰e‚ t'e App

%eBuest t'e @espondent to d!s" ose do"uments / '!"' a%e !%%e e3ant to !ts de"!s!on on t'e "ase.

)1. :n 3!e / of t'e fo%ego!ng% t'e T%!$una D<C:D<2F

T'e app !"at!on !s %e;e"ted !n !ts ent!%ety.

+Signed.

Judge T'omas Da1e%

Dated t'!s 60t' day of 2eptem$e% 2014

<nte%ed !n t'e @eg!ste% on t'!s 60t' day of 2eptem$e% 2014

+Signed.

@enN *. Va%gas *.& @eg!st%a%% Gene3a