

UNDT/2011/101, Nyakossi

UNAT Held or UNDT Pronouncements

Receivability: Since the Applicant was a staff member of UNOG when the contested decision was taken, it indeed affected his terms of appointment. The Tribunal is thus competent to examine the case in accordance with article 2.1 of its Statute.

Selection procedure: UNHCR based its decision on the advice of UNDSS which did not grant clearance to the Applicant's candidacy. However, UNHCR was not compelled to follow the advice of UNDSS concerning the candidacy of the Applicant because this practice is not codified in any legal text of regulatory character. Hence, the contested decision is illegal. Compensation: In order to determine the amount of compensation to be granted, the Tribunal examined the Applicant's chances to be retained in the roster of candidates, had no irregularity been committed. In the case at hand, it was considered that his chances were very weak. The Tribunal thus granted him an amount of CHF1,500.

Decision Contested or Judgment/OrderAppealed

The Applicant, a staff member of UNOG at the G-3 level, contests the decision of the United Nations High Commissioner for Refugees not to retain him as a candidate in the roster for Field Safety Advisor positions at the P-3 and P-4 levels.

Legal Principle(s)

N/A

Outcome

Judgment entered for Applicant in full or in part

Full judgment

[Full judgment](#)

Applicants/Appellants

Nyakossi

Entity

UNHCR

Case Number(s)

UNDT/GVA/2010/088

Tribunal

UNDT

Registry

Geneva

Date of Judgement

16 Jun 2011

Duty Judge

Judge Cousin

Language of Judgment

English

French

Issuance Type

Judgment

Categories/Subcategories

Compensation

Loss of chance

Jurisdiction / receivability (UNDT or first instance)

Staff selection (non-selection/non-promotion)

Applicable Law

Other UN issuances (guidelines, policies etc.)

- Report of the Ad Hoc Inter-Agency Meeting on Security

UNDT Statute

- Article 2.1