



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2018/002  
Order No.: 002 (NBI/2018)  
Date: 8 January 2018  
Original: English

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**Before:** Judge Agnieszka Klonowiecka-Milart

**Registry:** Nairobi

**Registrar:** Abena Kwakye-Kwakye

SECRETARY-GENERAL  
OF THE UNITED NATIONS



7.

Applicant, by telephone, that he had not been selected for the position.

8. On 28 December 2017, the Applicant filed a request for management evaluation of the decision not to select him for the position of Chief of Service, Humanitarian Affairs at the D-1 level. On 29 December 2017, he amended his initial request for management evaluation indicating that his non-selection may result in losing his job with the Organization after 21 years of dedicated service .

9. On 29 December 2017, the Applicant filed the current application seeking suspension of the decision not to select him for the D-1 position of Chief of Service, Humanitarian Affairs at UNAMID. The application was transmitted to the Respondent on 3 January 2018.

10. The Respondent filed his reply to the application on 4 January 2018.

11. The Applicant filed his co  
2018.

12. On 6 January 2018, the Applicant filed a motion for disclosure of documents

recommended candidates for the position, b) the results of the written test of candidates recommended for the position, and c) the interview report signed by the members of the interview0nn\*n398.45 Tmsuo c) the interview nt erview



other candidate. In sum, the Hiring Manager misled the SRB, and subsequently, the Secretary-General, by tailoring his comments to enable the selection of the candidate that he preferred.

*Urgency*

- d. The selected candidate may join UNAMID at any time soon.

*Irreparable damage*

- e. After the selected candidate joins UNAMID, it would be very difficult to reverse the contested decision given that the candidate will already be in the position.

**Respondent's contentions**

14.    ons may be summarized as follows:

*Prima facie unlawfulness*

- a. The contested decision is lawful. The Secretary-General has broad discretion stemming from the Charter of the United Nations, which establishes the framework for staff selection through a general grant of authority to the Secretary-General. The Appeals Tribunal has recognized the wide discretion of the Secretary-General in reaching decisions on staff selection.

- b. In the present case, proper procedure for staff selection was followed by the Administration and the Applicant received full and fair consideration. The position was advertised as PSJO pursuant to the Staff Selection AI. Candidates were screened in accordance with section 6 and assessed pursuant to section 7. The shortlisted candidates were reviewed and ranked by the Programme Manager. The Applicant was included in a list of eleven candidates submitted to the SRB. In accordance with sections 11.8 and 11.9 of the Staff Selection AI, and section 4.7 of ST/SGB/2016/3, the SRB recommended three candidates, including the Applicant, for the Secretary-  
be most suitable by the Programme Manager was ranked in first place, in line with Article 101.3 of the Charter and Staff Regulation 4.2. The Applicant was ranked





