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Judgment No. 2021-

the written assessment, he was not shortlisted for an interview or recommended for selection. Mr. Krioutchkov had scored only 58.8 percent in the written assessment, which was well below the passing score of 70 percent.

8. On 12 February 2020, Mr. Krioutchkov filed his observation pursuant to UNDT Order No. 11 (GVA/2020) indicating that the version of his answers to the written test, which was shared with the assessors, was substantially different from the documents he had originally submitted. Additionally, Mr. Krioutchkov also pointed to misrepresentations contained in the Administration's final transmittal memorandum to the Central Review Body (CRB). The appellant explained in his observation that the candidates had used different fonts and styles, which enabled the assessors to identify some of the candidates.

9. On 20 February 2020, the Secretary-General (the Respondent) explained that the tests were modified to ensure anonymity of all candidates by clearing any metadata and redacting the editor's initials to allow for onward transmission to the test markers. The Respondent did not, however, make any submission on the alleged misrepresentation contained in the transmittal memorandum to the CRB.

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unreasonable that the ones who in this case graded the exercises were the most qualified experts of the panel in the particular subject matter. The tribunal thus concluded that the review of the written test was reasonable and did not violate Administrative Instruction ST/AI/2010/3 (Staff selection system).

13. The UNDT further found no evidence of any bias or conflict of interest deriving from one of the pa

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anonymously meant that the assessors could not have exercised bias, in light of the jurisprudence set in *Savadogo, Nwuke, Rolland and Azzouni*.

21. The Secretary-General contends that the Administration followed all of the applicable procedures required by the Staff selection system. Mr. Krioutchkov was not invited for the interview as his score was below the passing threshold. The Secretary-General contends that Mr. Krioutchkov has failed to demonstrate any error of law or fact by the UNDT, warranting reversal of the Judgment.

22. According to the Secretary-General, Mr. Krioutchkov has failed to demonstrate that the examiners were able to identify which of the candidates submitted which test during the selection process and that his assertions are merely speculative. The Secretary-General thus submits that the UNDT Judgment is consistent with

26. The crux of this case relates to determining whether the Dispute Tribunal erred when it found that Mr. Krioutchkov was given full and fair consideration in the selection exercise.

27. The applicable legal framework is as follows:

ST/AI/2010/3 (Staff selection system) [as amended]

Section 1(c)

Assessment panel: a panel normally comprised of at least three members, with two being subject matter experts at the same or higher level of the job opening, at least one being female and one being from outside the work unit where the job opening is located, who will undertake the assessment of applicants for a job opening.

Section 7.5

Shortlisted candidates shall be assessed to determine whether they meet the technical

Thereafter the burden of proof shifts to the Appellant who must show through clear and convincing evidence that she was denied a fair chance of promotion.

30. Mr. Krioutchkov



33. Mr. Krioutchkov states that he was never requested to adduce specific evidence of collusion. While it falls within the authority of the UNDT, as a general rule and depending on the circumstances of the case, to order a party to adduce evidence on a specific issue, this was not the case here. It is indeed not for the UNDT to substitute or help a party in his duty to provide sufficient evidence of his allegations, in light of the principle of party disposition (as opposed to the principle of inquisition), according to which, in principle, the parties delimit the subject-matter of the dispute and should provide evidence of their allegations.

34. Mr. Krioutchkov further states that the UNDT failed to address the misrepresentation in the transmittal memorandum to the CRB

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