

?. The a""#\$%at\$on at !and 2as f\$#ed on 25 Ju#9 2014. The ' es"ondent (e""#\$ed
on 2? August 2014. d\$\$%#os\$ng a num6e(of do%uments

Conducting the investigation of the alleged irregularities in the recruitment process of the United Nations Mission in South Sudan (UNMISS) in 2013. The investigation was conducted by the United Nations Office of Internal Oversight Services (OIOS) in cooperation with the United Nations Mission in South Sudan (UNMISS) and the United Nations Mission in South Sudan (UNMISS) in 2013. The investigation was conducted by the United Nations Office of Internal Oversight Services (OIOS) in cooperation with the United Nations Mission in South Sudan (UNMISS) and the United Nations Mission in South Sudan (UNMISS) in 2013.

6. According to staff (u#e 12.) and the -e%(eta(9*Gene(a# ma9 ma<e eB%e"t\$ons to staff (u#es "(o0\$ded t!at t!e9 a(e not \$n%ons\$stent 2\$t! an9 staff (egu#at\$on o(an9 de%\$s\$on of t!e Gene(a# Assem6#9 t!at \$t \$s ag(eed 69 t!e staff mem6e(d\$(e%t#9 affe%ted& and \$f& \$n t!e -e%(eta(9*Gene(a#as o"\$n\$on& t!e9 a(e not "(eCud\$%\$a# to t!e \$nte(ests of an9 ot!e(staff mem6e(o(g(ou" of staff mem6e(s. T!e eB%e"t\$on made \$n t!\$s %ase 0\$so#ated t!e afo(ement\$oned Gene(a# Assem6#9 (eso#ut\$ons and "(o0\$s\$ons& 2as not ag(eed 69 t!e staff mem6e(d\$(e%t#9 affe%ted& and 2as "(eCud\$%\$a# to t!e \$nte(ests %t!a#sa nns

f. Ff t!e A""#\$%ant a##eges \$\$\$*mot\$Oat\$on o(eBt(aneous fa%to(st !e \$s (e5u\$(ed to "(o0e so. Fn t!\$s %ase& !e !as fa\$#ed to meet t!e Gu(den of "(oof (ega(d\$ng !\$s a##egat\$ons of d\$s%(\$m\$nat\$on and \$m"(o"e(mot\$0es. A#so& an9 %a\$a\$m of (et(\$6ut\$on o((eta#\$at\$on s!ou#d !a0e 6een %!anne##ed to t!e a""(o"(\$ate aut!o(\$t\$est& "u(suant to -T/-G ; /2005/21)P(ote%t\$on aga\$nst (eta#\$at\$on fo((e"o(t\$ng m\$s%ondu%t and fo(%oo"e(at\$ng 2\$! du#9 aut!o(\$Hed aud\$ts o(\$n0est\$gat\$ons+ and -T/-G ; /2005/22), t!\$%s 4ff\$%e : esta6#s\$!ment and te(rms of (efe(en%e+E

g. T!e %a\$a\$m t!at t!e(e 2\$## not 6e an9 t(ans#ato/(e0\$se(P*4 0a%an%9 \$n , -CAP 6efo(e 2022 \$s s"e%u#at\$0e and %annot fo(m an9 (ea# 6as\$s fo(!\$s %ase. Ff t!e A""#\$%ant \$ntends to !o#d t!at !\$s "ost s!ou#d 6e (e%ass\$f\$ed o(!e s!ou#d (e%e\$0e a -"e%\$a# Post A##o2an%e& t!\$s \$s a 2 !o##9 d\$ffe(ent matte(t!an t!e %!a##enge of t!e #ate(a# mo0e unde((e0\$e2. An B7(\$)0.874 3 47(o)-0.9602 2 1(n)-0

into account. It is evident that the respondent did not make any attempt to satisfy the conditions set forth in the applicable provisions of the law. The respondent's failure to make such an attempt is a clear violation of the law.

Receivability

16.

Merits

20. In the "Present" part of the P* (Annex to the Report) it is stated that the staff members of the United Nations Office at Geneva are not to be considered as a category of staff members of the United Nations Office at Geneva. 2.5 of -T/AF/2010/ 2.1.1 (para 1)

The staff members of the United Nations Office at Geneva are not to be considered as a category of staff members of the United Nations Office at Geneva. 2.5 of -T/AF/2010/ 2.1.1 (para 1)

29. The decision to dismiss the staff member is not to be considered as a category of staff members of the United Nations Office at Geneva. 2.5 of -T/AF/2010/ 2.1.1 (para 1)

30. The decision to dismiss the staff member is not to be considered as a category of staff members of the United Nations Office at Geneva. 2.5 of -T/AF/2010/ 2.1.1 (para 1)

31. Article 101 of the Charter demands that the "a" amount of staff members of the United Nations Office at Geneva are not to be considered as a category of staff members of the United Nations Office at Geneva. 2.5 of -T/AF/2010/ 2.1.1 (para 1)

The "a" amount of staff members of the United Nations Office at Geneva are not to be considered as a category of staff members of the United Nations Office at Geneva. 2.5 of -T/AF/2010/ 2.1.1 (para 1)

. The notion of (assigning a staff member) of the same grade to an unencompassed position without conducting a selection process has been applied under the supervision of the appointing authority in the staff selection process of the Committee. In these grounds, the transfer of staff without the consent of the concerned staff member has been common practice in the past. The transfer of staff without the consent of the concerned staff member has been established as a rule against art. 101. of the Committee. See Rees 2012*UNAT*266 and Soto 2014*UNAT* 29+.

4. The findings on the transfer of staff member (see the findings that the transfer of staff member of a post is a matter of fact in the selection process) in the case of Krioutchkov UNDT/2016/016+ concerning the transfer of staff member to the Administration of the United Nations Office at Geneva is not different from the findings in the case of the transfer of staff member to the United Nations Office at Geneva. The transfer of staff member to the United Nations Office at Geneva is not different from the findings in the case of the transfer of staff member to the United Nations Office at Geneva.

5. As to the Geneva Assembly (see the findings of the transfer of staff member of a post to the Geneva Assembly: note of the Assembly 51/226 of 1997: the transfer of staff member of a post to the Geneva Assembly is not different from the findings in the case of the transfer of staff member to the United Nations Office at Geneva. The transfer of staff member to the Geneva Assembly is not different from the findings in the case of the transfer of staff member to the United Nations Office at Geneva.

Case No. UNDT/GVA/2014/059

Judgment No. UNDT/2016/051

@.

