







... On 15 March 2012, the Management Evaluation Unit (MEU) informed the Applicant that having reviewed his request for management evaluation, it had concluded that the decision of the Administration to terminate his appointment as of 31 December 2011 was in compliance with the legal rules and guidelines of the Organization and that the Secretary-General had decided to endorse the findings and recommendations of MEU.

... The Applicant filed the present Application on 4 May 2012. The Application was served on the Respondent on 14 May 2012. The Respondent filed a Reply on 12 July 2012 having been granted an extension of time to do so by the Tribunal on 12 June 2012.

... The Tribunal held a case management hearing on 10 October 2012.

... On 11 October 2012, the Applicant filed a Motion for production of documents. The document the Applicant wanted to be produced by the Respondent was a letter dated 9 July 2011 transitioning/reassigning him to UNMISS.

... On 17 October 2012, the Respondent sought and was granted leave to file additional documents, namely:

- a. The Applicant's letter of appointment for the period 1 July 2011 to 30 June 2012.
- b. An extract from the Report of the Secretary-General on the budget for UNMISS for the period 1 July 2011 to 30 June 2012.

... On 24 October 2012, the Respondent filed a response to the Applicant's Motion for production of a letter dated 9 July 2011 in which Counsel for the Respondent submitted that the said letter does not exist.

... The Tribunal heard the case on the merits on 15 and 16 J001 Tcteen

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ten staff members, including Mr. Ruyooka, were not recommended. He was not recommended because, in the view of the COT, he lacked the required supervisory skills.

4. The UNDT was satisfied that the decision to terminate his appointment was motivated by the necessities of service, which required the reduction of the number of staff members in UNMISS, and was not tainted by an improper motive. The UNDT also rejected Mr. Ruyooka's allegation that the COT had animus towards him.

### **Submissions**

#### **Mr. Ruyooka's Appeal**

5. Mr. Ruyooka contends that the UNDT failed to take into account a number of facts adduced in his application and supporting documents as proof that the Administration's decision was tainted by improper motive.

6. The MEU report, which the Secretary-General endorsed, makes reference to a letter dated 9 July 2011 by which Mr. Ruyooka was allegedly "reassigned to [UNMISS], pursuant to the post-matching and comparative review exercises". Similarly, the OHRM Nucleus report extract dated 16 October 2012 makes such reference. In response to Mr. Ruyooka's Motion for production of this letter, the Administration however stated that the said letter did not exist.<sup>3</sup>

7. The UN(pr4 1 Tf2.5027i0 Tc6)2.1(y07 Tc.li6.1(y0939tated th(e to)-4( Ruyookan)-5.5(s Motio-3.2(d'



14. Turning to Mr. Ruyooka's allegations that the UNDT failed to take into account the facts that he presented at trial, the Secretary-General contends that Mr. Ruyooka had not provided any explanation as to why such errors supported his allegation of improper motive. Having reviewed written statements and heard oral evidence regarding allegations of specific incidents which in Mr. Ruyooka's view amounted to impropriety on the part of the COT, the UNDT correctly concluded that Mr. Ruyooka had not satisfied the burden of proving improper motivation on the part of the COT.

15. The Secretary-General contends that Mr. Ruyooka has not established any error by





