





5. On 31 October 2008, internal vacancy announcement VA  
08/OHCHRo









member of the Secretariat or one of the subsidiary organs, funds and programmes. The Respondent stresses, however, that since 1 July 2009 the Applicant has been allowed to apply for and be appointed to posts within the United Nations Secretariat.

#### Judgment

32. The Applicant contests the decision of 30 December 2008 by which OHCHR refused to recruit him on a P-3 post for which he had been selected. The Applicant maintains that, since he had repeatedly informed the Administration that his brother worked for UNHCR and since he had still been recruited despite that fact, OHCHR could not invoke staff rule 104.10 (a), which was in force at the time and which states the following: “Except where another person equally well qualified cannot be recruited, appointment shall not be granted to a person who bears any of the following relationships to a staff member: father, mother, son, daughter, brother or sister.”

33. First, the Tribunal must consider whether the Administration had good reason to invoke the prohibition provided in staff rule 104.10 (a). Under the heading “Scope and purpose”, the Staff Regulations state the following: “For the purposes of these Regulations, the expressions ‘Uni





several previous contracts gave him the right to apply for another post at a higher level.

39. It follows from that said above that the Applicant has not established the illegality of the decision that he contests and that his demands should therefore be rejected in their entirety.

40. For these reasons, the Tribunal DECIDES:

The application is rejected.

( )

Judge Jean-François Cousin

Dated this 30<sup>th</sup> day of November 2009

Entered in the Register on this 30<sup>th</sup> day of November 2009

( )

Víctor Rodríguez, Registrar, UNDT, Geneva