





allegedly mentioned to the Applicant's witness in 2011, and written to the Inspector General's Office ("IGO") of UNHCR.

6. By Order No. 103 (GVA/2014) of 7 July 2014, the Tribunal ordered the Respondent to provide it with the email referred to by the Applicant

12. Van was hit by an earthquake on 23 October 2011, which greatly damaged the city. As a consequence, nearly all UNHCR staff members in service at the Field Office, Van, were evacuated, while a small team, including the Applicant, stayed. After the city of Van was struck by another earthquake on 9 November 2011, the remaining UNHCR staff, with the exception of a few volunteers—including the Applicant—left Van. Following a strong aftershock which occurred on 15 November 2011, all UNHCR staff members, including the Applicant, were evacuated.

13. By email of 23 November 2011 to the Division of Human Resources Management (“DHRM”), the UNHCR Representative, Turkey, referred to the difficult conditions in Van after the earthquake and noted that UNHCR would not return to full operation at this stage. She further stressed that in view of the change in the operational needs at the respective duty station, they were considering not renewing beyond 31 December 2011 the FTAs of several staff members—namely those of the Applicant and of two other staff members from the Field Office, Van, UNHCR, plus one United Nations Volunteer (“UNV”). She further requested that until 31 December 2011, these staff member be placed on special leave with full pay (“SLWFP”). DHRM approved her request by email of 25 November 2011.

14. Only three staff members from the Field Office, Van, were maintained and stationed in Ankara pending the determination of the reopening of the UNHCR Field Office, Van, namely one international staff member (P-3), plus one GL-4 and one GL-3 staff member with indefinite appointments. All the other UNHCR staff members of the Field Office, Van, including the Applicant, were placed on SLWFP until their appointments were not renewed beyond 31 December 2011.

15. By email of 28 November 2011, the IGO Report Standard Inspection Turkey, dated “October 2011”, was sent to all UNHCR staff in Turkey. In the email, it was noted that the IGO mission had not yet taken into account the crisis in Van and that this might be considered when the Office reports back to the IGO on the implementation of the report.

16. In its report, the IGO stated that “[r]esolving the Kurdish problem, which has blocked economic development in the south-east of the country, is arguably

the most pressing political issue". In several parts, the report stresses that the constructive relationship and confidence the UNHCR Representation enjoys with the Turkish authorities shall be fostered, since it might contribute to speed up the progress in the relevant national legislation and national capacity building. With respect to the Field Office, Van, the report notes that "[t]here appeared to be ... a need for the adoption of measures to avoid the politicization of the largely-Kurdish local staff—or the perception thereof, by the local authorities and the population of concern" and recommends, *inter alia*, that:





discriminatory and in any event, they were and could not be implemented, due to the earthquake and the following closure of the Field Office, Van;

b. Therefore, the decision not to renew the Applicant's appointment beyond 31 December 2011 was not discriminatory, but based on the operational realities faced by UNHCR Operations in Turkey, particularly in Van, following the earthquake after which the activities in Van had to be temporarily suspended;

c. Two UNHCR staff members of the Field Office, Van, of Kurdish descent were kept on board by UNHCR, namely one staff member with an indefinite appointment and staff member whose FTA was not extended but who in January 2012 was recruited on a temporary appointment for the position that had been redeployed to Silopi; this shows that the Applicant's argument that his non-renewal was discriminatory since motivated by his Kurdish ethnicity is unfounded;

d. The Applicant's post was not abolished but, as at July 2012, the operations in Van had not yet resumed and no final decision had yet been taken with respect to the redeployment of the Applicant's former post; at the hearing on 2 September 2014 Counsel for the Respondent stressed that the Field Office, Van, had re-become operational only on 1 April 2013 and that on 16 December 2013, it was again closed, until it was reopened on 1 June 2014;

e. The three staff members who were relocated to Ankara had a status that was different from that of the Applicant—one was an International Recruit, two had indefinite appointments—hence the principle of equal treatment does not apply;

f. The non-renewal decision was based on operational grounds and constituted a valid exercise of the Administration's discretion, hence the application should be dismissed as unfounded.





referred to the Applicant as a PKK militant/terrorist, and that he had told the IGO, and even written to the IGO, that if the Applicant stayed in service, he would make sure that the Office had to close.

28. As such, the witness statement does not establish that a conversation with respect to the Applicant did in fact take place between the Head, Aliens Police, Van, and the IGO or that the former did in fact by any other means, including in writing, contact the IGO to ensure that the Applicant was no longer employed by



