

Case No.:

UNITED NATIONS DISPUTE TRIBUNAL

1. The Applicant filed on 21 February 2015 a staff memorandum of the United Nations High Commissioner for Refugees (UNHCR) contesting the decision of the High Commissioner not to promote him from P2 to P23 effective 1 January 2013. The Applicant's memorandum stated that he had worked for the High Commissioner since 1987 and that he had been promoted to P2 in 1994. He claimed that he was qualified for promotion to P23 in 2013 because he had worked for the High Commissioner for 26 years and had been promoted to P2 in 1994. He claimed that he was qualified for promotion to P23 in 2013 because he had worked for the High Commissioner for 26 years and had been promoted to P2 in 1994.

2. The Applicant worked for the UNHCR as Administrative Assistant (General Services) in Geneva from 1987 to 1994. He was promoted to P2 in 1994. He claimed that he was qualified for promotion to P23 in 2013 because he had worked for the High Commissioner for 26 years and had been promoted to P2 in 1994. He claimed that he was qualified for promotion to P23 in 2013 because he had worked for the High Commissioner for 26 years and had been promoted to P2 in 1994.

3. In January 1994 and 1995 the Applicant went to Jamaica (Administrative Assistant) on assignment. He claimed that he was qualified for promotion to P23 in 2013 because he had worked for the High Commissioner for 26 years and had been promoted to P2 in 1994. He claimed that he was qualified for promotion to P23 in 2013 because he had worked for the High Commissioner for 26 years and had been promoted to P2 in 1994.

4. In November 2005 the Applicant was promoted to P23 effective 1 January 2007. He claimed that he was qualified for promotion to P23 in 2013 because he had worked for the High Commissioner for 26 years and had been promoted to P2 in 1994. He claimed that he was qualified for promotion to P23 in 2013 because he had worked for the High Commissioner for 26 years and had been promoted to P2 in 1994.

5. On June 2011* the A""#\$%ant 9as)eass\$gned to @am(\$o* 'udan* as , ead of :\$e#d =ff\$%e .P2&1. On :e()ua)! 2013* +e)etu)ned to Gene3a on tem"o)a)! ass\$gnment as 'en\$) 8n3est\$gat\$on =ff\$%e) .P2&1. ' \$n%e 1 No3em(e) 2015* t+e A""#\$%ant se)3es as 'en\$) -esou)%e 5 anage) .P251 \$n Gene3a* a#t+oug+ +\$s "e)sona# g)ade \$s st\$## at t+e P2& #e3e#.

6. =n 5 :e()ua)! 201&* t+e , \$g+ Commss\$one) ")omu#gated t+e Po#\$% ! and P)o%edu)es fo) t+e P)omot\$on of 8nte)nata\$ona# P)ofessa\$ona# 'taff 5 em(e)s .UN , C - / , CP/201&/21 ./P)omot\$ons Po#\$% !01. 8n essen%e* t+e P)omot\$ons Po#\$% !

10. The sB 'PP mem(e)s ga3e t+e A ""#\$%ant t+e fo##o9\$ng /)an;\$ngs0 among t+e ma#e %and\$dates fo) ")omot\$on to t+e P25 #e3e#C 25* 53* 75* AA* 60 and 121. T+e D , - 5 %a#%u#ated t+at t+e a)\$t+met\$% mean of t+e sB \$nd\$3\$dua#)an;\$ngs 9 as 75.33 and esta(#s+ed t+at t+e A ""#\$%ant)e%e\$3ed a %onso#\$dated)an;\$ng of 7& out of 170 ma#e %and\$dates fo) ")omot\$on to t+e P25 #e3e#. As +\$s %onso#\$dated

2&. Du)ing t+e %ouse of t+e ")o%eed\$ngs* t+e -es"ondent f\$#ed a num(e) of do%uments ex parte* 9+\$%+ %onta\$n %onf\$dent\$a# \$nfo)mat\$on. T+e T)\$ (una# made a## t+ese a3a\$a (#e to t+e A ""#\$%ant* 9\$st+)eda%t\$ons as ne%essa)! and on an unde) sea# (as\$s.

25. T+e A ""#\$%antDs ")\$n%\$"a# %ontent\$ons a)eC

a.

amount of the grant for the promotion* and the constitution of the committee of the promotion*!

f. The fact that the members of the committee as a determined fact (the fact) is not an independent fact (the fact) of the promotion* at a P25 level of the promotion* of the promotion*!

g. The D, - 5 Ds suggest to the members of the committee (the fact) is not an independent fact (the fact) of the promotion* and to the members of the committee!

age* and the composition of the individual; into a number
of the amount of an amount mean

4. The UN, C - faced to the reasons for its decision not to promote
the Applicant to the position of from the first time to the present
and the Applicant and the elements in support of his claim to the
date of the decision of the Tribunal

m. The Applicant requests

1. - the decision of the Tribunal and the grant of
the amount

2. In the Applicant's opinion, the Tribunal's decision is
unreasonable and the Applicant and the elements in support of his
claim to the date of the decision of the Tribunal

3. Compensation for moral damage in the amount of one month net
salary for the loss of staff and emotional distress and

4. Payment and interest on the amount of
damages.

26. The Applicant's contentions are

a. The Applicant's claim is based on the facts of the
case of the Applicant - 3.666 5 3221 (f) 2.4sdg#td de%Stsons%\$nd s \$f " - 3.662D [(e) - 3.666 5 3
and the Applicant's claim

31 De(em)e 2013* and on#! t9o of t+em)an;ed t+e A""#\$\$antDs %and\$da%! among t+e 56 to" ma#e %and\$dates 9+o ad3an%ed to t+e T+\$)d - ound. T+e ")esum"t\$on of)egu#a)\$t! stands sat\$sf\$ed and \$t \$s \$n%um(ent u"on t+e A""#\$\$ant to s+o9* t+)oug+ %#ea) and %on3\$n%\$ng e3\$den%e* t+at +e 9as den\$ed a fa\$) %+an%e of ")omot\$onJ

%. 8n tu)n* t+e A""#\$\$ant fa\$#ed to esta(#\$s+ t+at t+e %ontested de%\$\$son 9as un#a9fu#* fo) t+e)easons set fo)t+ (e#o9C

d. :)\$st#!* t+e T)\$ (una# +as no aut+o)\$t! to)e3\$e9 t+e P)omot\$ons Po#\$\$! \$tse#f. 8n an! e3ent* t+e %om"a)at\$3e assessment of t+e %and\$dates fo) ")omot\$on at t+e P25 #e3e# %om"#sed 9\$t+ t+e)e7u\$)ements of fa\$)ness and

f. The Applicant has not provided sufficient reasons for the contested decision as set out above.

§. Informing that the above-mentioned alleged facts occurred outside the 2008 management of the number of shots allocated for the P25 exercise.

§§. The applicant's failure to provide the necessary

27. The Board's findings that the contested decision of the Tribunal (under the provisions of article 101 of the United Nations Charter) is in violation of the UN Charter and stems from its failure to take into account the fundamental rights of the staff members as well as the fundamental rights of the United Nations as a whole. The Board also found that the Tribunal's decision is in violation of the United Nations Charter and the United Nations Staff Regulations and Rules. The Board also found that the Tribunal's decision is in violation of the United Nations Charter and the United Nations Staff Regulations and Rules. The Board also found that the Tribunal's decision is in violation of the United Nations Charter and the United Nations Staff Regulations and Rules.

Overview of the Promotions Policy

2A. Unless there is a specific provision in the United Nations Charter, the United Nations Staff Regulations and Rules, or the United Nations Staff Rules, the United Nations Staff Regulations and Rules apply to the United Nations Staff. The United Nations Staff Regulations and Rules provide for the promotion of staff members to higher grades. The United Nations Staff Regulations and Rules provide for the promotion of staff members to higher grades. The United Nations Staff Regulations and Rules provide for the promotion of staff members to higher grades.

31. To address the issues raised in the above-mentioned paragraph, the Panel must satisfy at least two out of the following three criteria: (a) the name of the language of the document is not in the list of languages of the United Nations; (b) the document is not in the official language of the United Nations; or (c) the document is not in the language of the State of origin. 5.71. As noted above, the Panel must also satisfy the following criteria: (a) the document is not in the official language of the United Nations; (b) the document is not in the language of the State of origin; and (c) the document is not in the language of the State of origin. 5.A. & 9.849 (.) - 1447 (!) 9.697#969849 (

§§1 :o) ")omot\$on to an! #e3e# and "a)t\$%u#a)#! to t+e P25 #e3e# and a(o3e* a staff mem(e) must +a3e demonst)ated a +\$g+ #e3e# of %om"eten%e and ")ofess\$ona#\$sm \$n t+e management of +uman* f\$nan%\$a# mate)\$a#)esou)%es* ")og)ammes o) o"e)at\$ons. 5 anage)\$a# a%+\$e3ements s+a## (e demonst)ated (! t+e\$))ef#e%t\$on \$n t+e PA -/e2PAD "e)fo)man%e e3a#uat\$ons and :a%t '+eet na))at\$3e.

5.6.2 :o) ")omot\$on to t+e P25 o) D21 #e3e#s* t+e Pane# 5 em(e)s 9\$## \$dent\$)! staff mem(e)s 9+o +a3e demonst)ated eBem"#a)! #eade)s+\$" 7ua#t\$es su%+ as mot\$3at\$ng a team* ")o3\$d\$ng a 3\$son and ")omot\$ng a %#\$mate of)es"e%t and a""e)%\$at\$on \$n t+e 9o); "#a%e.

5.6.3 T+e num(e) of staff to (e ad3an%ed f)om t+e 'e%ond - ound to t+e T+\$)d - ound 9\$## %)es"ond to t+e m\$n\$mum of 150H of t+e num(e) of s#ots a3a#a(#e fo) ")omot\$ons to P2& and to a m\$n\$mum of 200H of t+e num(e) of a3a#a(#e s#ots a3a#a(#e fo) ")omot\$on to P25 and D21. ased on t+e Pane# 5 em(e)sD assessments* t+e Pane# 'e)%eta)\$at 9\$## %om"\$#e t+e 'e%ond - ound assessment)an;\$ngs and de3e#o" a %onso#\$dated #st of su(stant\$a##! e7ua##! me)\$to)\$ous %and\$dates fo) %ons)de)at\$on (! t+e Pane# 5 em(e)s \$n t+e T+\$)d - ound.

3&. :\$na##!* t+e T+\$)d - ound enta\$#s a %o##e%t\$3e)e3\$e9 of t+e /su(stant\$a##! e7ua##! me)\$to)\$ous %and\$dates0 (! t+e 'PP* and t+e ma;\$ng of f\$na#)e%ommendat\$ons %)es"ond\$ng to t+e num(e) of a3a#a(#e s#ots .se% s. 5.10.1 and 5.10.21. T+e e3a#uat\$on \$\$ (ased on t+e 'e%ond - ound %)ste)\$a* and ")o3\$des fo) t+e need to ensu)e geog)a"+\$%a# d\$st)\$ (ut\$on as 9e## as an! d\$\$%"#\$na)! measu)e* do%umented)e")\$mand* f\$nan%\$a# m\$smangement o) g)oss neg#\$gen%e du)\$ng t+e "ast f\$3e !eas .se%. 5.10.21.:o) ")omot\$ons to t+e P25 #e3e#* t+e 'PP ma!)e7uest a 9)\$tten assessment of an! "a)t\$%u#a) %and\$date f)om t+e)es"e%t\$3e D\$)e%to)* fo) staff \$n ,ead7ua)te)s* o) f)om t+e)es"e%t\$3e - e")esentat\$3e* fo) staff \$n t+e f\$e#d .se% s. 5.10.3 and 5.10.&1.

35. T+e , \$g+ Comm\$\$s\$one) a9a)d %ond\$st\$ona# on t+e staff mem(e) o(ta\$ng a s"e%f\$% "os\$st\$on at t+e +\$g+e) #e3e#. T+\$s %ond\$st\$on does not a""#! to staff mem(e)s 9+o a#)ead! se)3e on a "os\$st\$on at t+e +\$g+e) #e3e# o) on an eB"e)t "ost* o) a)e 9\$st+\$n t9o !eas) of)et\$)ement age .se%. 5.121.

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Judgment No. UNDT/2016/030

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fa\$) %+an%e of ")omot\$on.

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t+e %onteBt of do9ns\$I\$ng eBe)%\$ses* t+e A""#\$\$ant a)gues t+at t+e T)\$ (una# s+a##
not (e #m\$ted to)e3\$e9\$ng e))o)s \$n t+e implementation of t+e P)omot\$ons Po#\$\$!
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3. In the context of a "domestic" case conducted under a "self" "order" *
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no)m* \$nsofa) as the \$))egu#a)t! ma!)esu#t \$n a staff mem(e) not (e\$ng g\$3en fa\$)
and fu## %onsde)at\$on fo) "domestic". :o) eBam"#e* a "domestic" "order"! sett\$ng out

e3a#uated \$n a s\$ng#e g)ou" of %and\$dates. T+e -es"ondent a)gues t+at t+e P)omot\$ons Po#\$%!* \$n #s#ne 9\$t+ t+e UN , C -Ds Gende) Po#\$%!* mandates t+at t+e a3a\$a(#e s#ots fo) ")omot\$on (e a9a)ded e7ua##! among fema#e and ma#e %and\$dates and t+at* to a%+\$e3e t+\$s "u)"ose* %and\$dates %ou#d (e e3a#uated se"a)ate#! f)om t+e 'e%ond -ound on9a)ds as not+\$ng \$n t+e P)omot\$ons Po#\$%!* ")e3ented \$t.

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P)omot\$ons Po#\$%! . Not on#! d\$d \$t \$nt)odu%e a ne9 %)ste)son fo) %ons\$de)at\$on du)\$ng t+e 'e%ond - ound* (ut \$t 9as a#so ent)\$e#! \$n%ons\$stent 9\$t+ t+e te)ms of t+e Po#\$%! \$tse#f* 9+\$%+ %#ea)#! en3\$saged a s\$ng#e "oo# of %and\$dates fo) t+e\$) %om"a)at\$3e assessment and)an;\$ng (! t+e 'PP at t+\$s stage. A## %and\$dates 9+o +ad "assed t+e :)\$st - ound 9e)e)e7u\$)ed to (e assessed on t+e\$) me)\$ts as one g)ou" \$n t+e 'e%ond - ound to ")odu%e a #st of /su(stant\$a##! e7ua##! me)\$to)\$ous0 %and\$dates fo) %ons\$de)at\$on (! t+e 'PP \$n t+e T+\$)d - ound.

53. :u)t+e)mo)e* t+e T)\$ (una# \$s of t+e 3\$e9 t+at t+e , \$g+ Comm\$ss\$one)Ds de%\$s\$on to set t+e a3a\$a(#e num(e) of ")omot\$on s#ots fo) fema#e and ma#e %and\$dates (efo)e t+e a#tua# ")omot\$ons sess\$on 9as %om"#eted*)at+e) t+an at t+e t\$me of a 9a)d\$ng ")omot\$ons* a#so)a\$ses some %on%e)ns.

5&. T+e , \$g+ Comm\$ss\$one)Ds "o9e) to set t+e num(e) of a3a\$a(#e ")omot\$on s#ots \$s def\$ned \$n se%. &.1.2 of t+e P)omot\$ons Po#\$%! * 9+\$%+ ")o3\$desC

ET+eF D\$3\$ss\$on of , uman -esou)es 5 anagement .D , - 5 1 9\$## su(m\$t to t+e Jo\$nt Ad3\$so)! Comm\$ttee .JACI* at #east 10 9o);\$ng

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63.

the fact that the Board's decision regarding the suspension of the respondent's appointment to the position of Senior Counselor, as stated in the decision, is also supported by the fact that the respondent's performance was not satisfactory. The Board's decision regarding the suspension of the respondent's appointment to the position of Senior Counselor, as stated in the decision, is also supported by the fact that the respondent's performance was not satisfactory. The Board's decision regarding the suspension of the respondent's appointment to the position of Senior Counselor, as stated in the decision, is also supported by the fact that the respondent's performance was not satisfactory.

67. The respondent also submitted documents in support of his claim that from 2006 to the present, the Board's decision regarding the suspension of the respondent's appointment to the position of Senior Counselor, as stated in the decision, is also supported by the fact that the respondent's performance was not satisfactory. The Board's decision regarding the suspension of the respondent's appointment to the position of Senior Counselor, as stated in the decision, is also supported by the fact that the respondent's performance was not satisfactory. The Board's decision regarding the suspension of the respondent's appointment to the position of Senior Counselor, as stated in the decision, is also supported by the fact that the respondent's performance was not satisfactory.

one of the... to 26H in 2006. The... tend... to... of... 5... to ensure... of the 2010... and stressed... on... the... .

66. At the outset... notes that... to... as... of... from... !... of... PA 5... to... of... a... system for... under... during the 2013... '... The PA 5... as not... to... ;... the... to ensure... !... 5... to... and... to... the... !... of... 5... assessment of... 3... the... an... of... staff... from 2006 to 2013 and... !... of... UN... ;... An... to... the... of... and... the... of... the... !... the... of... the... !... must... of... PA 5... as... the... !... at... the... .

70. The... !... at... 5.6.1.1 and... !... to... the... and... of... !... the... '... in... '... -... The... to... se... ate... !... the... to... (... the... to... the... of... /... (... .

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Judgment No. UNDT/2016/030

t+e 'PP mem(e)s 9e)e not \$n a "os\$t\$on to 3e)\$f! \$f

fo)t+ \$n se%. 5.6.1.\$1* 9+\$%+ \$s %e)ta\$#! one of t+e most dete)m\$nat\$3e %)ste)son of t+e ent\$)e ")o%ess.

7A. T+en* \$t seems t+at t+e Pe)fo)man%e 5 anagement Asso%ate 9+o d\$d t+e 3e)\$f\$%at\$on eBe)%\$se used t+e 9)ong \$nd\$%ato) (! \$dent\$f!\$ng t+ose 9+o +ad an o3e)a## s%o)e (e#o9 5.1 fo) %om"eten%\$es and o(4e)t\$3es. 8n t+\$s)es"e)t* t+e PA 5 ' esta(#s+ed a s#a#e 9+e) /A%+\$e3ed0 and /P)of\$%ent0 %)o))es"onded to a s%o)e of 6 to 6 .see "a)as. 62 and 63 a(o3e1* 9+\$%+ te%+n\$a##! means t+at a staff mem(e) must +a3e a s%o)e of at #east 6 to m\$n\$ma##! meet t+ese standa)ds. 8n tu)n* AnneB 2 to t+e PA 5 ' ent\$#ed / a% ;g)ound and o3e)3)e9 of t+e PA 5 ' P)o%ess0 ")o3\$des \$n \$ts se%. 16 t+at /A%+\$e3ed0 and /P)of\$%ent0 %)o))es"ond to a)at\$ng (et9een 5.1 and A.0* 9+\$%+ a#so seems to (e t+e "os\$)on ado"ted (! t+e D , - 5 * as "e) t+e)oad%ast sent on 1A 5a! 2011 .see "a)a. 6A a(o3e1. T+e T)\$ (una# %annot)e%on%#\$e t+ese t9o a""a)ent#! !ont)ad\$%to)! ")o3\$)ons of t+e PA 5 ' and* g\$3en t+at \$t \$s not dete)m\$nat\$3e of t+e ")esent a""#\$%at\$on* 9\$## #m\$t \$tse)f to)e%ommend\$ng t+e Adm\$n\$st)at\$on to #oo; \$nto t+e matte). As a)esu#t* \$t \$s 9e## "oss\$(#e t+at staff mem(e)s 9+o d\$d not e3en meet t+e m\$n\$mum "e)fo)man%e t+)es+o)d ad3an%ed to t+e T+\$)d - ound.

76. :\$na##!* and most \$m"o)tant#!* \$t tu)ned out t+at \$t 9as t+e D , - 5 t+at assessed "a)t of t+e "e)fo)man%e %)ste)son unde) se%. 5.6.1.\$1* \$instead of t+e 'PP* \$n %ont)a3ent\$on 9\$)t+ t+e eB"#\$%\$t te)ms of t+e P)omot\$ons Po#\$\$!* unde) 9+\$%+ t+e aut+o)\$t! to ma;e t+at assessment %#ea)#! fa##s on t+e 'PP. 8n t+\$s)es"e)t* t+e \$nfo)mat\$on ")o3\$ded (! t+e D , - 5 to t+e 'PP 9as not suff\$%)ent to %on%#ude t+at t+e 'PP mem(e)s u#t\$mate#! made t+e\$) \$nd\$3\$dua# assessment of t+e e3a#uat\$on %)ste)son as "e) t+e te)ms of se%. 5.6.1.\$1. T+e a""a)ent de\$\$)on of t+e D , - 5 to ;ee" t+e)at\$ngs f)om t+e 'PP meant t+at t+e 'PP mem(e)s 9e)e* t+us* not "e)sona##! a(#e to as%e)ta\$n t+e %)o))e%tness o) ot+e)9\$se of t+e \$nfo)mat\$on \$n t+e %ons\$de)at\$ons unde) se%. 5.6.1.\$1 of t+e Po#\$\$! e3en t+oug+ t+e Po#\$\$!)e7u\$)ed t+at t+e !ad to (e "e)sona##! sat\$sf\$ed t+at t+e %)ste)son +ad (een met.

A0. Add\$)ona##!* t+e)at\$ngs g\$3en to t+e %and\$dates (! t+e\$) su"e)3\$so)s \$n)es"e)t of t+e a%+\$e3ement of t+e\$) 9o); o(4e)t\$3es and t+e\$) #e3e# of %om"eten%\$es 9as %e)ta\$n#! a usefu#* \$f not ne%essa)!* \$nd\$%ato) to %om"a)e t+e

3a) sous %and\$datesD "e)fo)man%e* manage)\$a# a%+\$e3ements and #eade)s+\$" 7ua#t\$es. 8t ")o3\$ded a 7uant\$at\$3e measu)e t+at 9ou#d "oss\$(#! a##o9 t+e 'PP mem(e)s to \$dent\$f! st)engt+s and 9ea;nesses \$n t+e 3a)\$ous staff mem(e)sD %and\$da%!* and %om"a)e t+em aga\$nst one anot+e). :o) \$nstan%e*)at\$ngs of /KB%e"\$ona##! A%+\$e3ed0 o) /KB%e"\$ona##! P)of\$%\$ent0 9e)e most %e)ta\$n#!)e#e3ant to t+e 'PPDs %ons\$de)at\$on of* inter alia* 9+et+e) %and\$dates +ad /%ons\$stent#! demonst)ated eB%e"\$ona# "e)fo)man%e and do%umented eBem"#a)! se)3\$%e0* as "e) se%. 5.6.1.\$1 of t+e P)omot\$ons Po#\$%! As t+e -es"ondent a%;no9#edged \$n +\$s)e"#!* t+e eB")ess\$on /eB%e"\$ona# "e)fo)man%e0)efe)s d\$e)t#! to t+e PA 5 '* \$n 9+\$%+ t+e (est #e3e# of "e)fo)man%e 9as)ated as /KB%e"\$ona##! A%+\$e3ed0 o) /KB%e"\$ona##! P)of\$%\$ent0. 8f t+e 'PP mem(e)s +ad (een ")o3\$ded 9\$t+ t+e e2PADs* t+e! %ou#d "oss\$(#! +a3e \$dent\$f\$ed outstand\$ng %and\$dates (! t+e\$))at\$ngs* 9\$t+ t+e ass\$stan%e of t+e %omments ")o3\$ded (! t+e su"e)3\$so). A#t+oug+ t+e)e ma! (e some %on%e)ns as to t+e)e#\$a(\$#t! of t+e

Promotion to the P2 & #3e# and a (o3e 9\$## (e su(4e%t to the staff
member(s) occupying a "position at these #e3e#s. 'taff member(s) 9\$## (e

6&. T+e T)(una# does not 7uest\$on t+e a""o")\$ateness of ta;\$ng \$nto a%%ount

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66. The Promotions Policy Manual states at para. 5.6.1 and 5.6.2 that the PP must (a) be based on the assessment of the candidate's qualifications and experience and (b) be based on the assessment of the candidate's performance in the previous position. 5.7 states that the Panel shall ensure that the candidates are not influenced (directly or indirectly) by the staff members of the UN, C-49 staff members (including staff members of the United Nations Secretariat) or other staff members of the United Nations system in the selection process. The Panel shall also ensure that the candidates are not influenced by the staff members of the United Nations system in the selection process. The Panel shall also ensure that the candidates are not influenced by the staff members of the United Nations system in the selection process.

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106. A se%ond 'PP mem(e) a""eas to +a3e engaged \$n a "u)e g)ou"\$ng eBe)%\$se
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107. A t+\$)d 'PP mem(e) a#so engaged \$n a s\$m\$#a) g)ou"\$ng eBe)%\$se (!)an;\$ng*
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10A. The other three 'PP members' gave evidence and
admitted to the same on 10 February 2015. The first
member stated that he was one of the three from 75 to
90 and dates and number 76 to the next one and did not attend
on 16 February for no obvious reason. Another one of these three
admitted to the number 171 to 175 on 17 February.

106. None of these three were detected to be present on the
evidence so far that the D, - 5 identified the three

111. K3en mo)e 9o))\$some \$s t+e fa%t t+at t+e D , - 5 de3e#o"ed t+e %onso#dated
#\$st of %and\$dates 9+o ad3an%ed to t+e T+\$)d - ound (ased on t+e num(e)s
")o3\$ded (! t+e 'PP mem(e)s 9+\$%+ d\$s"#a!ed* on t+e\$) fa%e* (#atant e))o)s.

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reference to a treaty. The content of the treaty is of
no consensus. It is indeed a matter of fact that the D, - 5 (ut a#so
the 'PP mem(e)s m(s)onst)ued t+e)e3e9 eBe)%\$se as (e\$ng one \$n3o#3\$ng t+e
'PP mem(e)s "\$% ;\$ng t+ose among t+e gou"s t+at t+e! %ons\$de)ed 9 ou#d (e most
needed at t+e P25 #e3e#* o) "e)+a"s e3en \$n t+e\$) o9n a)ea of 9o);*)at+e) t+an
%om"a)\$ng t+e %and\$dates on t+e\$) o9n me)\$ts* as)e7u\$)ed (! t+e P)omot\$ons

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109 The Applicant would have informed the Panel of 331 and dated 9 June 2011 to advise the Tribunal of 56 of the material to be considered.

157. The Respondents suggest that the Applicant would not have been notified given that he was joined 7 out of 170 as a party to the proceedings as the Panel was not given a copy (at all). 50% of the Panel members in the assessment of the Panel suggest that the Applicant represented a group of 170 members

assessment of that of the 'PP and the , \$g+ Comm\$ss\$one)* somet+\$ng that the

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From the onset that the respondent made effort to "act as an agent" (- 10297321t)0.67.

1A6. 8n Asariotis

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