



6. During the proceedings before the UNDT, the PCO testified that after the interviews, she created a narrative, which reflected the handwritten notes of the interview panel members and the scores given to the candidates. The PCO noted that she “conven[ed] a meeting to ascertain that the narrative fairly reflected what the members had written, having first provided them with the notes to enable the comparison to be made”. She created a descriptive narrative of the interview, an interview matrix, a promotion criteria matrix, and an overall matrix, which she provided, along with several other documents relating to the selection and interview process, for review by the Under-Secretary-General for DGACM (USG/DGACM).

7. By note to the USG/DGACM dated 29 November 2007, the PCO and the Assistant Secretary-General, DGACM, specifically recommended two candidates for the two P-5 interpreter posts. Two further candidates were placed on a “recommended list” or roster. Antaki was not selected for either of the posts nor was she placed on the roster. On 26 December 2007, the Central Review Board (CRB) endorsed the recommendation and the recommended candidates were selected. In January 2008, a third P-5 post was advertised and awarded to one of the candidates listed on the roster. Antaki was notified later that month that she had not been selected for that post, either.

8. Antaki requested an administrative review of the decision not to appoint her to a P-5 post. The Administrative Law Unit rejected her claim that she had been improperly excluded from promotion. Antaki subsequently filed an appeal with the Joint Appeals Board (JAB). Subsequent to the JAB’s abolition, her case was transferred to the UNDT.

9. On 7 April 2010, the UNDT issued Judgment No. 2010/059. The UNDT concluded that the decision not to appoint Antaki as a P-5 interpreter was valid and lawful. It found that the Administrative Instruction on Special Measures for the

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reflecting the Interview Panel members' scores and evaluation; reject, as unproven, the assertion that Antaki accepted that her e-PAS and rebuttal would not be part of the selection process; declare that the Secretary-General did not discharge his burden of proof to demonstrate his compliance with the selection procedures and show that Antaki's candidature was fully and fairly considered; endorse Antaki's conclusions in her appeal; with costs for the "abuse of[,] and protracted[,] procedures" by the Secretary-General.

Considerations

20. This Tribunal confirms the impugned Judgment to the effect that the decision not to appoint Antaki to the P-5 posts for which she applied was valid and lawful. As previously noted, the parties' challenges regarding the award and the amount of compensation will be considered in a separate judgment.

21. Antaki has failed to persuade this Court that there was a substantial error or flaw in the contested administrative decision, in the proceedings that lead to it, or in the UNDT Judgment, which would require the intervention by the Appeals Tribunal. An appeal is not an opportunity for the parties to reargue their case. It does not fall to the Appeals Tribunal to conduct a new trial. Antaki presents no new arguments before this Court to demonstrate that there was a substantial error or flaw in the UNDT Judgment. She merely repeats arguments already thoroughly considered and rejected by the UNDT.

22. The evidence adduced (documents and testimony) supports the conclusion that despite some minor inconsistencies (i.e. between the scores and notes and the narrative) or defects (i.e. the e-PAS issue) the proceeding leading to the decision not to appoint Antaki was lawful and did not violate her rights.

23. Additionally, it is clear from the evidence that, in any event, the outcome of the promotion process could not have been different and in favour of Antaki, because there were other candidates ranked higher than her who could have been included in the list for recommended appointments or for the roster. Some of them were not selected for the

24. In conclusion, Antaki has not demonstrated any errors in the UNDT Judgment in regard of the merits of the administrative decision warranting the intervention of the Appeals Tribunal. Neither has she demonstrated that she had not been properly represented before the UNDT.

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