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JUDGMENT

8. The A\$S &ant &u**ent ! se*(es as 6uman) esou*es Assistant .G><1" at t#e Off%e of t#e Un%ted Nat%ons 6#g# Comm%ss%one* fo* 6uman)%g#ts ./O6C6)01" Gene(a. 6e #o ds a \$e*manent a\$\$o%ntment.

9. 2n 188=" #e o+ta%ned a ;a&#e o* of A*ts %n @*en&# ' %t#) uss%an Atud%es" at Bueen 5 a*! and Cestf%e d Co ege" Un%(e*s%t! of Dondon.

10. 2n 2011" t#e -PP e:am%nation %n t#e Adm%n%st%ation 3o+ fam% ! ' as ad(e*t%sed. 2t *e7u%ed at east a f%st e(e un%(e*s%t! deg%ee %n a num+e* of fle ds" %n& ud%ng /D%ngu%st%&s0. T#e A\$S &ant a\$\$ led to t#e ad(e*t%sement as a G to P &and%date.¹ 6e met t#e e %g+% %t! &*%te*a t#at !ea* +ut d%d not \$ass t#e e:am%nation.

11. 2n 2013" a ne' ad(e*t%sement fo* t#e -PP e:am%nation %n t#e Adm%n%st%ation 3o+ fam% ! *e7u%ed at east a f%st e(e un%(e*s%t! deg%ee %n one of se(e*a fle ds of stud!" +ut D%ngu%st%&s ' as *emo(ed as a *e7u%ed fle d of stud!. T#e fle d of stud! / 6uman%tes0 %n& uded /Cu tu*a Atud%es0.

12. 2n e(%den&e" 5 s. Jansen" 9:am%nations Off%e*" 9:am%nations and Tests Ae&t%on ./9TA01" De\$a*tmnt of 5 anagement" to d t#e T*%+una t#at %n 2013 t#e C9 ; d%ss&ussed %n de\$t# ' #at an a\$\$ &ant ' ou d #a(e to #a(e stud%ed %n o*de* to %n& ude #s o* #e* stud! \$*og*amme unde* /Cu tu*a Atud%es0. T#e C9 ; &on& uded t#at" %n &ont*ast to t#e e %g+% %t! *e7u%ements of 2011" A\$S &ants ' #o stud%ed anguages ' e*e not &ons%de*ed to fa ' %t#%n t#e s&o\$e of /Cu tu*a Atud%es0 and t#e*efo*e" &ou d not +e adm%tted to s%t fo* t#e -PP e:am%nation %n t#e Adm%n%st%ation 3o+ fam% !. 6o'e(e" t#ese &and%dates &ou d +e adm%tted %n t#e 3o+ fam% ! of Pu+ %& 2nfo*mat%on fo* ' #&# /Danguages0 ' as a s\$e&%f%ed e %g+% %t! &*%te%on.

13. On ? Ju ! 2013" t#e A\$S &ant a\$\$ led fo* t#e 2013 -PP e:am%nation %n Adm%n%st%ation s&#edu ed fo* 3 De&em+e* 2013. 2n #s P*ofess%ona 6%sto*! P*of%e ./P6P01" unde* /9du&at%on0" #e %sted #s Un%fleU

en fleU * U

Case No. UNDT/GVA/2014/053

Judgment No. UNDT/2015/044

@*en&# ' %t#)uss\an0. Unde* /F*Ges\$onses to s&*een\ng 7uest\ions0" t#e A\$\$ %&ant

2 am (e*! d%sa\$So%nted ' %t# t#%s de&%s%on t#at ' on4t a o ' me to
ta,e t#e - PP %n t#e a*ea ' #e*e m! e:\$e*%en&e %es and ' #e*e 2 #ad
#o\$ed to &ont%inue m! UN &a*ee*. 2 #a(e 10 !ea*s4 e:\$e*%en&e %n

e7ulements fo Pu+ %& 2nfo*matlon" t#e de a! %n & a*f!ing t#e
stuatlon #as de&*eased t#s e: \$e&tatlon.

24. 2n #s e(%den&e to t#e T*%+una t#e A\$\$ %&ant sald t#at t#s fu*t#e*
%nfo*matlon m%g#t #a(e +een mo*e t#o*oug# +ut #e ' as not su*e #o ' to \$#*ase %t
o* #o ' to att&# #s t*ans&*%\$ of studles.

25. On 3 De&em+e* 2013" t#e da! of t#e ' *%tten e:am%natlon" t#e A\$\$ %&ant sent
!et anot#e* *em%nde* ema% to 9TA" #a(%ng st% not *e&e%(ed a *es\$onse.

2<. On < De&em+e* 2013" t#e Off%&e*%>%n>C#a*ge ./O2C01" 9TA" *es\$onded to t#e
A\$\$ %&ant e:\$ess%ng *eg*et t#at #e #ad not !et *e&e%(ed a *es\$onse to #s a\$\$ea
f*om t#e C9 ; and st%ess%ng t#at #e ' ou d oo, %nto t#e matte*.

2=. 5 s. Jansen e:\$ alned to t#e T*%+una t#at as t#e A\$\$ %&ant4s *e7uest fo* a
*e(%e ' ' as &ons%de*ed to #a(e +een sent afte* t#e 10>da! dead %ne" %t ' as dea t
' %t# afte* *e7uests t#at #ad +een *e&e%(ed on t%me.

2?. On 10 De&em+e* 2013" 5 s. Jansen su+m%tted t#e A\$\$ %&ant4s &ase to 5 s.
Dane" Co>C#a%* of t#e C9 ;" +! an ema% ' %t# t#e fo o' %ng su+3e&t %neI /m%ssed
&ase0.

28. ;et ' een 10 and 18 De&em+e* 2013" t#e C9 ; de %+e*ated on t#e *e(%e ' of
t#e A\$\$ %&ant4s a\$\$ea +! ema% &ommun%&at%ons among t#e se(en mem+e*s of t#e
*e(%e ' \$ane² *at#e* t#an +! a meet%ng of t#e ;oa*d. A ema% s ' e*e &o\$ed to a
C9 ; mem+e*s. 5 s Dane" Co>C#a%* of t#e C9 ;" to d t#e T*%+una t#at t#e usua

the 9:am\inations Unit #as found a &ase t#at ' as a\$\$Sea ed and m\ssed +! t#em and ' as t#e*efo*e not *e(\e ' ed +! t#e C9 ; 0. A#e fu*t#e* sa\id t#at t#e! needed to *e(\e ' \t /fo* ega *easons0. A#e e:\$ a\ined to t#e T*+una t#at t#e Off\&e of 6uman)esou*es 5 anagement ./O6) 501 #ad ad(\sed t#e C9 ; t#at e(en t#oug# t#e *e7uest ' as sent to t#e C9 ; afte* t#e e:am #ad ta ,en \$ a&" \t s#ou d st\ +e &ons\de*ed \n &ase an!one as ,ed 7uest\ions.

31. 2n #e* ema\ to t#e C9 ; mem+e*s" 5 s. Dane noted t#at t#e A\$\$ \&ant4s Unde*g\aduate deg*ee ' as @*en&# and)uss\an" t#at no t*ans&*%\$ts of t#e stud\es #ad +een \$*o(\ded" and t#at t#e a\$\$Sea #e made ' as /fo* 3o+ e:\$e*\en&e0. A#e &on& uded t#at s#e /F ' Gou d a\$\$e&\ate Ft#e!*G t#oug#ts0.

32. A&&o*d\ng to 5 s Dane" \n 2013 t#e C9 ; 'ou d oo, at an! add\it\ona \nfo*mat\on \$*o(\ded +! t#e &and\date on a\$\$Sea " +ut on ! as ,ed fo* t*ans&*%\$ts o* fu*t#e* \nfo*mat\on a+out t#e &and\dates! 7ua \f\&at\ons \f t#e deg*ee \sted +! t#e &and\date ' as not & ea* as to \ts &ontent" o* t#e &and\date made a & a\m \n t#e* a\$\$Sea o* a\$\$ \&at\on on a sSe&a \sation t#at ' as not a\$\$a*ent \n t#e t\it e. 2n an effo*t to ma,e t#e \$*o&edu*e & ea*e* to &and\dates" \n 2014 t#e C9 ; sent unsu&essfu &and\dates a standa*d ette* stat\ng" inter alia, /%f !ou t#\n, t#at !ou fu f\ .t#e @\e d of Atud! deg*ee *e7u*\ement! \$ ease su+m\it t#e *e e(ant do&umentat\on0.

33. @o o' \ng a *em\nde* ema\ f*om 5 s. Dane" t#e C9 ; mem+e*s +egan a &#a\n of ema\ s &o\$!\ng ea&# ot#e*. T#e f*\st ema t"72837.7843(/) -3.66653(a) -3.66653(n) -0.9602212

43. On 30 January 2014 the Assessor filed a request for management evaluation and a letter dated 28 August 2014 the Management Evaluation Unit informed the Assessor that the Assessor's name is

Case No.

UNDT/GVA/2014/053

based on international law; 9TA determination 't#out a\$\$o(a +! t#e Cent'a)e('e' ;oa*d as is t#e &ase fo* no*ma VAs J of t#e *e e(ant edu&atona *e7u%ements fo* t#e -PP %n Adm%n%st%at%on ' as %*at%ona and a*+%(t*a*!I %n 2011" t#e*e ' as no *est%&t%on on ' #%&# #human%ties studies ' ou d suff%&ek t#e *est%&t%on of a&adem%& 7ua %f%&at%ons ' %t#%n t#e f%e d of #human%ties %n 2013 ' as a*+%(t*a*!K to f%nd e.g. a &and%date ' %t# a deg%ee %n /P#% oso\$#!0" /9t#%&s0" /Ps!&#o og!0 o* /Cu tu*a stud%es0 mo*e 7ua %f%ed to ' o*, e.g. %n #human *esou*des o* \$*o&u*ement t#an a &and%date ' %t# a deg%ee %n /D%ngu%st%&s0 %s un*easona+ eK

m. According to the Inspira Manual for Applicants' education 7ua %f%&at%ons s#ou d mat%# t#ose of t#e Gene%& Jo+ Des%&%\$t%on .GJD1" ' #%&# a*e natu*a ! gene*a K t#e *e e(ant GJD fo* Asso&%ate Adm%n%st%at%(e Off%&* *e7u%es a deg%ee %n one of a fe' f%e ds o* /a *e ated f%e dOK s%#m% a* !" t#e 3o+ des%&%\$t%on fo* t#e -PP %n 2011 \$*o(%ded fo* +*oad f%e ds" and t#e A\$\$ %&ant ' as found e%g+ e at t#at t%meK t#e manua fu*t#e* \$*o(%des t#at an! de\$a*tu*e f*om su&# gene*a *e7u%ements #as to +e 3ust%f%edK

n. In 2014" t#e e:am ' as not o\$en to t#e A\$\$ %&ant due to #s nationa %t!K as su&# +! t#e fau t of t#e Adm%n%st%at%on" #e #as +een de\$*(ed

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*eg*etta+ e de a!s %n t#e &onsde*ation of t#e ASS %&ant4s a\$\$Sea +! t#e C9 ;" d%id not %m\$a&t on #s em\$ o!ment o* #a(e an! ot#e* &onse7uen&es on t#e ASS %&antK

f. Candidates %,e t#e ASS %&ant ' #o on ! #o d a deg*ee %n languages ' e*e not &on(o,ed to t#e - PP %n Adm%in%st*ation" +ut ' e*e offe*ed to slit %n Pu+ %& Adm%in%st*ationK t#e C9 ; o* 9TA d%id not %n7u%*e fu*t#e* %n & ea* &ut &ases of f%ie ds of stud!K t#e ASS %&ant d%id not a*gue t#at #s stud%es ' e*e %n t#e f%ie d of &u tu*a stud%es and d%id not e(en use t#e ' o*ds /&u tu*a stud%es0 e%t#e* %n #s a\$\$ %&at%ion" o* %n #s a\$\$Sea K

g. On t#e +as% of t#e %nfo*mat%ion a(a% a+ e at t#e t%ime" t#e C9 ; &on& us%on t#at t#e ASS %&ant ' as not e %g%+ e ' as not man%fest ! un*reason+ e and s#ou d +e ma%nta%nedK %t fe %n t#e Adm%in%st*ation4s d%is&et%ion to dete*m%ine t#at a ; a#e o* %n @*en&# and) us%ian stud%es" ' #%&# a\$\$ea*ed to fo&us on languages and %ngu%st%&s" d%id not fa unde* /Cu tu*a Atud%es0 as \$*o(%ded fo* %n t#e 3o+ o\$en%ng fo* t#e -PP 2013 %n Adm%in%st*ationK

#. T#e 3o+ o\$en%ngs fo* t#e -PP %n Adm%in%st*ation %n 2011 and 2013 ' e*e d%ffe*ent% \$a*t%&u a* !" t#e f%ie d of / %ngu%st%&s0" ' #%&# #ad +een %n& uded unde* /Ao&%a A&%en&es0 %n t#e -PP %n Adm%in%st*ation %n 2011" ' as no onge* %n& uded %n t#e 2013 3o+ o\$en%ng. Co*, e:\$e*%en&e %s not an e %g%+% %t! &*%te*%on unde* t#e -PPK #en&e" t#e add%t%ona e:\$e*%en&e a&7u%*ed +! t#e ASS %&ant s%n&e 2011 ' as not *e e(ant" and &ou d not se*(e to o(e**%de t#e edu&at%iona *e7u*%ementsK

%. 2t %s t#e \$*e*ogat%(e of t#e Ae&*eta*!>Gene*a to dete*m%ine t#e o*gan%eat%ona needs of t#e O*gan%eat%on" ' #%&# &#ange o(e* t%meK #en&e" 3o+ des&*%\$t%ions a*e ad%usted a&&o*d%ng to su&# &#ang%ng needs. @u*t#e*" e %g%+% %t! does not ne&essa*% ! %m\$! su%ta+% %t!" and t#e ASS %&ant fa% ed t#e e:am %n 2011K

Case No. UNDT/GVA/2014/053

Judgment No. UNDT/2015/044

Case No. UNDT/GVA/2014/053

Judgment No. UNDT/2015/044

Case No. UNDT/GVA/2014/053

Judgment No. UNDT/2015/044

method should not be adopted in the case of a meeting of members in session or in the absence of a quorum. The decision was made in this manner. It is an important one; and to take such a step to ensure that the same is maintained the mode of decision making and the constitution of the Tribunal is of great importance. AT/A2.

3. Paragraph 1 of Article 1 refers to decisions taken by the Tribunal. It shall be a quorum of five (5) members. These are and unanimous orders impose a mandatory obligation on the Tribunal to ensure that its decisions are taken by a quorum of five members. The

3. The evidence established a number of errors in assessing the Applicant's application to be considered for the 2013 - PP examination in Administration. These began with the error of sending the initial decision to the wrong

Case No. UNDT/GVA/2014/053

Judgment No. UNDT/2015/044

30+ fam! a* not s!stemat!a ! t#e same and #ad" as a matte* of fact" +een &#anged fo* t#e - PP 2013 \n Adm\nst*at\non.

87. 2n addit\non" at no stage of t#e \$*o&ess" ne\t#e* u\$on #s \n\t\na a\$\$ %&at\non fo* t#e 2013 - PP \n Adm\nst*at\non" no* u\$on #s a\$\$ea to t#e C9;" dld t#e A\$\$ %&ant *a!se an! a*gment t#at #s deg*ee ' as one \n Cu tu*a Atud!es. 2n #s ette* to t#e C9 ; #e *efe**ed to #s 7ua %f%&at\non \n /mode*n anguages0.

88. T#e T*%+una %s t#e*efo*e satisfed t#at t#e*e ' as no *eason fo* t#e C9 ; to *e7uest addit\nona %nfo*mat\non \n t#e A\$\$ %&ant4s &ase" and t#at %t %ou d eg%t%mate ! & ass%! t#e A\$\$ %&ant4s deg*ee as a %anguage deg*ee *at#e* t#an unde* Cu tu*a Atud!es.

100. 2n addit\non" \n t#e a+sen&e of a ega *e7u!%ement \n t#s %es\$e&t unde* t#e a\$\$ %&a+ e *u es at t#e t%me" t#e fact t#at t#e \$*a&t%&e ' %t# %es\$e&t to *e7uesting addit\nona su\$\$o*t%ng do&uments 'as &#anged \n 2014" as a matte* of +est \$*a&t%&e" %s %**e e(%ant fo* t#e &ase at #and.

101. On t#e me%ts of #s %e7uest fo* *e(%e ' " a t#oug# t#e A\$\$ %&ant ost t#e &#an&e fo* a \$*o\$e* *e(%e ' of t#e de&s%on on #s e %g%+ %t! to sit t#e 2013 - PP e:am\nation \n Adm\nst*at\non" t#e T*%+una a&&e\$ts t#e)es\$ondent4s su+m%ss%ons t#at e(en %f t#e de&s%on #ad +een a ' fu " t#e A\$\$ %&ant4s &#an&es of su&&ess #en&e of mate*a %a %n ' e*e (e*! o' .

102. On t#e e(%den&e \$*esented to t#e C9 ; +! t#e A\$\$ %&ant u\$on #s a\$\$ea " ' #%&# #e adm%tted ' as not t#o*oug#" t#e T*%+una f%nds %t un %,e ! t#at t#e out&ome of t#e *e(%e ' ' ou d #a(e +een d%ffe*ent #ad t#e C9 ; +een \n %ossession of addit\nona %nfo*mat\non" su&# as t#e one gat#e*ed du*ng t#e \$*esent \$*o&eed%ngs.

103. T#e A\$\$ %&ant \$*esented a deg*ee t#at" on t#e fa&e of %t" ' as a %anguag\$g*\$en

educational requirements 'e'e different from those in 2011' '##&# e:\$ a\ins '#!
#e me*e ! *efe**ed to the fact that #e #ad +een found e %g%+ e / ' %t# the same
degree in 2011.

104. As a result of its examination of the above(mentioned issues" the Tribunal

a. The C9; decision on the A\$S %&ant4s a\$Sea 'as null and void for
'ant of a 7uo*um" and +e&ause %t 'as made after the event from '##&# %t
a*ose

+. On the merits the A\$S %&ant 'as most unlikely to have been found
e %g%+ e for the examination in Administration and

&. The consequence of the denial and other effects of the C9; 'as that
the A\$S %&ant lost the opportunity to be considered for the examination in
Public Information for '##&# #e 'as most likely to be e %g%+ e.

Remedies

Did the A\$S %&ant suffer an! &om\$ensa+ e #a*mH

105. The A\$Sea (e) -14.3252() 66653(*)2.5788() -112.9979(e) -3.663.66653('(n) -0.960221(

Case No.

UNDT/GVA/2014/053

Case No. UNDT/GVA/2014/053

Judgment No. UNDT/2015/044

un a ' fu \$*o&ess of de&is%on>ma, %ng *esu t%ng %n a nu %t!. A of t#%s adds u\$ to a fundamenta +*ea, do ' n %n \$*es&%+ed \$*o&edu*es.

11?. T#e e(%den&e of t#e A\$\$ %&ant4s mo*a #a*m &aised +! t#ese +*ea&#es %s #%s f*ust*at%on and st*ess" as demonstr*ated %n #%s nume*ous ema% s *e7uest%ng %nfo*mat%on and u\$dates f*om t#e Adm%n%st*at%on. 2t ' as *e%te*ated %n #%s s ' o*n test%mon! +efo*e t#e T*%+una .

118. On t#e +as%is of t#%s e(%den&e t#e T*%+una a ' a*ds t#e A\$\$ %&ant t#e sum of UAD2"000 as &om\$ensat%on fo* mo*a damages.

Conclusion

120. 2n (%e ' of t#e fo*ego%ng" t#e T*%+una D9C2D9AI

- a. T#e de&is%on not to &on(o,e t#e A\$\$ %&ant to t#e 2013 -PP %n

9nte*ed %n t#e)eg%ste* on t#%s 2? t# da! of 5 a! 2015

.-igned!

)en0 5. Va*gas 5.")eg%st*a*% Gene(a