- 1. T"e A##\$%&ant' a (usskan T)ans\$ato) *P+3,' (usskan -anguage Unkt' Con e)en&e and Do&umentatkon .e)/%&es .e&tkon' 0&onom& and .o&ka\$ Comm\sskon o) Aska and t"e Pa&k & &ontests "\s non+se\se\textkon' 1ased on t"e non+ad/e)t\sement o a se&ond #ost unde) Jo1 2#en\ng *3J24, 12+-AN+UN2G+ 25120+(+Gene/a *-,' and t"e se\se\textkon o a &and\date 5\timest"out an6 &om#et\timest\non unde) sa\kd J2.
- 2. As)emedles' "e)e7uests to 1e a o)ded 3t"e UN o1\\$\gat\\$\ons o good a\t" and due #)o&\text{ess \n t"e u\\$\sigma and a\}\text{\text{\text{ons\def}}\text{\text{de}}}\text{and o "\sk \text{\text{\text{ase'}}}\text{ as an 6)e\\$\text{\text{\text{ess}}}\text{\text{ase'}}\text{\text{ase'}}\text{\text{ase'}}\text{\text{ase'}}\text{\text{ase'}}\text{\text{ase'}}\text{\text{ase'}}\text{\text{ase'}}\text{\text{ase'}}\text{\text{ase'}}\text{\text{ase'}}\text{\text{\text{ess}}}\text{\text{ess}}\text{
- 3. 2n 14 .e#tem1e) 2012' a /a&an&6 o) a #ost o (uss\an (e/\se) *P+4,' (uss\an T)\ans\at\on .e&t\on *3 (T.4,' D\f\/\s\on o Con e)\en\&e 8 \text{ anagement} *3DC 8 4,' Un\text{\text{ted Nat\ons 2}} \text{\text{\text{\text{de at Gene/a}}} *3UN 2 G4,' 5 \text{\text{as ad/e}} \text{\text{\text{thon}}} \text{\text{unde}} \text{J2 12+-AN+UN 2 G+25120+(+Gene/a *-, *J2 25120,. T"e dead\s\ne o)} \text{a##\s\text{\text{\text{\text{\text{dead}\s\ne}}} = 0} \text{\text{\text{\text{unde}}}} \text{\text{\text{\text{lene}}}} \text{\text{\text{\text{lene}}}} \text{\text{\text{\text{lene}}}} \text{

This post is \$o&ated \(\text{n t"e : (T.; \(\text{Nn t"e : DC 8 ; } \)

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t"e (e/\\$se) 5 \\$\\$ 1e)es\\$ons\\$1\\$e o) t"e o\\$o 5 \\$ng dut\\$es9 < \\$em\\$"as\\$s added,

- 4. T"e (es#ondent &\s\mathre{\text{m}}\text{m}\text{t} \s\mathre{\text{m}}\text{t} \s\mathre{\text{m}}\text{s} \s\mathre{\text{m}}\text{t} \s\
- 5. T"e A##\$%&ant a##\$%ed on 24 .e#tem1e) 2012. 2 ut o 40 a##\$%&ants' %/e 5 e)e s&)eened as e\$%g%1\$e9 t5 o)om t"e)oste) o #)e+se\$e&ted &and%dates o) s\mm\%a) #os\mm\%a) #os\mm\%a.' t"e A##\$\mathbb{k}\mathbb{a}nt and one ot"e) &and\mathbb{d}ate > and t")ee

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- 12. =n tu)n' 16 emails o 3 @e1)ua)6 2014 to saild .enilo) ?uman (esou)&es 2 like)' t"e A##\$likant indikated t"at it sooCed \$iCe a se&ond)ound o sese&thon o) t"e same /a&an&6 seemed to "a/e taCen #sake 5 it"out an6 ad/e)tishing' and asCed 5 "at "ad "a##ened a te) "e "ad 1een)oste)ed and a su&&ess us &andidate "ad 1een a##ointed in Janua)6 2013D "e asso asCed if an6 P+3 #osts 5 e)e issed 5 it"out ad/e)tisement in t"e same 6ea).
- 13. =n)es#onse' on 5 @e1)ua)6 2014' t"e .en%o) ?uman (esou)&es 2 %&e)' UN2G' &on %)med t"at t5o #osts 5e)e asso&%ated to t"e J2 %n 7uest%on' t"at 31ot" #osts 5e)e %\$\$ed as a)esu\$t o t"e se\$e&t%on #)o&ess %n%t%ated 16 J2 25120 o) 5 "%&" :t"e A##\$%&ant 5as; u\$%6 &ons%de)ed4' and t"at 3t"e)e 5as no Ese&ond)oundF o %nte)/%e5s4.
- 14. 2n 2A 8 a)&" 2014' t"e A##\$\&ant)e7uested management e/a\undarkon o t"e de&\undarkon 3 on t"e se\undarkon o :a; se\undarkon d\undarkon date o) t"e :J2; 12+-AN+UN2G+25120+(+G0N0VA *-,4. T"e de&\undarkon 5 as u#"e\undarkon 16 \undarkon dated 2A A#)\undarkon 2014 o t"e C"\undarkon '8 anagement 0/a\undarkon Un\undarkon 10 ne"a\undarkon o t"e .e\undarkon 26+Gene)a\undarkon 10 ne"a\undarkon o t"e .e\undarkon 2014)
- 15. T"e A##\$%&ant %\$ed t"%s a##\$%&at\on on 1! Ju\\$6 2014. ?e)e7uested t"at t"e Adm\n\st)at\on d\s&\\$ose to "\m t"e 3ent\)e se\\$e\t\on doss\\e)4 o) t"e #osts \n 7uest\\on.
- 16. T"e (es#ondent %ed "%s)e#%6 on 20 August 2014' 5%t" a num1e) o anneGes su1m%tted ex parte.
- 17. B6 2)de) No. 133 *GVA/2014, o 22 August 2014' t"e A##\$\&ant 5 as g\forall / en a\&ess to su\&" do\&uments')eda\&ted as dete)m\ned 16 t"e T)\\1una\forall rank' and' u\#on t"e T)\\1una\forall rank' \ned \&omments on t\"e (es\#ondentFs)e\#\6 and anneGes t\"e)eto on 4 .e\#tem1e) 2014.
- 1!. Pu)suant to 2)de) No. 145 *GVA/2014, o A .e#tem1e) 2014' t"e (es#ondent %sed add%thona% %n o)mathon on 3 2&to1e) 2014' %n&\$ud\ng t50 ex parte do&uments. T"e A##\$\&ant made &omments on t"\s \\$\ng n on 16 2&to1e) 2014.

1A.

1. Using one J2 to &o/e)ts6 sese&t &andidates o) t5o o) mo)e #osts instead o &ondu&ting se#a)ate t)ans#a)ent sese&tion #)o&esses #)e/ents &andidates)om a##\$6ing and \$imits t"e sese&tion o &andidates' in 1)ea&" o t"e #)in&i#ses o a)t. 101.3 o t"e C"a)te) and sta)egusation 4.2. Asso' se/e)a\$ Gene)a\$ Assem1\$6)esosutions)e7ui)e t"e announ&ement o 3asseGisting /a&an&ies4' su&" as A/(0./33/143 and A/(0./51/226)

- &. =n &ont)ad%&t%on to t"e mo1\\$%t6)e7u\\$)ement #)o&\\$a\\$med 16 t"e Gene)a\\$ Assem1\\$6 *A/(0./53/221,' a\\$\\$ P+3 and P+4 #)omot\\$ons o) (uss\\$an t)ans\\$ato)s 5e)e' o/e) t"e \\$ast 25 6ea)s' done st)\\$\&t\\$6 5\\$t"\\$n t"e same se)/\\$\&es/un\\$ts at a\\$\\$ dut6 stat\\$ons 5"e)e (uss\\$an t)ans\\$at\\$on and \\$anguage se)/\\$\&es/un\\$ts eG\\$st *\\$.e.' \\$n Gene/a' Na\\$)o1\\$' Ne5 Jo)C' BangCoC and V\\$enna,\D
- d. T"e A##\$\&ant "as o/e) 30 6ea)s o #)o ess\\ona\\ eG\(#e)\\ona\\ e as a (uss\\ona\) *24 6ea)s 5×10^{10} t"\ona\\ t UN s6stem, 5×10^{10} an eG\(\cdot\ona\) ess\\ona\\ an eG\(\cdot\ona\)

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I. T"e)e 5 as a se#a)ate e/a\$uat\$on #)o\$ess o) t"e se\$ond *non+ad/e)t\$sed, #ost' \$n 5"\$&" t"e A##\$\$\$&ant 5 as not a\$\$o 5 ed to #a)t\$&\$\\$#ate. T"e A##\$\$\\$&ant 5 as \$nte)/\$e5 ed 16 t"e C"\$e' (T.' UN2G' a\$one on 1! De\$em1e) 2012\$ \$\\$ate)' on 1 @e1)ua)6 2013' t5o ot"e) \$and\$dates > \$.e.' t"e se\$e&ted \$and\$date' 5 "o 5 as #)e/\$ous\$6 1ased \$n Gene/a and 5 as not)oste)ed' and a Ne5 Jo)C+1ased P+4 (us\$an)e/\$se) > 5 e)e \$nte)/\$e5 ed 16

m. T"e A##\$%&ant 5 as not %n o)med a1out t"e &om#os%t%on o t"e #ane\$D "en&e' "e &ou\$d not d\s#ute \sts &om#os\st\on. T"e #ane\\$ t"at &ondu&ted t"e \strack{\text{mte}}/\section 5 s o 1 @e1)ua)6 2013 d\strack{\text{d}} d not \shreket\square an6)e#)esentat\s\/e)om an6 ot"e) \sanguage se)/\section \section t ot \section \shreket\square \shreket\squar

- n. T"e e/a\$uat\on o t"e A##\$\\ant 5 as not o1Ie\at\/e e/en 5\\t")es#e\at\ to 1as\\at\\at\)\te o/s su\at\" as \anguages and eG#e)\\en\at\end{blue}
- o. (eIe&tling a &andlidate 5"o "as unde)gone)\(\)go)ous e/a\(\)uat\(\)ons' ound su\(\)tal\(\)e and)oste)ed so man\(6\) times de eats t"e \(#u)\)#ose o t"e)oste) a\(\)\(\)hillidat\(\)hillidat\(\) to o1Ie\(\)times (b manage) 5 ou\(\)d)e use su\(\)e a\(\)andlidate. T"e ?\(\)\(\)hing 8 anage) demonst)ated \(#)\)eIud\(\)\(\)e and 1\(\)as to 5 a)ds t"e A\(\)#\(\)\(\)
- #. T"e A##\$\&antFs &onstant and)e#eated \nashus\on \n t"e)oste) s\nashae 200! &)eated a \seg\t\mate eG#e&tat\on o 1e\ng #)omoted to a P+4 #ost 5\t"\n a)easona1\se t\mes#an. 2t"e) &and\dates \nashudates \nashudated t"e)e\n 5e)e #)omoted 5\t"\n t5o 6ea)s.
- 26. T"e (es#ondentFs #)\\n&\\#a\\ &ontent\\ons a)e9
 - a. T"e a##\$%&at%on %s %))e&e%/a1%e ratione materiae. T"e %ssue o t"e &ontents o t"e J2 and t"e a\$\$eged non+ad/e)t%sement o t"e se&ond #ost do not &onst%tute an adm%n%st)at%/e de&%s%on o) t"e #u)#oses o a##ea\$. T"e a\$\$eged non+ad/e)t%sement o a #ost d%d not a e&t t"e A##\$%&antFs)%g"tsD
 - 1. T"e a##\$%&at\on \(\s \))e&e\/a1\\ e ratione temporis. T"e A##\$\\ ant 5 as une7u\/o\(\asis \) \(\sin \) o)med t"at t"e se\\ e\(\asis \) t"e 5 as \(\sin \) osed and t"at "e "ad not 1 een se\\ e\(\asis \) ted 16 t"e automat\\ a\(\asis \) gene)ated ema\(\sin \) 0 23 8 a6 2013. Jet' "e on\(\sin \) 0?\\ uested management e/a\(\suat\) on on 2A 8 a)\(\asis \) "2014' t"at \(\sin \) mo)e t"an ten mont"s \(\sin \) and 5 e\(\sin \) 1 e\(\text{fond} \) t"e \(\sin \) \(\sin \) \(\text{loond} \) t\(\text{loond} \

esta1\%s"ment and te)ms o)e e)en\&e,. A\\$so' t"e \\$\\$a\\$m t"at "e \\$s una1\\$e to 1e \\$ate)a\\$\6 mo/ed unde) . T/A=/2010/3 \\$s un ounded

". T"e A##\$\\and and un\a5 u\a8 a\and an6 un\a5 u\a8 a\and an6 \\and an6 \\\and an6 \\and an6 \\\and an6 \\and an6 \\\and an6 \\\and

Applicant's motion for an additional hearing

- 27. 2n 27 De&em1e) 2015' t"e A##\$\\ant mo/ed o) an add\t\ona\sigma)a\sigma "ea)\ng' essent\as\6 to "ea) as 5\\text{tnesses} t"e mem1e)s o t"e assessment #ane\sigma o) t"e \\text{\$\text{thg}\outgaus #ost.}
- 2!. =t s"ou\$d 1e)e&a\$\$ed t"at t"e)e&o)ds o t"e)e&)u

unde) t"e a1o/e+)e e)en&ed J2 and' \$ogh&a\$\$6' assumed t"at %t 5as t"%s one and on\$6 #ost t"at "ad 1een \$\$\$ed. =t must 1e st)essed t"at t"e 5o)d\ng o t"e not\ %&at\on d\d not \n an6 manne) &\san\ 6 t"e num1e) o #osts \n&\u00e4uded unde) t"e J2. 2n t"e &ont)a)6' s\n&e t"e ad/e)t\u00e4sement used t"e s\u00e4ngu\u00e8a)' \u00e4ts 5o)d\u00e4ng &ou\u00e4d \u00e4a)d\u00e46 1e unde)stood as)e e))\u00e4ng to mo)e t"an one #ost.

- 37. T"e)e\(e^{\ant_{ase+\sigma} 5} \) "as \(\cdot \text{ons\\stent\stent\sigma} \) ado\(\text{tme } \) to \(\text{un as o t"e moment a\sigma\) e\(\text{e} / \text{art thme } \) to \(\text{un as o t"e moment a\sigma\) e\(\text{e} / \text{art facts o} \) a \(\text{aa} / \text{thme s\\mathre{m}\text{tm}} \) to \(\text{un as o t"e moment a\sigma\) e\(\text{e} / \text{art facts o} \) a \(\text{aa} / \text{thme s\\mathre{m}\text{tm}} \) de\(\text{d\\mathre{m}\text{shon 5e}} \) e \(\text{cno 5 n' o) at \(\text{seast s"ou\sigma} \) "\(\text{aa/e} \) easonal\(\text{6 1 een Cno 5 n' *see e.g.' Chahrour 2014+ \) UNAT+406' \(\text{e} / \text{du UNDT/2011/043}, \) = n \(\text{"e \text{dase at "and' t"e A\\mathre{m}\text{shon n\sigma}} \) easonal\(\text{6 ea) nt on 5 \(\text{@e1} / \text{ua)} \) a\(\text{d 1 een } \) a\(\text{e dase at "and' t"e A\\mathre{m}\text{shon "ad 1een taCen 5 "en ? (\text{8 .' UN 2 G' at "\\sigma\text{s})e7 uest' \(\text{don N} \) med \(\text{"at 15 o \\mathre{m}\text{sosts 5 e})e asso\(\text{shated 5 \\\mathre{m}\text{t" t"e J2 \\mathre{m} n \text{ 7 uest\\\mathre{m}\text{on and t"at 10t" "ad 1een \\\mathre{m}\text{shed as a)esu\\\mathre{m}\text{t}.}
- 3!. T"e A##\$\&ant d\d su1m\t "\s)e7uest o) management e/a\suat\on on 2A 8 a)\&" 2014' \s.e.' 5\t"\n 60 da6s o t"e a1o/e date. ?e o1se)/ed t"e t\me \m\t\
 o) management e/a\suat\on and' su1se7uent\6' t"at o) \\$\m\g\ng "\s a##\&at\on 1e o)e t"e T)\s\1una\s. ?en\&e' t"e a##\s\&at\on "as not 1een)ende)ed \\))e\&e\/a1\seta o)
 an6 a\s\u)e to)es#e\&t t"e statuto)6 t\me \m\t\s.

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4.1 =mmed\(\)ate and ant\(\)&\(\)#ated Io1 o\(\)#en\(\)ngs o) \(\)#os\(\)t\(\)nos o one 6ea) o) \(\)\$onge) s"a\(\)\$ 1e ad/e)t\(\)sed t")oug" a \(\)&om\(\)#en\(\)#ont\(\) \(\) a \(\) om\(\)#en\(\)#os\(\)t\(\) ont\(\) \(\) a \(\) om\(\)#en\(\)#os\(\)#en\(\)#ont\(\) and gene)\(\)\(\)& Io1 o\(\)#en\

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- 41. @u)t"e)' se&. 2.5 o t"e same %nst)u&t%on maCes %t &\$ea) t"at t"e a1sen&e o ad/e)t%sement o a /a&an&6 %s t"e eG&e#t%on' a\$ 6 0 on\$6 %n a /e)6 s#e&% %& "6#ot"es%s' 16 #)o/%d%ng t"at9

? eads o de#a)tments/o %&es)eta%n t"e aut"o)%t6 to t)ans e) sta mem1e)s 5%t"%n t"e%) de#a)tments o) o %&es' %n&\$ud\ng to anot"e) un\nt o t"e same de#a)tment \n a d\neq e)ent \no\neather at\no\neather to Io1 o\neather en\ngs

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a)t. 10.5*a, o %ts .tatute' t"e T)%1una% %s 1ound' 5 "en)es&%nd%ng a &ontested adm%n%st)at%/e de&%s%on &on&e)n%ng #)omot%on' to set an amount o &om#ensat%on t"at t"e (es#ondent ma6 e%e&t to #a6 as an a%te)nat%/e to)es&%ss%on.

- 4!. T"e)e %s no set 5a6 o) t"e T)%1una% to dete)m%ne t"e amount o su&" &om#ensat%on' 1ut %t must 1e assessed 1ased on t"e &%)&umstan&es o ea&" &ase *see Sprauten 2012+UNAT+21A,. Cons%de)%ng t"%s' t"e T)%1una% assessed t"e A##\$%&antFs &"an&es o 1e%ng se\$e&ted o) t"e se&ond #os%t%on to 1e %\$\$ed *see e.g.' #iedermayr 2015+UNAT+603,. G%/en t"at' a te) a##o%nt%ng one o t"e %/e e\$%g%1\$e &and%dates o) t"e %)st #ost and deem%ng anot"e) not su%ta1\$e' t")ee &and%dates 5e)e s"o)t+\$%sted o) t"e se&ond #os%t%on at staCeD a\$% t")ee 5e)e su%ta1\$e &and%dates' as e/%den&ed 16 t"e a&t t"at t"e6 a\$% 5e)e)e&ommended. =n t"e &%)&umstan&es' %t %s)easona1\$e to assume t"at t"e A##\$%&ant "ad a t"%)d o &"an&e o su&&ess.
- 4A. 2n t"ese g)ounds' t"e T)\1una\\$ sets at U.D1'000 t"e amount o a\\$te\nat\6/e \&om\#ensat\\$on in lieu o)es\\$\\$s\\$on. T"\\$ amount taCes \\$nto a\\$\&ount t"e A\#\\$\\&antFs \\$\"an\\$e o su\\$\\$ess' as 5e\\$\\$ as t"e d\\$\ e\)en\\$e o net 1ase sa\\$a\6 1et5 een t"e one "e

51. As stated %n #a)a. 46 a1o/e' t"e /%o\$at%on o t"e A##\$%&antFs te)ms o a##o%ntment %n t"e #)esent &ase 5 as %ndeed undamenta% and g)a/e' and ne&essa)%%6 ta%nted t"e ent%)e #)o&edu)e *see e.g.' hao% huang% &ie UNDT/2014/036' 'arrimond UNDT/2014/062,. Conse7uent%6' t"e T)%1una% does not)e7u%)e u)t"e) e/%den&e o mo)a% damage to 1e a1%e to a5a)d &om#ensat%on on t"%s a&&ount.

52. H "\st a)t. 10.5*1, o t"e T)\1una\Fs .tatute 5 as amended a te) t"e Asariotis Iu)\s#)uden&e to st\\#u\sate t"at su\&" "a)m' to 1e &om#ensated' must 1e 3su##o)ted 16 e/\den\e4' t"\s amendment does not a##\s to t"e \nstant \ase' 16 /\)tue o t"e gene)a\$ #)\\n&\\#\se')e\#eated\\6 u\#"e\\d 16 t"e A\#\#ea\\s T)\\1una\\1a))\\ng t"e)et)oa&t\/e e e&t o)u\ses *Robineau 2014+UNAT+3A6' #ogueira 2014+UNAT+ 40A' \$unt(Matthes 2014+UNAT+444,. =ndeed' t"e a##\$\&at\on unde))e/\estrice 5 5as #\$ed on 1! Ju\u00e96 2014' 5"e)eas t"e amendment \u00e4n 7uest\u00e4on 5as ado#ted on 1! De&em1e) 2014' 16 Gene)a\$ Assem1\(\)6)eso\(\)ut\(\)8 on 6A/203' and d\(\)4 d not ente) %nto o)&e 1e o)e %ts #u1\$%&at%on on 21 Janua)6 2015 *Ademagic et a\$. UNDT/2015/115' Sutherland et a§. UNDT/2015/116' 'eatherstone UNDT/2015/117...

- 53. =n /%e5 o t"e o)ego%ng' t"e T)%1una\$ D0C=D0.9
 - a. T"e &ontested de&\s\\o n to \\$\\$ a se\\o n d \#os\\t\\o n unde) J2 12+- AN+ UN2G+25120+ (+Gene/a *-, \\$ "e)e16)es\\\n n ded
 - 1. . "ou\$d t"e (es#ondent e\$e&t to #a6 \nan&\a\$ &om#ensat\on \nstead o e e&t\/e\\$6)es&\nd\ng t"e de&\s\on' t"e A##\&ant s"a\\$ 1e #a\d t"e sum o U . D1'000 as an a\\$te)nat\/eD

&.