

UNDT/2013/105, Mubiru

UNAT Held or UNDT Pronouncements

Selection processes: An appointing officer may decline to make an appointment where a selection process is marred by irregularities. It is within the competence of a program manager to set up a new interview panel where an initial interview panel has failed to properly discharge its mandate. While a candidate to a post has no right to be selected, he or she has every right to be fully and fairly considered for the post. Recommendation for a post is not the same thing as selection; while there is discretion in selection, there is no discretion in recommendation.

Central Review Bodies: The Administration is bound to follow the Organization's own rules and procedures; therefore failure to submit a selection process to review by the Central Review Body constitutes a grave irregularity in the process as such review is a procedural and legal requirement

Decision Contested or Judgment/Order Appealed

The Applicant filed an Application contesting three decisions and irregularities occasioned in a selection process; 1.) The decision by the Registrar of the ICTR not to select him on promotion for the post of Appeals Counsel, P-4. 2.) The decision by the ICTR prosecutor to constitute a new interview panel and 3.) The decision not to recommend or select him for appointment after a second interview was conducted.

Legal Principle(s)

N/A

Outcome

Judgment entered for Applicant in full or in part

Outcome Extra Text

UNDT awarded financial compensation only.

Full judgment

[Full judgment](#)

Applicants/Appellants

Mubiru

Entity

ICTR

Case Number(s)

UNDT/NBI/2012/5

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

21 Aug 2013

Duty Judge

Judge Izuako

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Staff selection (non-selection/non-promotion)

Interview

Selection decision

Applicable Law

Administrative Instructions

- ST/AI/2010/3

Secretary-General's bulletins

- ST/SGB/2002/6

Staff Regulations

- Regulation 9.2

Related Judgments and Orders

UNDT/2012/066

UNDT/2010/153

UNDT/2010/154

2012-UNAT-224

2013-UNAT-283