

UNDT/2013/158, Nwuke

UNAT Held or UNDT Pronouncements

The Tribunal concluded that: (a) the selection process for the post of D/ACGSD was not handled correctly and lawfully due to apparent bias on the part of the ASP and that he suffered prejudice/damage as a result; and (b) the Applicant was not the victim of harassment and discrimination in relation to this case. Bias: The Tribunal held that the test for apparent bias is whether the fair-minded observer, having considered the facts, would conclude that there was a real possibility that the Interview Panel was biased. The Tribunal concluded that the Advisory Selection Panel (ASP) in the present matter was biased against the Applicant as a result of negative information about him that had come into the ASP's possession prior to the interview.

Decision Contested or Judgment/Order Appealed

The Applicant challenged his non-selection for the post of Director, African Centre for Gender and Social Development (D/ACGSD) at ECA and alleged that the filling of the post was motivated by improper motive, prejudice, retaliation and discrimination.

Legal Principle(s)

N/A

Outcome

Judgment entered for Applicant in full or in part

Outcome Extra Text

The Tribunal awarded the Applicant two months net base salary for moral damages.

Full judgment

[Full judgment](#)

Applicants/Appellants

Nwuke

Entity

ECA

Case Number(s)

UNDT/NBI/2011/001

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

4 Dec 2013

Duty Judge

Judge Shaw

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Disciplinary matters / misconduct
Discrimination and other improper motives
Bias/favouritism
Gender
Investigation
Staff selection (non-selection/non-promotion)

Applicable Law

Administrative Instructions

- ST/AI/2006/3/Rev.1

UNDT Statute

- Article 10.5

Related Judgments and Orders

UNDT/2012/200
2010-UNAT-042