Introduction

1. The Applicant contests the decision of the High Commissioner for Refugees dated 26 April 2010 not to select her for the post of Senior Resettlement Coordinator at the P-5 level in Geneva.

Facts

2. Having served in the Office of the United Nations High Commissioner for Refugees ("UNHCR") since December 1991, the Applicant is a staff member at the P-5 level holding an indefinite appointment. Since July 2006, she has been a staff member in between assignments ("SIBA") and she undertook several temporary assignments in Geneva.

3. On 29 July 2009, the Applicant was appointed to the post of Deputy Representative in Malaysia. However, before she could take up her functions, she was informed by email dated 9 September 2009 that this post would be discontinued and her appointment to the post would be rescinded.

4. The Applicant submitted five applications for posts advertised in the September 2009 Compendium of vacant posts. Two of these posts were subsequently reclassified at a higher level and the Applicant was thus considered for three P-5 posts, namely Deputy Chief of Mission in India, Deputy Representative in Sri Lanka, and Senior Resettlement Coordinator in the Division of International Protection ("DIP") in Geneva.

5. The summary of decisions of the High Commissioner on Appointments and Postings No. 08/2009 was issued on 23 December 2009. The Applicant was not appointed to the posts of Deputy Chief of Mission in India or Deputy Representative in Sri Lanka. The summary of decisions of the High Commissioner on Appointments and Postings No. 02/2010 was issued on 26 April 2010. The Applicant was not appointed to the post of Senior Resettlement Coordinator in Geneva.

11. On 15 October 2010, the Applicant made a formal request for mediation.

12. At the Applicant's request, on 21 October 2010, the Dispute Tribunal granted her an extension of time to submit a full application until 10 January 2011.

13. Since the Applicant did not receive a response to her request for mediation, she filed an application with the Tribunal on 20 December 2010. On 24 January 2011, the Respondent submitted his reply. On 7 February 2011, the Applicant submitted observations on the Respondent's reply. On 15 February 2011, a directions hearing took place in which the Applicant and Counsel for the Respondent participated.

14. On 13 October 2011, an oral hearing took place in the presence of the Applicant and Counsel for the Respondent. The Director of DIP testified in person at the hearing.

Parties' submissions

15. The Applicant's principal contentions are:

a. The selection process for the post of Senior Resettlement Coordinator in DIP was not conducted in accordance with the established rules and procedures:

(i) The Director of DIP violated paragraph 96 of the APPB

advertised in the September 2009 Compendium, she would not have suffered such damages.

16. The Applicant requests the following: 1) financial compensation and moral damages in the amount of USD30,000 for "egregious and cumulative breach of [her] procedural rights", in addition to the three months' salary already paid by the Respondent, 2) financial compensation in the amount of at least

21. In the case at hand, the Respondent has acknowledged that procedural irregularities occurred in the selection process for the post of Senior Resettlement Coordinator, and that as a result, the Applicant did not receive full and fair consideration. There is, thus, no need for the Tribunal to enter into a detailed analysis of the various arguments brought forward by the Applicant with respect to the selection process and the qualifications of some candidates, including the selected candidate.

22. The Applicant has already received compensation in the amount of three months' salary because of the procedural irregularities committed in the selection process and her personal circumstances. The role of the Tribunal is thus to examine whether the amount of compensation granted to the Applicant is enough to provide reparation for the damage she suffered as a result of the irregularities committed in the assessment of her candidacy.

23. First, based on the examination of the facts of the case during the oral hearing, the Applicant agreed that there was no basis for her allegation of gender discrimination. It is a fact that the Director of D

26. Based on the evidence on file and the parties' statements at the hearing, the Tribunal finds reasonable that, considering the deep changes that occurred in the recent years in the area of resettlement, the Applicant's experience in this area was considered insufficient. It is undisputed that her experience in resettlement is not recent but that it dates back to the 1990s when she worked in Hong Kong and Turkey.

27. Furthermore, the Tribunal can only note that while the Applicant may have managerial skills, they were not considered appropriate for this specific post. As already stated above, it is for the Administration to determine the suitability of each candidate and the Tribunal should not substitute its assessment of candidates to that of the Secretary-General.

28. Third, turning to the Applicant's allegation that the Director and the Deputy Director of DIP assured her that she would be a recommended candidate for the post, this allegation could not be established as both staff members have denied giving her such assurances. It is a well-known principle followed by the United Nations Appeals Tribunal that the party who alleges a fact bears in principle the burden of proving its veracity (see for example Azzouni 2010-UNAT-081 and Hepworth 2011-UNAT-178).

29. In the present case, the Applicant has not discharged this burden as she has not adduced convincing evidence establishing that the Director or the Deputy Director of DIP assured her that she would be a recommended candidate for the post.

30. In view of the foregoing, with respect to the determination of financial compensation to be granted to the Applicant for the damage she suffered as a result of the irregularities committed in the selection process, the Tribunal finds that the amount of three months' salary already granted by the Respondent is adequate.

31. In this res1ndgdls)6LTip,H)yyHLriH,6”((FL iv”Y,yF)FLaivp,”F”“(Ltiv),)6pne tLsiv6,HFHH6LuivY

SIBA holding an indefinite appointment. She therefore continues to receive her full salary and is not threatened by the expiration of her appointment.

32. The Appeals Tribunal determined in Wu 2010-UNAT-042 and Kasyanov