

Case No. UNDT/GVA/2016/087

Judgment No. UNDT/2017/037

of the activities of the United Nations ; the activities of the United Nations on 21 January 2016. The death of the person, as of 12 January 2016.

1. As of 12 January 2016, as a result of the Administration's attention to the , as a result of the continued financing of the lost investment of 05 million UNCTAD staff members , on the other hand a "fundamental" investment and set-aside against a "lost investment" of a "significant" amount. The "lost investment" had been funded , the "lost investment" funds and , in the "lost investment" , the funds from the "lost investment" would be a significant amount. Before , on 20 January 2016 the Chief Executive Officer : management (see). D : ; UNCTAD sent a memorandum to the Director of the Department of Economic and

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San Oe \$an\$e""ed)den#ed+ 05 t e ;en#o' De\$'u#te' at t e 'e7uest of t e >#'#ng : anage' o' t e ;taff#ng Ta0'e : anage'.

1. I en t e !os#t#on Oe\$omes no "ong'e' a-a#"a0"e afte' t e Ao0 o!en#ng as Oeen !u0"#s ed% t e >#'#ng : anage' must !'o-#de a deta#"ed , '#tten \$"a'f#Sat#on fo' t e 'easons of \$an\$e""at#on to t e ;en#o' De\$'u#te'. T e ;en#o' De\$'u#te' ,#" \$an\$e" t e Ao0 !ost#ng and t e De\$'u#te' ,#" #nfo'm a"" a!!"#Sants , o a-e a!!"#ed% #f an5.¹

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7. T e >#'#ng : anage' s a"" Oe a ,a'e t at a Ao0 o!en#ng \$annot Oe \$an\$e""ed as "ong as t e'e #s one)1+ su#ta0'e \$and#date on t e 'e\$ommended "#st , o as !assed t e assessment e@e'\$#se.

33. T e T'#0una" #s sat#sf#ed t at t e Adm#n#st'at#on #s ent#t'ed to \$an\$e" a J(% su0Ae\$t to a num0e' of "#m#tat#ons% to , #t8

- a. T e \$an\$e""at#on must o\$Su' Oefo'e t e assessment e@e'\$#se and t e !"a\$ement of at "east one \$and#date on t e 'e\$ommended "#st)\$erschuur UNDT/2010/12C+9

0. =f% "#<e #n t e !'esent \$ase% an ad-e't#sed !os#t#on Oe\$omes no "ong'e' a-a#"a0"e% t e >#'#ng : anage' must !'o-#de a deta#"ed , '#tten \$"a'f#Sat#on fo' t e 'easons of t e \$an\$e""at#on of t e J(9 and

\$. T e \$and#dates , o a!!"#ed fo' t e J(must Oe #nfo'med of #ts \$an\$e""at#on.

32. Afte' e@am#nat#on of t e do\$uments at and% t e T'#0una" \$ons#de's t at t e a0o-e*\$#ted 'e7u#lements ,e'e met #n t #s \$ase. B#st% t e assessment of \$and#dates fo' J(No. 12262 ad not \$ommen\$ed at t e t#me of \$an\$e""at#on. Conse7uent"5% no \$and#date J #n\$ud#ng t e A!!"#Sant J , as o' \$ou'd a-e Oeen !"a\$ed on t e 'e\$ommended "#st. ;e\$ond% , en% on 16 : a'\$ 2016% UNCTAD

UN (G a \$o!5 of t e memo'andum of 1 : a'\$ 2016 f'om t e ;e\$'eta'5*Gene'a"% UNCTAD% , #S e@!"a#ned #s de\$#s#on to !'o\$eed ,#t t e "ate'a" 'eass#nment. T #'d% t e A!!"#Sant , as !'om!'t'5 #nfo'med of t e \$an\$e""at#on of t e !ost 05 ema#" dated 18 : a'\$ 2016.

31. T e'efo'e% f'om a "ega" stand!o#nt% t e de\$#s#on to \$an\$e" J(No. 12262 fe"" ,#t #n t e Adm#n#st'at#on?s !u'-'e , and , as made #n o0se'-an\$e of a"" t e ne\$essa'5 Sond#t#ons. T e T'#0una" fu't e' st'esses t at not on"5 t e A!!"#Sant ad not Oeen 'e\$ommended J "et a"one se"e\$ted J Out% fa' f'om t e'e% t e assessment ! ases ad not 5et Oeen unde'ta<en. At t at stage% des!#te t e J(a-#ng Oeen ad-e't#sed and t e a!!"#Sat#on !e'#od a-#ng e@!#'ed% t e A!!"#Sant d#d not a-e an5 ent#t"ement to a-e t e se"e\$st#on !'o\$ess O'oug t to \$om!"et#on.

36. ;#n\$e no O'ea\$ of t e A!!"#Sant?s te'ms of a!!o#ntment as Oeen esta0"s ed% e #s not ent#t"ed to \$om!ensat#on.

37. =n -#e , of t e fo'ego#ng% t e T'#0una" D&C=D&;8

T e a!!"#Sat#on #s d#sm#ssed.

)Signed+

Judge Te'esa 4'a-o

Dated t #s 30^t da5 of : a5 2017

&nte'ed #n t e Deg#ste' on t #s 30^t da5 of : a5 2017

)Signed+

DenK : . Va'gas : .% Deg#st'a"% Gene-a