





4. Upon assessment by the @A's and dates of the (an the A !"#ant 3e&e "n"t"ally s(o&t!"sted and "n."ted fo& a #om eten#y,%ased "nte&."e3. The @A (ad dete&m"ned t(at the A !"#ant d"d not meet a!! t(e &e:u"&ements of t(e ost' "n a&t"#u!a& 3"t( &es e#t to 3o&; e< e&"en#e. To Cust"fy (e& de#"s"on' t(e @A 3&ote "n Inspira&

\$. Do!o3"ng &e#e" t of t(e #!a&"f"#at"ons' t(e C7B endo&sed t(e &e#ommendat"on &esented to "t' and on 22 June 2012' "ts a &o.a! 3as su%mtted to t(e 0e#&eta&y, Gene&a! of UNCTAD' not"ng t(at (e #ou!d &o#eed 3"t( t(e f"na! se!e#t"on' 3 ("#( (e d"d.

9. By e,ma"! of 29 June 2012' t(e @A "nfo&med t(e A !"#ant of t(e de#"s"on to se!e#t anot(e& #and"date fo& t(e #ontested ost. By e,ma"! of 22 July 2012 and su%se:uent &em"nde& of \$ August 2012' t(e A !"#ant &e:usted feed%a#; f&om t(e @A on ("s non,se!e#t"on' "n#!ud"ng t(e &eason 3(y (e (ad not %een "n."ted fo& an "nte&."e3.

10. \*n 21 August 2012' a gene&"# e,ma"! 3as sent to t(e A !"#ant f&om t(e a##ount (["&"ngGde a&tmentHun.o&g](#) "nfo&m"ng ("m t(at ("s a !"#at"on fo& t(e #ontested ost 1=3ou!d> not %e #ons"de&ed fu&t(e&2.

11. \*n 24 August 2012' t(e A !"#ant &e:usted adm"n"st&at".e &e."e3 of t(e de#"s"on to se!e#t anot(e& #and"date fo& t(e #ontested ost.

12. By !ette& of 9 \*#to%e& 2012 f&om t(e Unde&,0e#&eta&y, Gene&a! fo& Aanagement' #ommun"#ated to t(e A !"#ant %y e,ma"! of 11 \*#to%e& 2012' t(e !atte& 3as "nfo&med t(at t(e #ontested de#"s"on 3as u (e!d.

16. \*n 2\$ De#em%e& 2012' t(e A !"#ant su%mtted ("s a !"#at"on to t(e T&"%una!. /n ("s su%mt"ss"on' (e &e:usted t(e T&"%una! to o&de& t(e 7es ondent to &o."de do#uments &ega&d"ng t(e se!e#t"on &o#ess.

14. \*n 2 Janua&y 2016' t(e a !"#at"on 3as se&.ed on t(e 7es ondent and on



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su##essfu! #and"date 3"t( &ega&d to t(e &e!.an#e of (e& 3o&; e< e&"en#e&



e. The selected date meets all the elements set forth in the VA form contested cost and as the only suitable date for the cost of the "n" fee of the:ua! treatment a "es only 1"n #om a&a%le s'tuat'ons' 3 ("#( (a.e not %een demonst&ated o& su%stant"ated %y t(e A !"#ant2' as t(e su##essfu! #and"dateFs e< e&"en#e "s 1not #om a&a%le2 to ("sb fu&t(e&mo&e' 1t(e &"n#" !e of e:ua! t&eatment may not %e e!"ed on fo& t(e u& ose of &e: uest"ng e:ua!!y "na &o &"ate o& "!"lega! t&eatment2B

f. The C7B did not request the s e#"f"# #!a&"f"#at"ons 3 t( &ega&d to t(e A !"#antFs #ase %ut 3as sat'sf"ed t(at ("s #and"datu&e (ad %een e.a!uated on t(e %as"s of t(e &e,a &o.ed e.a!uat"on #&"te&"a and t(at t(e a !"#a%le &o#edu&e (ad %een fo!!o3ed2B

g. The a !"#at"on s(ou!d %e &eCe#ted "n "ts ent"&ety.

## Consideration

### Scope of the application

21. At the outset the Tribunal notes that in its request for management evaluation of 24 August 2012 the Applicant indicated that he challenged the decision to select another date for the contested cost (e&eas "n ("s a !"#at"on %efo&e t(e T&"%una! (e "dent"fed t(e #ontested de#"s"on as t(e de#"s"on not to "n#!ude ("m "n t(e s(o&t!"st of #and"dates "nte&."e3ed fo& t(e ost. At a late stage in the proceedings the Applicant requested leave to amend his application to also request the decision to select the successful and date (o3e.e&' (e e< &ess!y ment"oned t(at (e 3as not &e: uest"ng &es#"ss"on of t(at de#"s"on' %ut me&ely to %e a%le to sum"t t(e a&gument t(at t(e su##essfu! #and"date (ad %enef"ted f&om a mo&e len"ent "nte& &etat"on of t(e 3o&; e< e&"en#e &e:u&ement t(an ("mse!f. Do& ("s a&t' "n ("s &e !y to t(e a !"#at"on' t(e 7es ondent fo#used on t(e de#"s"on not to select the Applicant for the cost and stated at the (ea"ng t(at (e d"did not &a"se any o%Ce#"on to t(e fa#t t(at t(e A !"#ant a!so 3"s(ed to #ontest t(e sele#"on of t(e su##essfu! #and"date fo& t(e ost.



22. The Tribunal is satisfied that the Applicant's claim is well founded in law and fact.

2. The duties of a Judge are to take into account the interests of the State and the interests of the individual. The Tribunal is satisfied that the Applicant's claim is well founded in law and fact.

6. Thus, the authority to render a judgment rests with the Judge and not with the administrative staff. The Tribunal is satisfied that the Applicant's claim is well founded in law and fact.

26. Based on the above, the Tribunal finds that the Applicant's claim is well founded in law and fact. The Tribunal is satisfied that the Applicant's claim is well founded in law and fact.

Legality of the contested decision

24. The Tribunal has defined the scope of the present analysis in its decision of 2012. The Tribunal is satisfied that the Applicant's claim is well founded in law and fact.





from the analysis as well as the added "Inspirado" document (the assessment of a "note" of 3 pages. The recommendation of the successful candidate for selection as follows added to the CVB 3 ("( enclosed "after the" of full "affairs" and after an additional "note" made and date (advised "note" of 3 pages.

60. As regards the allegation raised by the Applicant that the 3 pages "final meeting" of the elements submitted in the VA and that the 3 pages longly included from the (so-called "T" document) is that the E.4 of O/A//2010/6' : quoted "in full" of the "essential" parts of the @A to 1 and also a (so-called "st" of (those released a "ants" 3 (of a "ea" most : "affairs" for the (of the "en" based on a "e" of the "document" +em (as added. /n the same "e" the /nst"ona! Annual for the @&"ng Annual on the Staff Selection System +Inspirado (the @&"ng Annuals - ment"ons "n"ts C(a te 9 (at the @A "n."tes the 1most "om"s"ng #and"dates2 for a #om eten#y,%ased "nte"e3 and/or an assessment e<e#"se. /t fo!o3s from these "o."s"ons that the @A (as %load d"s#et"ona&y o3e& to e<e#"se a "e!"m"na&y e.a!uat"on of the a "ants "n o&de& to esta!"s( the (so-called "st" of #and"dates to "e "n."ted for full assessment "indeed" su#( a "st" e& def"n"t"on' does not (a.e to "n#!ude a!! &e,s#&eened #and"dates %ut only the most :ua!"f"ed o& "om"s"ng ones. /n o&de& to assess 3 ("( a "ants fa!! "nto that #atego'y' the @A must e<e#"se ("s o& (e& Cudgment and the T&"una! 3"!! not eas"ly "nte&fe&e 3"t( the %load d"s#et"on of the Adm"n"st&at"on "n these matte&s and su%st"ute "ts Cudgement for that of the #om etent de#"s"on,ma;e&.

61. As the T&"una! notes that "n the "instant case" the 3 o& ; e< e&"en#e &e:u"ked for the #ontested ost as "sted "n the VA 3as des#"ed "n &at(e& %load te&m66(d )-90(")-2.16797(nu")-2.16797(s)-0.839844(")-2.16797(ons)-0.839844-2.16797(n )

62. Based on the above observations, it is clearly not for the Tribunal to substitute its own views and to elaborate on the assessment of the test as a whole @ A' as long as the assessment itself is based on obvious facts that should be clearly reflected in the material time records

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Conclusion

64. /n . "e3 of t(e fo&ego"ng' t(e T&"%una! D5C/D508

T(e a !"#at"on "s d"sm"ssed "n "ts ent"&ety.

+Signed-

Judge T(omas )a;e&

Dated t("s 16<sup>th</sup> day of Aa&#( 2014

5nte&ed "n t(e 7eg"ste& on t("s 16<sup>th</sup> day of Aa&#( 2014

+Signed-

7enK A. Va&gas A.' 7eg"st&a&' Gene . a