

1. The Board was established on 1 January 2015 by the Secretary-General of the United Nations High Commissioner for Refugees (UNHCR) to assist the High Commissioner in the management of the High Commissioner's office in Geneva. The Board's mandate is set out in article 1 of the High Commissioner's Statute (UNHCR/2015/1).

2. It is noted that the facts and grounds of appeal in this matter (appeal No. UNDT/GVA/2015/166 - 1, dated 14 November 2015) are as stated in the appeal. The Board's decision (UNDT/2016/030) dated 15 April 2016 is hereby affirmed.

3. The Secretary-General appointed UNHCR, in April 1983 as a member of the Advisory Committee on the United Nations High Commissioner for Refugees (UNHCR) and a subsequent member of the Advisory Committee on the United Nations High Commissioner for Refugees (UNHCR) as a member of the Advisory Committee on the United Nations High Commissioner for Refugees (UNHCR) as a member of the Advisory Committee on the United Nations High Commissioner for Refugees (UNHCR) as a member of the Advisory Committee on the United Nations High Commissioner for Refugees (UNHCR).

4. In January 2000 the Secretary-General was granted an appointment. Between July 2000 and August 2001 she acted as Assistant Secretary-General (UNHCR/2000/1) for the Secretary-General (Secretary-General's Post Appointment - &PA/0). In November 2003 she was assigned to Adhunan Uganda as head of the United Nations High Commissioner for Refugees (UNHCR) - &PA unit in the Department of the Secretary-General (2000). As from July 2005 she acted as head of the

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6.

18. 9n 1B =a(\$* 2015) t*e A!!"#Sant su'm#tted to t*e De!ut +#g*
Comm#ss#onme

26. T*e A!!"#SantAs !(#n\$#!a" \$ontent#ons a(e

a. T*e UN+C, !(omot#ons me\$*an#sm enta#"s t*at t*e UN+C, staff mem'e(s) 6*o fo\$us on t*e#(6o(@ (at*e(t*an on ad2an\$ement) \$ede a deg(ee of \$ont(o" o2e(t*e#(\$a(ee() 6*#\$* ot*e(staff mem'e(s (eta#n fu"" #n o(gan#4at#ons 6#t* a (an@ #n !ost s stem. 3n (etu(n) #t #s #n\$um'ent u!on t*e UN+C, to !ut #n !"a\$e effe\$t#2e) fa#(and t(ans!a(ent !(o\$edu(es fo((e2#e 6#ng #ts staff mem'e(s) \$and#da\$ fo(!(omot#onI

'. B fa#"ng to suff#\$#ent" def#ne t*e t*(ee e2a"uat#on \$(#te(#a fo(t*e &e\$ond , ound) name" .!e(fo(man\$e/) .manage(#a" a\$*#e2ements/ and .e<em!"a("eade(s*#! 5ua"#tes/) set o'7e\$t#2e standa(ds and a"#gn #tse"f 6#t* t*e !e(fo(man\$e a!!(a#sa" !o"# \$) t*e P(omot#ons Po"# \$ d#d not a""o6 fo(a fa#(and t(ans!a(ent \$om!a(at#2e assessment of t*e \$and#datesI

\$. T*e a('#t(a#ness (esu"t#ng f(om t*e fa#"u(e to def#ne t*e e2a"uat#on \$(#te(#a 6as e<a\$e('ated ' t*e (e2#e 6 me\$*an#sm) 6*#\$* enta#"ed t*at ea\$* of t*e s#< &PP mem'e(s) *ad to (e2#e 6 t*e fa\$t s*eeet of 1>0 e"#g# "e ma"e staff mem'e(s) t*us *a2#ng to (ead t*ousands of !ages) and (an@ t*em #n o(de(aga#nst ea\$* ot*e(o2e(t*e \$ou(se of on" a fe 6 da sI

d. T*e D+, =As de\$#s#on to d#2#de \$and#dates ' gende(#n t*e &e\$ond , ound d#d not \$onfo(m 6#t* t*e P(omot#ons Po"# \$ and ma *a2e !(e2ented t*e A!!"#Sant f(om ad2an\$#ng to t*e T*#(d , oundI

e. T*e D+, =As de\$#s#on not to !(o2#de t*e !ane" mem'e(s) 6#t* t*e \$and#datesA eIPADs o(eIPADs (at#ngs !(e2ented t*em f(om ta@#ng #nto a\$ \$ount (e"e2ant #nfo(mat#on) and \$onst#tutes a !(o\$edu(a" e((o(#n t*e #m!"ementat#on of t*e P(omot#ons Po"# \$ I

f. B ad2#s#ng t*e !ane" mem'e(s) to \$ons#de(as a dete(m#nat#2e fa\$to(#n t*e#((an@#ng t*e \$and#datesA su#ta'#"#t fo(!"a\$ement to a !ost at a P15 "e2e" #n t*e#((es!e\$t#2e a(ea of (es!ons#'"#t) t*e D+, = #nt(odu\$ed an add#t#ona" \$(#te(#on not (ef"e\$ted #n t*e P(omot#ons Po"# \$ I

#. , es\$#ss#on of t*e \$ontested de\$#s#on and (et(oa\$t#2e g(ant of
!(omot#onI

##. 3n t*e a"te(nat#2e) \$om!ensat#on e5u#2a"ent to t*e d#ffe(en\$e #n
sa"a('et6een *#s \$u((ent sa"a(and *#s sa"a(on

g. In (es!eSt of t*e (emed#es soug*t) t*e , es!ondent su'm#ts t*at e2en #f t*e T(#'una" 6e(e to f#nd t*at t*e !(omot#ons !(o\$ess 6as ta#nted ' an s*o(t\$om#ngs) t*ese s*ou'd not "ead to t*e (es\$#ss#on of t*e \$ontested de\$#s#on as t*e A!!"#\$ant *ad no .s#gn#f#\$ant/ o(.fo(eseea''e/ \$*an\$e fo(!(omot#on) fo(t*e (easons set out a' o2eI

*. ;u(t*e(mo(e) t*e A!!"#\$antAs \$"a#m fo(\$om!ensat#on e5u#2a"ent to t*e d#ffe(en\$e #n sa"a('et6een *#s \$u((ent sa"a(and *#s sa"a(on !(omot#on fo(t6o ea(s #s 6#t*out me(#t as t*e #m!"ementat#on of an !(omot#on 6ou'd (e5u#(e t*e A!!"#\$ant to f#(st o'ta#n a !os#t#on at t*e P15 "e2e") 6*#\$* *ad not *a!!ened at t*e t#me of t*e (e!" . Add#t#ona") g#2en t*at t*e A!!"#\$ant #s e"#g#"e fo(!(omot#on du(#ng t*e 201% P(omot#ons &ess#on) 6*#\$* #s ongo#ng) *e \$annot 'e a6a(ded \$om!ensat#on fo(mo(e t*an one ea(I

#. T*e A!!"#\$antAs \$"a#m fo(mo(a" damages #s a"so 6#t*out me(#t g#2en t*at *e *as addu\$ed no e2#den\$e of *#s a""eged emot#ona" d#st(essI

7. ;#na") t*e A!!"#\$antAs \$"a#m fo(#nte(ests #s e<\$ess#2e and un7ust#f#edI

@. Conse5uent") t*e , es!ondent (e5uests t*e T(#'una" to (e7eSt t*e a!!"#\$at#on #n #ts ent#(et .

2B. Befo(e e<am#n#ng t*e a""eged e((o(s #n t*e \$ontested de\$#s#on) t*e T(#'una" \$ons#de(s #t a!!(o!(#ate to g#2e a '(#ef o2e(2#e6 of t*e P(omot#ons Po"# \$) 6*#\$* #s un#5ue to t*e UN+C , and stems f(om #ts .(an@ #n !e(son/ s stem. T*#s Po"# \$ *as 'een a!!"#ed fo(t*e f#(st t#me #n t*e 2013 P(omot#ons &ess#on and fundamenta" de!a(ts f(om t*e !(e2#ous !o"# \$ as staff mem'e(s a(e no "onge(g#2en a !o#ntl'ased s\$o(#ng 'ut (at*e(su'7e\$ted to a \$om!a(at#2e assessment among ea\$* ote(' a !ane" \$om!osed of sen#o(staff mem'e(s of t*e UN+C , . J *#st some of t*#s T(#'una"As !(e2#ous *o"d#ngs #n (es!eSt of t*e UN+C ,

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, ound/) fo""o6#ng 6*#\$* .t*e Pane" &e\$(eta(#at 6#""

Promotions Posts are a benefit from the fact that there is no question

;a#u(e to !(o2#de t*e &PP mem 'e(s 6#t* t*e \$and#datesA eIPADs

60. T*e A!!"#\$ant a"so \$*a""enges t*e fa\$t t*at t*e &PP mem 'e(s 6e(e !(o2#ded on" 6#t* t*e \$and#datesA fa\$t s*eeet) to t*e e<\$"us#on of t*e#(eIPADs. T*e , es!ondent (e\$ogn#ses t*s 'ut a(gues #t 6as #n "#ne 6#t* t*e P(omot#ons Po"# \$ as t*e staff mem 'e(sA fa\$t s*eeet (ef"e\$ted t*e#(eIPADs.

61. T*e e2#den\$e 'efo(e t*e T(#'una" 6as t*at t*e fa\$t s*eeet d#s!"a s t*e staff mem 'e(sA 6o(@#ng *#sto(and !a(t of t*e#(!e(fo(man\$e a!!(a#sa") name" t*e na((at#2e se\$#on of t*e#(eIPADs. It does not #n\$"ude) *o6e2e() t*e nume(#\$a" (at#ngs fo(t*e a!!(a#sa" of ea\$* o'7e\$#2e and \$om!eten\$ \$onta#ned #n t*e eIPADs) and t*e o2e(a"" (at#ngs fo(su\$*.

62. In t*s \$onne\$t#on) #t #s (e\$a""ed t*at t*e Po"# \$ fo(t*e UN+C , Pe(fo(man\$e =anagement L A!!(a#sa" & stem -39 = 0B>/200B K ; 9 = 0B8/200B0 -.PA = &/0) #nt(odused #n 200B) go2e(ned t*e a!!(a#sa" s stem #n use du(#ng t*e !e(fo(man\$e assessment !e(#od (e"e2ant fo(t*e 2013 P(omot#ons &ess#on) name" 1 Janua(2008 to 31 De\$em 'e(2013.

63. In '(#ef) t*e PA = & !(o2#ded fo(an assessment of 6*et*e(staff mem 'e(s

- #. Not (of the) 1) 2
- ##. Part of the 3) 5
- ###. Part of the 6) >) B
- #2. : < the Part of the 8) 10

65. The (at the) 6 (e to 'e a \$ \$om! an#ed ' \$omments f(om t*ee staff mem'e (As su!e(2#so(and) 6 *e(e a !!"#\$a ' "e) f(om mu"t#l(ate(s -see se\$. 25) %0) 50- '0 of t*ee PA = &0.

66. At t*ee *ea(#ng) t*ee +ead of t*ee +uman , esou(\$es Po"# \$ and P"ann#ng &e(2#\$e) UN+C ,) test#f#ed t*at t*ee e<!e(#en\$e *ad s*o6n t*at some su!e(2#so(s 6e(e mo(e ! (one to g#2e *#g* (an@#ngs t*an ot*ee(s) \$aus#ng 6 *at *e (efe((ed to as a .(at#ng #nf"at#on/. +e e<!(essed t*ee 2#e6 t*at t*ee (at#ngs 6e(e .un(e"#a ' "e/ and mean#ng"ess #f not su!!o(ted ' \$omments. T*ee Adm#n#st(at#on t*ee(fo(e \$ons#de(ed t*at on" t*ee na((at#2e !a(t of t*ee eIPADs s*ou'd 'e d#s\$"osed to t*ee &PP mem'e(s fo(t*ee#(assessment of \$and#dates du(#ng t*ee &e\$ond and T*#(d , ounds) as t*ee 6ou'd g#2e a 'ette(!#Stu(e of t*ee !e(fo(man\$e and a '#"#thes of an staff mem'e(unde(\$ons#de(at#on.

6>. T*ee +ead of t*ee +uman , esou(\$es Po"# \$ and P"ann#ng &e(2#\$e fu(t*ee e<! "a#ned t*at t*ee UN+C , 6as not sat#sf#ed 6#t* t*ee a !!(a#sa" s stem esta' "#s*ed ' t*ee PA = & and (e2#e6ed #t #n 201%) nota' " to mod#f t*ee (at#ng s\$a'e) and to (e5u#(e t*at e<\$e!t#ona" (at#ngs 'e t*ee su'7e\$t of (e2#e6) #n o(de(to (emo2e t*ee a(' #t(a#ness \$onta#ned #n t*ee !(e2#ous a !!(a#sa" s stem. +e a"so stated t*at t*ee P(omot#ons Po"# \$ 6as d(afte(d #n t*ee "#g*t of t*ee fo(t*\$om#ng ne6 !e(fo(man\$e a !!(a#sa" !o"# \$) and #ntended) f(om #ts #n\$e!t#on) to e<\$"ude t*ee eIPADs f(om t*ee &PP mem'e(sA (e2#e6. T*ee C*#ef of t*ee Ass#gnments and P(omot#ons &e\$#on) D+ , =) UN+C ,) fu(t*ee(test#f#ed t*at t*ee &PP mem'e(s 6e(e s!e\$#f#\$a" ad2#sed #n a '(#ef#ng sess#on t*at .eIPADs (at#ngs D6e(eE not to 'e d#s\$"osed/ to t*em.

6B. T*ee ,es!ondent a"so su'm#tted do\$umenta(e2#den\$e s*o6ng t*at f(om 2008) fo"o6ng t*ee f#(st a !!(a#sa" e<e(\$#se !u(suant to t*ee PA = &) d#s!a(#tes #n (at#ngs among 2a(#ous manage(s and off#ses 6e(e noted 6#t* \$on\$e(n. 3n a

'(oad\$ast ema#" message of % June 2010) t*e t*en D#(e\$to(of D+ , =) UN+C ,)
 #nfo(med a"" staff mem'e(s t*at .a\$(oss off#\$es a(ound t*e 6o("d and #n
 *ead5ua(te(s) t*e(e #s a "ot of 2a(#at#on #n t*e (at#ngsI and at t*e #nd#2#dua" "e2e")
 (at#ngs and na((at#2es somet#mes do no \$o((es!ond/. +e #m!(essed u!on t*e fa\$t
 t*at measu(es 6ou"d 'e ta@en to (emed t*e !(o'"em #n t*e ne<t a!!(a#sa" \$ \$"e
 and t*at D+ , = 6ou"d u!on #ts (e2#e6 of t*e #nd#2#dua" eIPADs) .(e2e(t to staff
 mem'e(s and manage(s 6#t* \$omments) and a"so d(a6 "essons "ea(ned to #m!(o2e
 !(a\$t#se #n gene(a"/. T*e D+ , = a"so unde(too@ to .a0 u!date t*e gu#dan\$e on t*e
 (at#ng s\$a"eI '0 #nt(odu\$e standa(ds fo(t*e 5ua"#t assu(an\$e of eIPADsI and \$0
 !(o2#de gu#de"#nes to manage(s and ,e2#e6#ng 9ff#\$e(s on *o6 to \$a"#'(ate
 (at#ngs/. 3n t*e meant#me) *e announ\$ed t*at .a"" \$om!"eted eIPADs 6#" "e
 a\$\$e!ted #n t*e s stem 'ut fo(!u(!oses of (e!o(t#ng) t*e fa\$t s*eets of a"" staff
 mem'e(s 6#" #n\$"ude on" t*e na((at#2es fo(2008/. +o6e2e) *e s!e\$#f#ed t*at
 t*e eIPADs) #n\$"ud#ng t*e (at#ngs) \$ou"d 'e .(efe((ed to ' D+ , = as needed) fo(

manage(s to ensu(e \$ons#sten\$. = anage(s \$ont#nued to 'e as@ed and e<!e\$ted to e2a"uate t*e#(su!e(2#sees ' ! (o2#d#ng t*em a (at#ng) toget*e(6#t* \$omments. 3((es!e\$t#2e of t*e D+ , =As assessment of t*e (at#ngsA 2a"ue) t*e 6e(e an #nteg(a" !a(t of t*e staff mem'e(sA eIPADs f(om 2008 to 2013 and fo(ma"" !a(t of t*e UN+C , As "ega" f(ame6o(@. An (efe(en\$e to an eIPAD du(#ng t*at !e(#od #n\$"uded 'ot* t*e na((at#2e and t*e (at#ngs \$onta#ned #n t*e !e(fo(man\$e a!!(a#sa" do\$ument) #((es!e\$t#2e of t*e fa\$t t*at on" t*e \$omments 6e(e (e!(odu\$ed #n t*e staff mem'e(sA fa\$t s*eet. ;o(t*e \$u((ent P(omot#ons &ess#on) t*e P(omot#ons Po"#\$ must 'e (ead #n t*e "#g*t of t*e PA=&) 6*#\$* 6as t*e a!!"#\$a'"e adm#n#st(at#2e #ssuan\$e (ega(d#ng !e(fo(man\$e a!!(a#sa" at t*e (e"e2ant !e(#od.

>1. T*e P(omot#ons Po"#\$) at se\$. 5.8.1-#0 and -##0) e<!"#\$#t" (efe(s to 'ot* t*e \$and#datesA fa\$t s*eet and eIPADs fo(\$ons#de(at#on ' t*e &PP #n t*e &e\$ond , ound. T*e (efe(en\$e to t6o se!a(ate do\$uments \$"ea(" #nd#\$ates t*at 'ot* 6e(e to 'e !(o2#ded) ot*e(6#se t*e ment#on of PA , /eIPAD 6ou"d 'e mean#ng"ess.

>2. 3n !a(t#\$u"a() se\$. 5.8.1-#0 !(o2#des t*at t*e &PP s*a"" assess a staff mem'e(As .a'##"t and (ead#ness to !e(fo(m at a *#g*e("e2e" as (ef"e\$ted #n t*e

t* e eIPAD) 6 *#e t* e 6o(d .na((at#2e/ atta\$*es to t* e fa\$t s* eet. C"ea(") #n "#g*t of t* e unam'#guous 6o(d#ng of t*#s !(o2#s#on) #t #s f(om 'ot* t* e eIPAD !e(fo(man\$e e2a"uat#ons and t* e fa\$t s* eet na((at#2e t*at t* e assessment *ad to 'e made #n (es!e\$t of t* e .manage(#a" a\$*#e2ements/.

>%. T* e , es!ondentAs a(gument t*at se\$. 5.8.1 s*ou"d 'e #nte(!eted #n su\$* a 6a t*at t* e eIPAD and t* e fa\$t s* eet (efe(to t* e same do\$ument) name" t* e fa\$t s* eet a"one) must 'e (e7e\$ted as #t *as 'een \$"ea(" esta'"#s*ed t*at fa\$t s* eet does not ent#(e" (ef"e\$t t* e eIPADs 'e\$ause #t does not (e!(odu\$e t* e (at#ngs \$onta#ned #n t* e "atte(. 3f #t *ad 'een #ntended to (efe(on" to t* e na((at#2e) t*en t* e P(omot#ons Po"#\$ *ad to 'e d(afted to so s!e\$#f t*#s. 3t #s a"so \$"ea(f(om t* e P(omot#ons Po"#\$ t*at t* e #nfo(mat#on \$onta#ned #n t* e eIPADs) #n\$ud#ng t* e (at#ngs) 6as d#(e\$t" (e"e2ant to t* e &PP mem'e(As assessment du(#ng t* e &e\$ond , ound.

>5. ;#(st") se\$. 5.8.1-#0 (e5u#(ed t* e &PP mem'e(s to assess 6*et*e(t* e staff mem'e(As !e(fo(man\$e met t* e m#n#mum t*(es*o"d of .A\$*#e2ed/ o(#ts e5u#2a"ent fo(o2e(a"" 6o(@ o'7e\$t#2es) and .P(of#\$ent/ o(#ts e5u#2a"ent fo(

. (e\$e#2ed at "east one MNot/Pa(t#a"" A\$*#e2edA and/o(MNot/Pa(t#a"" P(of#\$#entA (at#ng on t*e#(elPADs \$o2e(#ng t*e !e(#od f(om 1 Janua(2008 to 31 De\$em'e(2013/) and to #nd#\$ate ' an aste(#s@ #f t*ose (at#ngs *ad 'een !(o2#ded mo(e t*an on\$e. A Pe(fo(man\$e =anagement Asso\$#ate #n t*e Pe(fo(man\$e =anagement Un#t t*en gene(ated a (e!o(t f(om t*e UN+C, As :nte(!(#se , esou(\$e P"ann#ng & stem) and #dent#f#ed .t*ose elPADs #n 6*#\$* t*e (at#ng fo(o2e(a"" o'7e\$#2es and/o(t*e (at#ng fo(o2e(a"" \$om!eten\$#es fo(at "east one elPAD du(#ng t*e !e(#od 2008|2013 6as 'e"o6 5.1) 6*#\$* 6as t*e "o6est !oss# 'e MA\$*#e2edA/MP(of#\$#entA (at#ng unde(Dt*e PA = &E/. +e #dent#f#ed fou(\$and#dates fo(!(omot#on to t*e P15 "e2e" 6*o (e\$e#2ed a (at#ng of "ess t*an .A\$*#e2ed/ o(.P(of#\$#ent/) and \$on2e ed t*#s #nfo(mat#on to t*e &PP &e\$(eta(' ema#. T*e T(#'una" #s not ent#(e" su(e *o6 t*#s #nfo(mat#on 6as u"t#mate" \$on2e ed to t*e &PP) 'ut #t seems to *a2e 'een done o(a"" .

>B. T*e T(#'una" \$ons#de(s t*at t*ese e<!"anat#ons as to t*e met*odo"og adol#ted ' t*e D+, = to #m!"ement t*e P(omot#ons Po"# \$ a(e 6o((#some #n se2e(a" as!e\$ts. ;#(st) #t a!!ea(s t*at #t 6as not ant#\$#!ated) !(#o(to t*e &PP sess#on) t*at a (e2#e6 of t*e \$and#datesA elPADs 6as ne\$essa(to) 2e(#f #f t*e !e(fo(man\$e standa(d 6as met. T*#s) #n tu(n) (a#ses dou' ts a'out *o6 t*e D+, = en2#saged unde(ta@#ng t*e assessment of t* T*e \$ s Mes

\$annot (e\$on\$#e t*ese t6o a! !a(ent" \$ont(ad#\$to(!(o2s#ons of t*e PA = & and g#2en t*at #t #s not dete(m#nat#2e of t*e !(esent a!!"#\$at#on) 6#" "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 6e" !oss#"e t*at staff mem'e(s 6*o d#d not e2en meet t*e m#n#mum !e(fo(man\$e t*(es*o"d ad2an\$ed to t*e T*#(d , ound.

B0. ;#na") and most #m!o(tant") #t tu(ned out t*at #t 6as t*e D+ , = t*at assessed !a(t of t*e !e(fo(man\$e \$(#te(#on unde(se\$. 5.8.1-#0) #instead of t*e &PP) #n \$ont(a2ent#on 6#t* t*e e<!"#\$#t te(ms of t*e P(omot#ons Po"# \$) unde(6*#\$* t*e aut*o(#t to ma@e t*at assessment \$"ea(" fa""s on t*e &PP. 3n t*#s (es!e\$t) t*e #nfo(mat#on !(o2#ded ' t*e D+ , = to t*e &PP 6as not suff#s#ent to \$on\$ude t*at t*e &PP mem'e(s u"t#mate" made t*e#(#nd#2dua" assessment of t*e e2a"uat#on \$(#te(#on as !e(t*e te(ms of se\$. 5.8.1-#0. T*e a! !a(ent de\$#s#on of t*e D+ , = to @ee! t*e (at#ngs f(om t*e &PP meant t*at t*e &PP mem'e(s 6e(e) t*us) not !e(sona"" a"e to as\$e(ta#n t*e \$o((e\$tness o(ot*e(6#se of t*e #nfo(mat#on #n t*e \$ons#de(at#ons unde(se\$. 5.8.1-#0 of t*e Po"# \$ e2en t*oug* t*e Po"# \$ (e5u#(ed t*at t*e *ad to 'e !e(sona"" sat#sf#ed t*at t*e \$(#te(#on *ad 'een met.

B1. Add#t#ona") t*e (at#ngs g#2en to t*e \$and#dates ' t*e#(su!e(2#so(s #n (es!e\$t of t*e a\$*#e2ement of t*e#(6o(@ o'7e\$t#2es and t*e#("e2e" of \$om!eten\$#es 6as \$e(ta#n" a usefu") #f not ne\$essa() #nd#\$ato(to \$om!a(e t*e 2a(#ous \$and#datesA !e(fo(man\$e) manage(#a" a\$*#e2ements and "eade(s*#! 5ua"#t#es. 3t !(o2#ded a 5uant#tat#2e measu(e t*at 6ou"d !oss#" a""o6 t*e &PP mem'e(s to #dent#f st(engt*s and 6ea@nesses #n t*e 2a(#ous staff mem'e(sA \$and#da\$) and \$om!a(e t*em aga#nst one anot*e(. ;o(#nstan\$e) (at#ngs of . :<\$e!t#ona" A\$*#e2ed/ o(. :<\$e!t#ona" P(of#\$ent/ 6e(e most \$e(ta#n" (e"e2ant to t*e &PPAs \$ons#de(at#on of)) 6*et*e(\$and#dates *ad . \$ons#stent" demonst(ated e<\$e!t#ona" !e(fo(man\$e and do\$umented e<em!"a(

83. &e\$. 5.12.2 to 5.12.6 t*en go on to set t*e effe\$t#2e date of !(omot#on) de!end#ng on 6*et*e(t*e staff mem'e(6as a"(ead se(2#ng at t*e *#g*("e2e" o(not) se(2#ng on an e<!e(t !ost o(6as 6#t*#n t6o ea(s f(om (et#(ement.

8%. T*e T(#'una" f#nds t*at su#ta'#"#t fo(!"a\$ement #

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documents (including to the "one" line. Hence the P(omotions Po"# does not
envisage an (one for the D+, = to (including additional" information to &PP
members' (but so" to (including the "ad" and guidance on the a!"#s" (e
(unless -see see. %.2.5).

102. The T("#una" finds that the (is no (om #n the P(omotions Po"# for the
&PP members (to information (including additional" information the ma @no6
a' out ' but that is not (estimated #n the documents submitted to the (e2#e6. 9t#e(6#se
sand#dates ma 'e advantaged o(disadvantage' based on the fact that the a(e
@no6n to some of the &PP members' (including the do(to ne!otism and 'has. The
T("#una" a\$@no6"edges that &PP members' ma *a2e @no6n some of the
sand#dates) for *a2#ng !(e2#ous" 6o(ed 6#t* t*em o(sue(2#sed t*em and) to
some extent) ma 'e nf"uenced ' t#e(!e(sona" @no6"edge of the sand#datesA
!(for man\$. T*s #s una2o#da' (e and) #ndeed) #m!"#\$t' a"o6ed ' t#e
P(omotions Po"# 6*#\$* d#d not !(e\$ude &PP members' to assess sand#dates t#e
ma @no6) unless #f t#e 6e(e t#e(\$u((ent sue(2#so(. That said) t#e(e #s a
d#ffe(en\$e 'et6een 'e#ng nf"uenced ' some

&PP mem'e(s and t*e#(t(eatment ' t*e D+ , = 6*en #t .\$(un\$*ed t*e data/) as one 6#tness stated. T*e , es!ondent a(gues t*at t*e met*odo"og used 6as !(o!e('ut a\$@no6"edges t*at t*e(e *a2e 'een some m#sta@es \$omm#tted ' t*e &PP mem'e(s #n a!!" #ng t*e suggested met*odo"og . +e a(gues) *o6e2e() t*at t*ese *ad no #m!a\$t on t*e A!!"#SantAs \$and#da\$ as a \$o((e\$ted g(#d s*o6s t*at *e 6ou"d not *a2e ad2an\$ed to t*e T*#(d , ound #n an e2ent.

105. 3t *as 'een esta'"s*ed t*at t*e D+ , = ad2#sed t*e !ane" mem'e(s t*at .DaEt t#mes) t6o o(mo(e fa\$t s*eets ma 'e #nd#st#ngu#s*a'"e/) #n 6*#\$* \$ase t*e \$ou"d .(an@ t*em t*e same/. T*e D+ , = e<!"a#ned t*e met*odo"og fo((an@ng #n t*#s s\$ena(#o ' 6a of e<am!"es. ;o(#nstan\$e) #f t*e f#(st t*(ee \$and#dates of a "#st *ad #nd#st#ngu#s*a'"e fa\$t s*eets) t*e 6e(e a"" t*(ee to 'e (an@ed num'e(one) and t*e \$and#date afte(t*em 6as to 'e (an@ed num'e(fou(.

106. T*e \$onso"#dated ta'"e of (an@ngs fo(ma'e \$and#dates fo(!(omot#on to t*e P15 "e2e" s*o6s t*at a"" s#< &PP mem'e(s ga2e t*e same (an@ng to one o(mo(e \$and#dates at some !o#nt. 3ndeed) 6*(eas t*(ee !ane" mem'e(s ga2e t*e same (an@ng to mo(e t*an one \$and#date on" #n a fe6 o\$\$as#ons) t*(ee ot*(e(s d#d #t s stemat#\$a"") engag#ng #n a g(ou!#ng e<e(\$se. :((o(s #n fo""o6#ng t*e suggested met*odo"og 6e(e #dent#f#ed #n t*e \$ou(se of t*e !(esent !(o\$eed#ngs ' t*e D+ , =) t*e A!!"#Sant and t*e T(#'una" #n t*e (an@ngs !(o2#ded ' ea\$* of t*e s#< &PP mem'e(s) some 'e#ng of 2e(se(#ous \$on\$e(n.

10>. ;o(e<am!"e) one &PP mem'e(ga2e #dent#\$a" (an@ngs to a num'e(of \$and#dates on se2e(a" o\$\$as#ons) 'ut 6#t*out ta@ng #t #nto a\$ount 6*en g#2#ng t*e ne<t (an@. +e (an@ed t6o \$and#dates num'e(> and t*e ne<t one num'e(B) 6*#"st t*e (an@ng fo(t*e "atte(s*ou"d *a2e 'een num'e(8 a\$\$o(d#ng to t*e D+ , =As suggested met*odo"og . T*e &PP mem'e(#n 5uest#on s stemat#\$a"" (e!eated t*#s !(o\$edu(e) 6*#\$* (esu"ted #n t*e (an@ng of 1%6 \$and#dates 'et6een num'e(1 and 12>. T*en) t*#s &PP mem'e(sta(ted to (an@ a g(ou! of \$and#dates at t*e 'ottom end) (an@ng 21 of t*em num'e(1>0. T*#s "eft t*(ee \$and#dates to 'e (an@ed 'et6een num'e(12> and 1>0I t*ese t*(ee \$and

not som!" 6#t* t*e D+ , =As suggested met*odo"og 6*(e') fo(e<am!"e) t*e
21 "ast \$and#dates s*ou"d *a2e (e\$e#2ed a (an@#ng of 1%8) not 1>0. T*s ma *a2e
a s#gn#f#\$ant #m!a\$ on t*e#(a2e(age.

10B. A se\$ond &PP mem'e(a! !ea(s to *a2e engaged #n a !u(e g(ou!#ng e<e(\$#se
' (an@#ng) fo(e<am!"e) 1%> \$and#dates among a g(ou! of 3 \$and#dates o(mo(e(B
\$and#dates num'e(1) 3 \$and#dates num'e(6) 5 \$and#dates num'e(12) >
\$and#dates num'e(1>) 6 \$and#dates num'e(2%) 20 \$and#dates num'e(3%) 16
\$and#dates num'e(58) > \$and#dates num'e(>6) > \$and#dates num'e(B3) 11
\$and#dates num'e(80) 1> \$and#dates num'e(106) > \$and#dates num'e(12%) 11
\$and#dates num'e(13>) % \$and#dates num'e(1%5) 10 \$and#dates num'e(15%) and
B \$and#dates num'e(163. 3n t*s !(o\$ess) *e \$omm#tted se2e(a" e((o(s #n t*e
a!!"#Sat#on of t*e suggested met*odo"og) ' not ass#gn#ng \$o((e\$t" t*e ne<t
(an@#ng. +e (an@ed a"most a"" \$and#dates 6#t*#n a g(ou!) 6*#\$* \$auses t*e
T(#'una" to 6onde(6*at e<a\$t \$(#te(#a t*s !ane" mem'e(6as a!!" #ng.

108. A t*#(d &PP mem'e(a"so engaged #n a s#m#a(g(ou!#

111. None of these elements detected in the present proceedings. The evidence shows that the D+, = "elected the individual" (amongst former &PP members) an Administrative Assistant (employed these in a "sonso" dated "st) and "a"uated the age (among of ea\$ \$and#dateI t*en) the &PP member(s) (e as@ed to sign the "sonso" dated (among ta"e) 6**\$* t* a!!a(ent" d#d 6#t*out an fu(t*e(5uest#on#ng.

112. The T("una" (e\$a"'s t*at t* P(omotions Po"\$ (o2#des fo(a .Som!a(at#2e assessment and (among/ of the \$and#dates. The "an meaning of su\$* e!(ess#on s t*at \$and#dates must 'e Som!a(ed to one anot*(and g#2en a \$onse\$ut#2e (among) f(om t* f(st to t*ast. T*(e#s no (o2#s#on fo(t* g#2#ng of t* same (among to mo(e t*an one \$and#date) "et a"one to engage #n a g(ou!#ng e<e(\$se. T*(e T("una" notes t*at t* #m!a\$ on t* "sonso" dated (among of an &PP member(att(#'ut#ng t* same (among to mo(e t*an one \$and#date) fo(#nstan\$e ' g#2#ng t* !(#2#"ege of t* 'est (among to e#g*t \$and#dates) s d#ffe(ent f(om t*at of an &PP member((among \$and#dates #nd#2#dua" and \$onse\$ut#2e" . &#m#"a(") #t #s o'2#ous t*at #f 21 !e!"e a(e g#2en t* 'ottom (among ' one &PP member(t*#s &PP member(6#" \$ause an anoma" #n t*(e (among \$om!a(ed to ot*(e(f"o 6 &PP member(s. &u!(#s#ng") #t a!!ea(s t*at t* D+, = d#d not \$ons#de(*o6 #ts suggested met*odolog \$ou'd d#sto(t t* \$and#datesA \$onso" dated (among) ne#t*(at t* t#me of !(o!os#ng t*e#(met*odolog no(6*en #t .\$(un\$*ed t* data/. No stat#t#\$#an 6as \$onsu"ted) a"t*oug* #t a!!ea(s ne\$essa(to get a !(ofess#ona" ad2#e g#2en t* !otent#a" #m!a\$ of t* !(o!osed met*odolog on t* \$and#datesA o2e(a" (among).

113. :2en mo(e 6o((#some #s t* fa\$ t*at t* D+, = de2e"o!ed t* "sonso" dated "st of \$and#dates 6*o ad2an\$ed to t* T*(d ,ound 'ased on t* num'e(s !(o2#ded ' t* &PP member(s 6**\$* d#s!"a ed) on t*(e(fa\$e) "atant e((o(s. Amongst ot*(e(s) t* g(ou!#ng of \$and#dates ' t*(ee &PP member(s s*ou'd *a2e (easona'" \$aused \$on\$e(n as to t* !(o\$edu(es ado!ted) as s*ou'd *a2e t* #m!oss#"e (an@ of 1>1 g#2en ' one !ane" member(. J*(e(eas #t ma 6e" 'e t*at !ane" member(s ma) at t#mes) *a2e d#ff#\$u"t#es to d#ffe(ent#ate some \$and#dates) t* s stemat#\$ g(ou!#ng unde(ta@en ' t*(ee !ane" member(s) of u! to 21

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#nst(u\$t#ons on (an@#ng #n \$ases #n 6*#\$* an &PP me

s#gn#f#\$ant e((o(s #n t*e (an@#ngs !(o2#ded ' &PP mem'e(s (a#ses se(#ous
\$on\$(ns as to t*e#((e"#a'##"t and 5uest#ons as to t*e met*odo"og t*at some &PP
mem'e(s ado!ted) 6*#\$* (ema#ned un5uest#oned and une<!"a#ned ' t*e D+ , = .

*

A('t(a(!o\$ess

118.

some \$and#dates amongst t*e s#< &PP mem'e(s. ;o(#nstan\$e) one \$and#date 6as (an@ed num'e(s 3) 6) 11) 33) >3 and 101. Anot*e(one 6as (an@ed 1) 1>) 22) %2) B6 and 10>. A fou(t* one 6as (an@ed 6) 21) 5%) 5B) BB and 16B. T*e A!!"#sant 6as (an@ed num'e(s 53) 55) 11>) 11>) 118 and 156) 6#t* a s!(ead of 103 'et6een *#s "o6e(and *#g*e(#nd#2#dua" (an@#ngs.

121. At ot*(e (t#mes) t*e ta'"e !o#nts to 6a(ds some \$onsensus 'ut 6#t* s#gnf#\$ant out"#e(s. ;o(#nstan\$e) one \$and#date 6as (an@ed num'e(s 12) 1%) 1B) 1B) 25 and 101. Anot*e(one 6as (an@ed num'e(s 21) 106) 10B) 112) 1%8 and 1>0. U"t#mate") t*e &PP mem'e(s 6e(e on" unan#mous #n (an@#ng 13 \$and#dates among t*e to! 56 6*o 6ou'd ad2an\$e to t*e T*#(d , ound.

122. T*e T(#'una" \$ons#de(s t*at t*e d#s\$(e!an\$es #n t*e (an@#ng ta'"e dese(2ed some e<!"anat#ons. 3t #s 'e ond unde(stand#ng t*at a!!" #ng t*e same \$(#te(#a 6*#\$* a"" (efe(to t*e \$and#datesA o6n !e(sonne" (e\$(o(d and su!!osed" (e2#e6#ng t*e same #nfo(mat#on) t6o &PP mem'e(s 6ou'd d#sag(ee to su\$* an e<tent as to (an@ one \$and#date at t*e t6o e<t(em#thes of t*e s!e\$(um among a 6#de !oo" of 1>0 \$and#dates. J *#e t*(e #s no dou't t*at t*e e<e(\$#se #n2o"2es an e'ement of su'7e\$t#2#t) #t #s (easona'"e to assume t*at t*(e 6ou'd 'e at "east some \$onsensus 6#t*#n t*e g(ou! as to 6*et*(e(a \$and#date #s outstand#ng o(6*et*(e(*e o(s*e 6ou'd (an@ among t*e "ess me(#to(#ous. T*e T(#'una" f#nds t*at t*e 2a(#at#ons a(e su\$* as to (a#se se(#ous \$on\$(e(ns as to t*e 6*o"e !(o\$ess. =ost su(!(#s#ng") no 5ue(6as made ' t*ose adm#n#ste(#ng t*e !(o\$ess. 3t seems !a(t#\$u"a(" #n\$ong(uous t*at t*e D+ , =) 6*#\$* 6as so \$on\$(ened a'out an une2enness #n (es!e\$t of a!!(a#sa" s\$o(#ng #n t*e elPADs) found t*at su\$* 2a(#at#ons of assessment #n t*e (an@#ngs ' t*e &PP mem'e(s 6as ent#(e" a\$e!ta'"e and \$ou'd !(o\$eed 6#t*out \$omment.

123. 3nstead of 5uest#on#ng t*e met*odo"og and 'e#ng \$on\$(ened 6#t* t*e a\$ua" 2a"#d#t of t*e \$om!a(at#2e assessment made ' t*e &PP) t*e ,es!ondent soug*t to a(gue 'efo(e t*e T(#'una" t*at t*e d#2e(gen\$e of (an@#ngs) e2en #f e<t(eme) 6as e<!e\$ted and) #ndeed) !a(t of t*e (e2#e6 e<e(\$#se. 3n t*#s (es!e\$t) t*e +ead of +uman ,esou\$(es Po"#s and P"ann#ng &e(2#se) UN+C ,) stated #n *#s 6#tness statement

11. In order to fulfil the mandate of the staff members of the Office of Internal Oversight Services (OIOS) of the United Nations, at the request of the Secretary-General, the Board of Auditors conducted an assessment of the work of the staff members of the OIOS in the course of the past few years. The Board of Auditors should also in the future be made the beneficiary of

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\$annot 'e s#m!" e<!"a#ned ' (efe(en\$e to t*e fa\$t t*at t*#s (e2#e6 e<e(\$#se
enta#"ed an e"ement of su'7e\$t#2#t . Not on" d#d t*e , es!ondent fa#" to !(o2#de
an sat#sfa\$tto(e<!"anat#on fo(t*ese d#2e(gen\$es) 'ut *e a"so fa#"ed to
demonst(ate t*at t*e A!!"#\$antAs \$and#da\$ fo(!(omot#on 6as) #indeed) !(o!e("'
\$om!a(ed 6#t* t*at of t*e 168 ot*e(\$and#dates ' t*e s#< &PP mem'e(s 'ased on
t*e esta'"#s*ed e2a"uat#on \$(#te(#a.

1%0. G#2en t*e fa#"u(e to !(o2#de t*e !ane" mem'e(s t*e elPADsA (at#ngs) 6*#\$*
6e(e ne\$essa(to \$om!a(e t*e \$and#dates #n "#g*t of t*e e2a"uat#on \$(#te(#a) t*e
#n2#tat#on to ta@e #nto a\$\$ount o!e(at#ona" (e5u#(ements as 6e"" as !e(sona"
@no6"edge of \$and#dates) and t*e 6a t*e (e2#e6 6as \$ondu\$ted) t*e T(#'una"
f#nds t*at t*e !(esum!t#on of (egu"a(#t *as 'een (e'uttet) and t*at t*e(e a(e
st(ong #nd#\$ato(s t*at t*e &\$ond , ound (e2#e6 6as

du(#ng t*e &e\$ond , ound e2a'uat#on \$annot 'e \$u(ed du(#ng t*e T*#(d , ound #n (es!e\$t of t*ose staff mem'e(s) su\$* as t*e A!!"#\$ant) 6*o d#d not ad2an\$e to t*at stage. T*e \$onst#tut#on) #n t*e &e\$ond , ound) of a "a(ge(!oo" of \$and#dates t*an t*e a\$tua" a2a#a"e !(omot#on s'ots #s meant to a""o6 t*e !ane" to \$o""e\$t#2e" se"e\$t t*e to! 56 among t*e .su'stant#a"" e5ua"" me(#to(#ous \$and#dates/) not to \$u(e !(o\$edu(a" defe\$ts \$omm#tted ea("#e(. 3f some \$and#dates 6e(e #n\$"uded #n t*e !oo" ' m#sta@e and ot*e(s e<\$"uded) t*e &PP mem'e(s 6e(e no "onge(\$om!a(#ng .su'stant#a"" e5ua"" me(#to(#ous \$and#dates/.

1%3. &e\$ond") t*e T(#'una" notes t*at t*e(e #s no !(o2#s#on #n t*e P(omot#ons Po"#\$ #n (es!e\$t of t*e met*odo"og fo(\$onso"#dat#ng t*e #nd#2#dua" (an@#ngs !(o2#ded ' ea\$* of t*e s#< &PP mem'e(s. T*e e2#den\$e s*o6s t*at t*e D+ , = e"e\$ted to ta@e an a(#t*met#\$ mean of t*e #nd#2#dua" (an@#ngs !(o2#ded ' ea\$* &PP mem'e(. B ta@#ng an a(#t*met#\$ mean) t*e \$and#datesA (an@#ngs 6e(e

\$on2e(ted #nto nume(#\$a" 2a"ues) 6*#\$* 6e(e t*en (an@ed f(om t*e "o6est to t*e *#g*est. None of t*e 6#tnesses !(esented ' t*e , es!ondent \$ou'd !(o2#de an \$ogent e<! "anat#on as to 6* t*#s met*odo"og 6as \$*osen. T*e e2#den\$e d#s\$"osed t*at no stat#st#\$a" ad2#\$e 6as soug*t o(o'ta#ned #n (es!e\$t of t*e a!!(o!(#ate met*odo"og to 'e used.

1%%. T*e T(#'una" (e\$a""s t*at t*e ne6 2e(s#on of t*e P(omot#ons Po"#\$) a!!"#ed fo(t*e 2013 P(omot#ons &ess#on) #s su'stant#a"" d#ffe(ent f(om t*e !(e2#ous !o"#\$ as #t enta#"s a (an@#ng !(o\$ess (at*e(t*an a s\$o(#ng one. T*e \$onso"#dat#on !(o\$ess 'e\$ame e2en mo(e \$om!"e< 6#t* t*e a""o\$at#on of t*e same (an@#ng to 2a(#ous \$and#dates) as e<! "a#ned a'o2e) and #n t*e !(esen\$e of e<t(eme (an@#ngs. J *#"st t*e met*odo"og ado!ted ma u"t#mate" 'e an a\$e!ta"e 6a to !(o\$eed) t*e T(#'una" #s \$on\$e(ned t*at no \$ons#de(at#on a!!ea(s to *a2e 'een g#2en to t*e #m!a\$t of ta@#ng an a(#t*met#\$ mean (at*e(t*an) o(#n \$on7un\$#on 6#t*) a med#an o(a mode fo(#nstan\$. T*e !oss#'#"#t of e<\$"ud#ng e<t(eme (an@#ngs f(om t*e a2e(age a"so a!!ea(s not to *a2e 'een \$ons#de(ed. G#2en t*e sma"" num'e(of &PP mem'e(s) t*e #m!a\$t of an out"#e(6as !otent#a"" dete(m#nat#2e of t*e f#na" (an@ g#2en to a \$and#date. ;o(#nstan\$e) one \$and#date 6*o 6as (an@ed 'et6een 58 and 85 ' f#2e &PP mem'e(s) ne2e(t*e"ess ad2an\$ed to t*e T*#(d , ound as *e 6as

(an@ed num 'e(26 ' a s<t* one. 3f t*s out"#e((an@ng *ad 'een d#s\$a(ded) t*s \$and#date 6ou"d not *a2e 'een among t*e 56 \$and#dates 6*o ad2an\$ed to t*e T*(d , ound) 6*#\$* a"so means t*at someone e"se 6ou"d *a2e.

1%5. 3n t*ese \$(Sumstan\$es) t*e T(#'una" #s not \$on2#n\$ed ' t*e ,es!ondentAs a(gument t*at ta@ng an a(#t*met#\$ mean of t*e s#< #nd#2#dua" (an@ngs \$u(ed a"" t*e s#gn#f#\$ant !(o'"ems #n t*e (an@ngs *#g*"#g*ted a'o2e. , at*e() #t a! !ea(s t*at t*e \$om!"e<#t of t*e stat#st#\$a" e<e(\$#se #n2o"2ed *as 'een unde(est#mated.

+

1%6. T*e A!!"#\$ant a(gues t*at t*e "a\$@ of (easons !(o2#ded to *#m fo(t*e \$ontested de\$s#on a"so \$auses #t to 'e #""ega" as *e 6as !(e2ented f(om mean#ngfu"" \$*a""eng#ng #t. T*e ,es!ondent su'm#ts t*at t*e A!!"#\$ant 6as !(o2#ded 6#t* suff#s#ent (easons as *e *ad 'een #nfp(m(")-9 .751(e)6 .9 9 2 9 d 'eee 'eeC7()25-8.079 9 13(a)-3 !(((")-6 9 9 .9 60221(a)-3. 6 6 653(")0.8 T d D [(e)-3. 6 6523(n)9 .17(*)-0. 9 60. 9 60221(g)9 .6 9 849(s)5.0234(o)-0. 9

T(#'una'. 3n t*e #nstant \$ase) t*e A!!"#\$ant) 6*o *ad as@ed to o'ta#n (easons fo(t*e de\$#s#on not to !(omote *#m and to o'ta#n t*e m#nutes of t*e &PP meet#ngs on 21 and 30 9\$to'e(201%) 6as on" #nfo(med of *#s (an@#ngs ' t*e De!ut +#g* Comm#ss#one(on 11 June 2015 t*(oug* *#s (es!onse to t*e A!!"#\$antAs (e5uest fo(management e2a"uat-0. 9 60221(g)9 . 6 9849(*)-0. 9 60224(())2(t)0.873046(221()-112.e)-14.325(es45.776 94(

Resubmission of the Contested Decision

156. It is settled under the law that in cases of UN+C, as in the present case, the Tribunal should not grant a motion for reconsideration of a decision of a signatory State unless it is shown that the decision is manifestly erroneous or that the Tribunal has acted in a manifestly unjust manner. See *2011 UNAT 11 > 21* and *2011 UNAT 11 > 50*. The Tribunal's award in the present case is not manifestly erroneous or manifestly unjust.

157. The Award is based on the findings of fact and law and the Tribunal's assessment of the evidence. As the Award and the Tribunal's award in the present case are based on the same facts and law, the Tribunal's award in the present case is not manifestly erroneous or manifestly unjust.

158. In the present case, the Tribunal's award is based on the findings of fact and law and the Tribunal's assessment of the evidence. As the Award and the Tribunal's award in the present case are based on the same facts and law, the Tribunal's award in the present case is not manifestly erroneous or manifestly unjust.

159. The Tribunal's award is based on the findings of fact and law and the Tribunal's assessment of the evidence. As the Award and the Tribunal's award in the present case are based on the same facts and law, the Tribunal's award in the present case is not manifestly erroneous or manifestly unjust.

\$o"e\$#2e" (e2#e6ed ' t*e &PP mem'e(s 6#t*#n a !oo" of 112 \$and#dates #n t*e T*#(d , ound.

160. =ost #m!o(tant") t*e T(#'una" #s of t*e 2#e6 t*at t*e A!!"#SantAs \$onso"#dated (an@#ng as esta' "#s*ed ' t*e D+ , =) as 6e"" as t*e #nd#2#dua" (an@#ngs !(o2#ded ' t*e &PP mem'e(s) a(e so un(e"#a'"e t*at t*e \$annot se(2e as a 'as#s fo(\$ons#de(at#on of t*e A!!"#SantAs \$*an\$e fo(!(omot#on. +o6 6ou"d t*e A!!"#Sant *a2e 'een \$om!a(ed aga#nst t*e ot*e(\$and#dates #f t*e !ane" mem'e(s *ad 'een !(o2#ded 6#t* *#s eIPA-3..873046(*)-0.95892931t

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(e2#e6 6as so f#a6ed t*at #t #s #m!oss# ' "e to as\$e(ta#n 6 *et*e(#t 6ou" d "ead to fa#(and ade5uate \$ons#de(at#on of staff mem'e(sA \$and#da\$ fo(!(omot#on #f !(o!e(" #m!"emented.

16B. T*e(efo(e) t*e A!!"#\$antAs (e5uest fo(s!e\$#f#\$!e(fo(man\$e must 'e (e7e\$ted.

A"te(nat#2e \$om!ensat#on

168. A(t. 10.5-a0 of t*e T(#'una"As &tatute !(o2#des t*at .6*(e t*e \$ontested adm#n#st(at#2e de\$#s#on \$on\$e(ns F !(omot#on F) t*e D#s!ute T(#'una" s*a"" a"so set an amount of \$om!ensat#on t*at t*e (es!ondent ma e"e\$t to !a as an a"te(nat#2e to t*e (es\$#ss#on of t*e \$ontested adm#n#st(at#2e de\$#s#on o(s!e\$#f#\$!e(fo(man\$e o(de(ed/. T*e A!!"#\$ant soug*t to a(gue t*at as *e *ad 'een e"#m#nated f(om t*e !(o\$ess !(#o(to a f#na" de\$#s#on 'e#ng made ' t*e +#g* Comm#ss#one() t*e T(#'una" #s not (e5u#(ed to set an a"te(nat#2e \$om!ensat#on to (es\$#ss#on.

1>0. T*e T(#'una" \$ons#de(s t*at t*s a(gument #s 6#t*out me(#t. 3t #s \$"ea(t*at t*e \$ontested de\$#s#on \$on\$e(ns a !(omot#on #((es!e\$t#2e of t*e moment 6*en t*e A!!"#\$antAs \$and#da\$ fo(!(omot#on 6as tu(ned do6n and) u"t#mate") (e7e\$ted. T*e T(#'una" s*a"" t*e(efo(e set an amount of \$om!ensat#on t*at t*e , es!ondent ma e"e\$t to !a as an a"te(nat#2e to t*e (es\$#ss#on of t*e \$ontested adm#n#st(at#2e de\$#s#on) #n a\$\$o(dan\$e 6#t* 10.5-a0 of #ts &tatute.

1>1. 3n \$a"\$u"at#ng t*e) t*e A!!"ea"s T(#'una" *as st(essed t*at t*e dete(m#nat#on of t*e . \$om!ensat#on #n "#eu/ must 'e done on a \$ase1' !\$ase 'as#s and \$a((#es a \$e(ta#n deg(ee of em!#(\$#sm -see " . 2011!UNAT!2650. 3n (es!e\$t of de\$#s#ons den #ng !(omot#ons) #t fu(t*e(*e"d t*at .t*(e #s no set 6a fo(a t#a" \$ou(t to set damages fo("oss of \$*an\$e of !(omot#on and t*at ea\$* \$ase must tu(n on #ts fa\$ts/ - 2012!UNAT!218) !a(a. 22! see a"so (2015!UNAT!6030.

1>2. In sum, the assessment of the provisions denoting the provisions under UN+C, the provisions of the Treaty set the amount of the amount to be paid to the Commission to C+;B)000 -see / UNDT/2010/1>BI " UNDT/2008/0%%0) C+;8)000 -see . 2010IUNAT10>0I0 and C+;10)000 -see UNDT/2012/0810) taking into account that the amount would be the same as the amount of the provisions of the Treaty.

1>3. Along the same lines, the Applicant's Treaty (sent a 6a(ded U&D10)000 for the loss of the amount of the provisions as the provisions in the Treaty of the assessment in a case where it was found that the Applicant's circumstances (ended the assessment of the provisions of the Treaty. The Treaty provisions of the Treaty.

6*#\$* #s .t*e f#(st da of t*e ann#2e(sa(mont* t6o ea(s !(#o(to (et#(ement/
!u(suant to se\$. 5.12.6 of t*e P(omot#ons Po"#\$. +e 6#" t*us *a2e suffe(ed no
"oss of sa"a(. +o6e2e() #f *e #s not !(omoted) *e 6#" not 'e a'"e to \$"a#m
\$om!ensat#on un"ess *e f#"es an a!"#\$at#on 'efo(e t*e T(#'una" \$ontest#ng t*e
ne6 de\$s#on to den *#m a !(omot#on.

1>>. &*ou"d t*e Adm#n#st(at#on \$*oose to !a t*e A!"#\$ant \$om!ensat#on #n "#eu

the respondent's submissions on the issue of the award of a sum of money and the reasons for that decision. -em! *as#s added)

1B0. The respondent argues as to the issue of the award of a sum of money amended decision of the Tribunal and that the +g* Commission's decision not to promote the Applicant (dates the amendment) the reasons for the decision to reject the Applicant's submission and the Applicant's submission to (reject the Applicant's submission and the Applicant's submission and find) (reject the Applicant's submission) after the amendment.

1B1. The Applicant argued that the +g* to the sum of money for moral damages awarded at the time of the fundamental (award of the Applicant's submission)

1B3. It follows from the fact that the complainant was a staff member (see also (e)ou(se) t*
+g* Comm#ss#one(As de\$#s#on on *#s o(*e(!(omot#on 'e\$omes f#na" on" afte
su\$* (e\$ou(se *as 'een \$ons#de(ed. &n\$e t*e A!!"#\$ant soug*t (e\$ou(se) t*e +g*
Comm#ss#one(As de\$#s#on \$on\$e(n#ng *#s \$and#da\$ fo(!(omot#on to t*e P15 "e2e"
6as f#na"#sed on" on 3 = a(\$* 2015) e2en #f *e (e7e\$ted t*e A!!"#\$antAs (e\$ou(se.
&*ou"d t*e \$ontested de\$#s#on 'e \$ons#de(ed as 'e#ng t*e one announ\$ed on
20 9 \$to'e(201%) t*e (e5uest fo(management e2a"uat#on 6ou"d *a2e 'een t#me!
'a((ed -staff (u"e 11.20 and t*e #nstant a!!"#\$at#on #((e\$e#2a' "e
-a(t. B-10-d0-#0-'0 of t*e T(#'una"As &tatuteI see , 2010UNAT1036)
2010UNAT10>2)

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188. Des!#te 'e#ng e<!(ess" #n2#ted ' t*e T(#'una" to addu\$e e2#den\$e of mo(a" #n7u(du(#ng t*e *ea(#ng) t*e A!!"#\$ant d#d not do so) \$"a#m#ng t*at t*e fundamenta" '(ea\$* of *s ent#t"ements #n #tse"f ga2e (#se to a \$"a#m fo(mo(a" #n7u(. 3n 2#e6 of t*e fo(ego#ng) t*s a(gument must 'e (e7e\$ted.

180. T*e T(#'una" *as a"so \$(efu"" e<am#ned t*e !"ead#ngs and do\$uments su'm#tted ' t*e A!!"#\$ant 'ut t*(e #s no a""egat#on of mo(a" *(am. T*e on" a""egat#on #n t*s (es!e\$t #s to 'e found #n t*e \$on\$"us#on of t*e a!!"#\$at#on) 6*(e (e t*e A!!"#\$ant \$"a#ms \$om!ensat#on fo(.' (ea\$* of staff (#g*ts and emot#ona" d#st(ess) !e(2013!UNAT1308 - 0 at !a(as 36-#0 o(-##0/). T*s a"one #s not suff#s#ent to su' stant#ate a mo(a" #n7u(.

181. T*e T(#'una" st(esses t*at t*e (e5u#(ement to addu\$e e2#den\$e of mo(a" #n7u(s*ou'd not \$ome as a su(!(#se #n t*e !(esent \$ase as #t 6as am!" de'ated at t*e *ea(#ng) and t*e A!!"#\$ant 6as !(o2#ded 6#t* am!"e o!!o(tun#t#es to su'm#t an e2#den\$e #n t*s (es!e\$t) *ad *e 6#s*ed to do so.

182. T*e T(#'una" notes t*at #t 6ou'd (ea\$* t*e same \$on\$"us#on e2en #f #t 6e(e to \$ons#de(t*at t*e (#g*t to \$"a#m \$om!ensat#on fo(mo(a" damages a(ose f(om t*e +#g* Comm#ss#one(As #n#t#a" de\$s#on on !(omot#ons of 20 9\$to 'e(201%) as #t #s of t*e 2#e6 t*at a!!"#\$at#ons f#ed afte(t*e !u'"#sat#on date of t*e amendment to a(t. 10.5 of t*e T(#'una"as &tatute a(e go2e(ned ' #t.

183. T*e T(#'una" #s m#ndfu" of t*e 6e""lsett"ed !(#n\$#!"e t*at \$*anges #n "a6 ma not 'e (et(oa\$t#2e" a!!"#ed -see ! 201%1UNAT1386I (201%1 UNAT1%08I & " 201%1UNAT1%%0. T*s !(#n\$#!"e *as 'een a!!"#ed ' t*e A!!"ea"s T(#'una" to a2o#d t*at su' stant#2e (#g*ts 'e affe\$ted ' amendments to t*e (u"es. T*e s#tuat#on #s d#ffe(ent *(e(e) as t*e amendment to a(t. 10.5 of t*e &tatute does not affe\$t t*e staff mem'e(sA su' stant#2e (#g*t to (emed fo(mo(a" #n7u() 'ut me(e" (e5u#(es t*em to su' stant#ate #t #n t*e \$ou(se of t*e !(o\$eed#ngs 'efo(e t*e D#s!ute T(#'una". 3n ot*(e(6o(ds) t*e amendment mod#f#es t*e (u"es of e2#den\$e #n (es!e\$t of a \$"a#m fo(mo(a" #n7u(.

18%. ,eso"ut#on 68/203) 6*#\$* #nt(odu\$ed t*e amendment to a(t. 10.5 of t*e T(#'una"as &tatute) does not \$onta#n an !(o2#s#on as to t*e moda"#t#es of #ts ent(#nto fo(\$e o(t(ans#t#ona" measu(es. H#@e 6#se) ne#t*(e(t*e T(#'una"as &tatute no(#ts ,u"es of P(o\$edu(e \$onta#n an !(o2#s#on go2e(n#ng t*e ent(#nto fo(\$e and a!!"#Sa'#"#t of \$*anges to !(o\$edu(a" (u"es 'efo(e t*e T(#'una".

185. 3n t*#s \$onte<t) t*e T(#'una" #s of t*e 2#e6 t*at !(o\$eed#ngs 'efo(e #t a(e #n !(#n\$#!"e go2e(ned ' t*e !(o\$edu(a" (u"es #n fo(\$e at t*e t#me of t*e#(#nst#tut#on) un"ess e<!(ess" ot*(e(6#se !(o2#ded. 3n t*#s (es!e\$t) t*e T(#'una" notes t*at #t #s gene(a"" (e\$ogn#4ed t*at a!!" #ng .t*e !(#n\$#!"e to !(o\$edu(a"

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