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Judgment No. UNDT/2015/116

Introduction

1. The separate assessments conducted between 28 and 30 December 2014, e.g., the staff members and some staff members of the International Criminal Tribunal for the former Yugoslavia (ICTY) (on the basis of the Ass'tant 4e(eta)#5Geneat lo human resources management (A4G/9 6 7 8 23 decisions of June 2014 dening

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18. On 12 June and 16 August 2010, the -CT. The statement transmitted to the A4G/9678 the names of 448 employees, including those who had been found suitable for (on/employment) -CT. and those who were recommended for the Acting Chief Human Resources Officer and the Chief of -CT. .

1B. On 31 August 2010, the Deputy Chief of the Administration, in the 4e(eta#5Genea+ on)e, a! o! t,e 4e(eta#5Genea+ a\$\$o/ed t,e %e(ommendat'ons (ontained 'n t,e 7e\$okt o! t,e 48 CC J J J -st 4ess'on 0see \$a%a. 17 a) o/e3+ 'n (&ud'ng t,e %e(ommendat'on t,at ek'g') &e -CT. sta!! *ou&d)e (ons'de'ed !o% (on/e's'on to \$e%manent a\$\$o'ntments on a \$%'o%'t#)as's.

20. "ased on 'ts %e/'e* o! -CT. su)m'ss'ons o! 12 Ju&# and 16 August 2010+ 9678 d'sagreed *'t, -CT. %e(ommendat'ons and+ on 1B 9(to)e% 2010+ su)m'tted t,e matte% !o% %e/'e* to t,e Ne* . o%A Cent%a& 7e/'e* 01C723)od'esH name&#; t,e C7 !o% 55 and D51 sta!!+ t,e C7 !o% 52 to 54 sta!!+ and t,e C7 !o% Gene%a& 4e%/'(e sta!!.. -n 'ts su)m'ss'on+ 9678 stated t,at lta'ng 'nto (ons'de%at'on a&& t,e 'nte%ests o! t,e 9%gan'Eat'on and t,e o\$e%at'onat %ea&t# o! -CT. + C't *asD not 'n CaD \$os't'on to endo%se -CT. ?s %e(ommendat'on !o% t,e g'ant'ng o! \$e%manent a\$\$o'ntment2. As g'ounds !o% 'ts \$os't'on+ 9678 susta'ned t,at -CT. *as la do*ns'E'ng ent't# and C*asD e:\$e(ted to (lose)# 2014 as set out 'n t,e latest %e\$okt on t,e (om\$et'on stateg# o! t,e T%)una& 0A/65/5/Add.123 !o&&* 'ng t,e 4e(u't# CA . 8 74347(,) ?D-74347(,) -0. 922(%) 13 . 25 8 9

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30. In accordance with the Assets Transfer Act (adopted
UNDT/2012/12B) and Judgment No. 2013/UNAT/5357 issued on
18 December 2013, the Assets Transfer Act, and that the sole
purpose of the Act is to ensure that the
assets of the State are managed in a
transparent and efficient manner, and not
delegated to the State. The Act and that, in
accordance with the Act, the State
is not to be held responsible for the
management of the assets of the State.

31.

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34. -CT. (om\$'ted an 'nd'/'dua& !'e !o% ea(, (on(e%ned sta!! mem)e%& 't
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(. A \$e%sonne& a(t'on !o%m&

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e. A&& \$e%!o%man(e e/a&uat'ons s'n(e t,e sta!! mem)e%?s a\$\$o'ntment
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35. -CT. %e/'e*ed t,e A\$\$&'(ants? 'nd'/'dua& !'kes to assess t,e%' e&'g')'&'t# and
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toget,e% * 't, 'ts %e(ommendat'ons on ea(, (on(e%ned sta!! mem)e%. Fo% a&&
A\$\$&'(ants+ -CT . %e(ommended -e%ne C39 6523(()-30(,)aned27(e)-3 . 6 6 653(%)2 . 5731(e)-14 . 3249(d)-

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36. "et*een Fe)%ua%# and 8 a# 2014+ t,e A\$\$k'(ants? !'kes *e%e e:am'ned)# t*o su((ess'/e %e/'e*e%e% *'t,'n 9 6 7 8+ seeA'ng !u%t,e% 'n!o%mat'on o% (&%!'(at'on !%om -CT. as needed. 9 6 7 8 %e(o%ded 'ts o)se%/at'ons on a ded'(ated standa%d !o%m and 't d'd not %e(ommand an# o! t,e (and'dates !o% (on/e%son@ t,e %e(o%d a%so s,o*s t,at a%t,oug, 9 6 7 8 ,ad 'n't'a%# g'/en a \$ost'/e %e(ommandat'on (on(e'n'ng t,%ee -CT. sta!! mem)e%e% ot,e% t,an t,e A\$\$k'(ants+ 't &ate% %e/e%sed 't)e!o%e t%ansm'tt'ng 't.

37. 9n 12 8 a%(, 2014+ t,e 7es\$ondent su)m'tted to t,e A\$\$eats T%')una& a mot'on !o% e:tens'on o! t'ime to e:ee(ute 'ts <udgment?'s o%de% to (ons'de% -CT. sta!! mem)e%e% !o% \$e%manent a\$\$o'ntments+ a%gu'ng t,at+ due to t,e (om\$ke: 't# o! t,e %e/'e* and t,e , 'g, /o%kume o! sta!! mem)e%e% 'n/o%k/ed+ 't *as not !eas')&e to (om\$&ete su(, (ons'de%at'on)e!o%e 1B June 2014. A!te% seeA'ng and o)ta'n'ng !u%t,e% 'n!o%mat'on on t,e 'm\$&ementat'on ste\$s unde%taAen t,us !a%+ t,e A\$\$eats T%')una&+)# 9%de% No. 178 020143 o! 2 A\$\$'k' 2014+ e:tended unt'k' 1B June 2014 t,e 7es\$ondent?'s dead&'ne !o% (om\$&et'on o! t,e (on/e%son \$%o(ess.

38. -n 8 a# and June 2014+ t,e %e&e/ant Ne* . o%A C7)od'es %e/'e*ed a&& t,e !'kes o! t,e A\$\$k'(ants. T,e C7 Comm'ttee 0sta!! at t,e 52 to 54 &e/e%k3 %e(ommanded t,at none o! t,e A\$\$k'(ants)e g%anted \$e%manent a\$\$o'ntments+ * ,e%eas t,e C7 "oa%d %e(ommanded t,at n'ne sta!! mem)e%e% at t,e 55 &e/e& and a)o/e+ amongst * ,om *e%e !ou% o! t,e A\$\$k'(ants+)e g%anted a \$e%manent a\$\$o'ntment not &'m'ted to -CT . .

3B. A!te% t,e C7)od'es? %e(ommandat'on+ t,e A4G/9 6 7 8 (ons'de%ed * ,et,e% o% not to g%ant t,e A\$\$k'(ants (on/e%son to a \$e%manent a\$\$o'ntment. -n do'ng so+ t,e ent'%e g%ou\$ o! -CT. sta!! mem)e%e% t,at *as %e5(ons'de%ed !o% (on/e%son

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3. The A4G/9678 was assigned to take into account the interests and needs of the Organisations, and, according to the General Assembly's guidance in the relevant resolutions. The Tribunal's role is to assist the Organisations in the use of the A4G/9678 as a means of engaging in educational matters. In the event, it is not a class action, as the respondents are identified by name, and the claim and on/naming of the respondents is not the result of a search of the records of the Organisations, as met with the respondents.

4. The respondents of the Applicants' (on/ess'ion as the educational (of the Organisations) to the educational set out in A4G/200B/10 as well as the Guidelines and according to the Applicants' (on/ess'ion due to the Organisations under the multi-stage process to 'nd/'duation (ons' de ea(, A\$\$&'(ant+ t,e %'gou o! *, '(, 's %e!&(ted 'n t,e deta'ked %e(o'd Ae\$. T,'s \$%o(ess *as !a% mo%e %'go%ous t,an t,at o! an# ot,e% unde'taAen !o% ot,e% (on/e's'on de('s'ons. T,e 'n/'tat'on to t,e A\$\$&'(ants to su)m't add't'ona& 'n!o%mat'on and do(uments (annot)e %ega%ded as ad/e%se to t,e' %'g,t to su)stant' /e due \$%o(ess

5. In the Applicants' (on/ess'ion in Cases No. UNDT/GVA/2015/113 and 115)een (ons'de%ed as a 55 sta!! mem)e% o! 8-CT and %e(ommended)# t,e C7 "oat+ t,e out(ome *ou&d not ,a/e)een an# d'!!e%ent. 6o&d'ng a 55 \$ost does not \$%o/'de an# s\$e('a& (ons'de%at'on o% a&to* t,e 4e(%eta%#5Gene%a& to t%ans!e% t,e sta!! mem)e% to a \$os't'on outs'de 8-CT. Fu&t,e%mo%e+ t,e A4G/9678 ga/e due %ega%ded to t,e C7 "oat's %e(ommendat'ons (on(e'n'ng 55 and D51 A\$\$&'(ants. T,e !a(t t,at s,e d'sag%eed * t, t,em does not 'nd'(ate t,at ,e% de('s'ons *e%e \$%edete%m'ned o% (onst'ituted an un%easona) &e e:e%('se o! d's('et'on

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e. The Applicant's (ants) (e'/ed 'nd'/'dua&+ !u&& and !a'%) (ons'de%at'on !o% (on/e's'on to a \$e%manent a\$\$o'ntment. At t,e end o! t,e \$%o(ess+ ea(, A\$\$&'(ant %e(e'/ed a *%'tten+ %easoned and 'nd'/'dua& &ette% 'n!o%m'ng o! t,e A4G/9 6 7 8 %esult'ng de('s'on. T,e A4G/9 6 7 8 ga/e e/e%# %easona) &e (ons'de%at'on to ea(, A\$\$&'(ant @ s,e %e/'e*ed ea(, s'ng&e (ase+ and t,e %e(o'd demonst%ates t,at a&& %e&e/ant (%'te%'a *e%e (ons'de%ed. T,e 'nd'/'dua&'sed (ons'de%at'on stems !%om t,e !'&es (onta'n'ng t,e do(uments t,at &ed to t,e de('s'on. T,e %e 's no)as's !o% (ondu(t'ng a %e/'e* o! t,e 'm\$ugned de('s'ons %est%'(ted to t,e de('s'on &ette% 'tsek!+ 'nstead o! e:am'n'ng t,e de('s'on's maA'ng \$%o(ess as a * ,o&e+ as 's usua&&# done+ e.g.+ (on(e'n'ng sele(t'on de('s'ons. -n add't'on+ 'n

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a. -CT. staff members are entitled to full and fair (onsideration of their
work (on/ess'ion to permanent assignment) as. 66+ 67 and 833

). The (on/ess'ion exercise) was demanded (onsideration
of their suitability) of the A\$S\$ (ants) as. 833

(. ;a(, (and date to) be re/vised (onsideration) as
a full# entitled to an and (onsidered assessment) o to
'nd'/'duat full and fair (onsideration) as. 66 and 673+ and 'n doing so
le/e# reasona)le (onsideration) ad to) be g'/en to -CT. staff members
demonstrating their
endeavouring their suitability) (a) (s) 't, 'n their 9-gan'Eat'on) as.
723 and

d. The A4G/9 678 was not entitled to seek# on their 'n'te mandate
of their -CT. I (6e)D d's (et'on) was lettered) #, e) 'e'an(e to their
e: (us'on of) all of, e) 'e/ant (to) s+ on their -CT. 's 'n'te mandate
as. 683. The us+ their A4G/9 678 was not entitled to seek (e) 'e'an(e on their
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Eligibility

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6B. The foregoing notwithstanding, it should be noted that the interest of the

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75. The applicant's statement to the Tribunal that the Respondent's decision on the application for the award of costs was based on the fact that the applicant had not provided a copy of the decision to the Tribunal is not supported by the evidence. The Tribunal found that the Respondent's decision was based on the fact that the applicant had not provided a copy of the decision to the Tribunal. The Tribunal found that the Respondent's decision was based on the fact that the applicant had not provided a copy of the decision to the Tribunal. The Tribunal found that the Respondent's decision was based on the fact that the applicant had not provided a copy of the decision to the Tribunal.

76. The Tribunal found that the Respondent's decision was based on the fact that the applicant had not provided a copy of the decision to the Tribunal. The Tribunal found that the Respondent's decision was based on the fact that the applicant had not provided a copy of the decision to the Tribunal. The Tribunal found that the Respondent's decision was based on the fact that the applicant had not provided a copy of the decision to the Tribunal.

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77. The Tribunal found that the Respondent's decision was based on the fact that the applicant had not provided a copy of the decision to the Tribunal. The Tribunal found that the Respondent's decision was based on the fact that the applicant had not provided a copy of the decision to the Tribunal. The Tribunal found that the Respondent's decision was based on the fact that the applicant had not provided a copy of the decision to the Tribunal.

78. The Tribunal found that the Respondent's decision was based on the fact that the applicant had not provided a copy of the decision to the Tribunal. The Tribunal found that the Respondent's decision was based on the fact that the applicant had not provided a copy of the decision to the Tribunal. The Tribunal found that the Respondent's decision was based on the fact that the applicant had not provided a copy of the decision to the Tribunal.

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BB. Art. 10.5 of the Treaty of the United Nations (hereinafter referred to as the "Treaty") provides that the Secretary-General shall, in accordance with the provisions of the Charter of the United Nations, be responsible for the maintenance of international peace and security and shall report to the Security Council thereon.

As a result of the above, the Tribunal finds that the Secretary-General's actions in the present case are in accordance with the provisions of the Charter of the United Nations and the Treaty.

03 The Secretary-General's actions in the present case are in accordance with the provisions of the Charter of the United Nations and the Treaty. The Secretary-General is responsible for the maintenance of international peace and security and shall report to the Security Council thereon. The Secretary-General's actions in the present case are in accordance with the provisions of the Charter of the United Nations and the Treaty.

03 The Secretary-General's actions in the present case are in accordance with the provisions of the Charter of the United Nations and the Treaty. The Secretary-General is responsible for the maintenance of international peace and security and shall report to the Security Council thereon. The Secretary-General's actions in the present case are in accordance with the provisions of the Charter of the United Nations and the Treaty.

100. The Tribunal finds that the Secretary-General's actions in the present case are in accordance with the provisions of the Charter of the United Nations and the Treaty.

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As the applicant's allegations are not substantiated, the Commission is not in a position to award any compensation.

108. The applicant is not entitled to stand in the shoes of the respondent, as the respondent's conduct was not a breach of the Convention. The respondent's actions were a result of its duty to maintain the security of the country. The respondent's actions were not a breach of the Convention. The respondent's actions were a result of its duty to maintain the security of the country.

a. No finding of a breach of the Convention is necessary.

b. The respondent's actions were a result of its duty to maintain the security of the country.

10B. The respondent's actions were a result of its duty to maintain the security of the country.

8.0 Damages

110. The respondent's actions were a result of its duty to maintain the security of the country.

As a result of the respondent's actions, the applicant has suffered a loss of income.

The respondent is liable to pay compensation to the applicant for the loss of income.

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