

# **UNDT/2013/095, Sannoh**

## **UNAT Held or UNDT Pronouncements**

The post of Director of Human Rights in UNMISS was not a reclassification of the D-1 post held by the Applicant at UNMIS but a new post created to meet the need of UNMISS. It was classified as D-2 and the post held by the Applicant ceased to exist upon its abolition.; Given the importance of the Human Rights function in the new State, a D-2 post was justified. This was done in an objective manner having regard to the Secretary Council Resolution that governed the transition.; The evidence established that the consideration of the post of the Chief of Human Rights was done in conjunction with all other with all the other changes required by the transition. The Applicant failed to demonstrate to the required standard that the; decisions made about the grade of post were ill motivated. The decision to fill the D-2 position through a competitive selection process was also lawful.; As the Applicant's function was required by the new mission, he was reassigned. In light of this he should have had his appointment extended for one year. He was also entitled to a termination indemnity under Annex III of the Staff Rules.; UNDT upheld the Application and ordered: 1) an extension of the Applicant's contract or, in the alternative, payment of one month net base salary at the Applicant's level of employment at the time of the contested decision; 2) payment of the Applicant's termination indemnity payable and due to him in accordance with Staff Regulation 9.3 and Annex III of the Staff Rules.

## **Decision Contested or Judgment/Order Appealed**

The Applicant contested a decision by the Special Representative of the SecretaryGeneral of the United Nations Mission in Sudan (UNMIS) to reclassify the post of Chief Human Rights Officer UNMIS from D1 to D2 upon the establishment of United Nations Mission in South Sudan (UNMISS).

## **Legal Principle(s)**

A staff member bears the burden of proof of showing that a decision was arbitrary or tainted by improper motives.

## Outcome

Judgment entered for Applicant in full or in part

## Outcome Extra Text

The Tribunal ordered the extension of the Applicant's contract or payment of one month's net base salary and payment of a termination indemnity.

## Full judgment

[Full judgment](#)

## Applicants/Appellants

Sannoh

## Entity

UNMIS

## Case Number(s)

UNDT/NBI/2012/013

## Tribunal

UNDT

## Registry

Nairobi

## Date of Judgement

7 Feb 2013

## Duty Judge

Judge Shaw

## Language of Judgment

English

## Issuance Type

Judgment

## Categories/Subcategories

Abolition of post

Classification (post)

Compensation

Staff selection (non-selection/non-promotion)

## Applicable Law

Administrative Instructions

- ST/AI/1998/9
- ST/AI/2010/3

Information Circulars

- UNMIS IC 218/2011
- UNMIS IC 334/2011

Laws of other entities (rules, regulations etc.)

Other UN issuances (guidelines, policies etc.)

- A/66/532

Staff Regulations

- Regulation 9.3

## Staff Rules

- Annex III

## UN Charter

- Article 101.1

## Related Judgments and Orders

2014-UNAT-451