

Case No.:

UNITED NATIONS DISPUTE TRIBUNAL

5. On June 2011* the A""#\$%ant 9as)eass\$gned to @am(\$o* 'udan* as , ead of :\$e#d =ff\$%e .P2&1. On :e()ua)! 2013* +e)etu)ned to Gene3a on tem"o)a)! ass\$gnment as 'en\$) 8n3est\$gat\$on =ff\$%e) .P2&1. ' \$n%e 1 No3em(e) 2015* t+e A""#\$%ant se)3es as 'en\$) -esou)%e 5 anage) .P251 \$n Gene3a* a#t+oug+ +\$s "e)sona# g)ade \$s st\$## at t+e P2& #e3e#.

6. =n 5 :e()ua)! 201&* t+e , \$g+ Commss\$one) ")omu#gated t+e Po#\$% ! and P)o%edu)es fo) t+e P)omot\$on of 8nte)nata\$ona# P)ofessa\$ona# 'taff 5 em(e)s .UN , C - / , CP/201&/21 ./P)omot\$ons Po#\$% !01. 8n essen%e* t+e P)omot\$ons Po#\$% !

10. The sB 'PP mem(e)s ga3e t+e A ""#\$%ant t+e fo##o9\$ng /)an;\$ngs0 among t+e ma#e %and\$dates fo) ")omot\$on to t+e P25 #e3e#C 25* 53* 75* AA* 60 and 121. T+e D , - 5 %a#%u#ated t+at t+e a)\$t+met\$% mean of t+e sB \$nd\$3\$dua#)an;\$ngs 9 as 75.33 and esta(#s+ed t+at t+e A ""#\$%ant)e%e\$3ed a %onso#\$dated)an;\$ng of 7& out of 170 ma#e %and\$dates fo) ")omot\$on to t+e P25 #e3e#. As +\$s %onso#\$dated

2&. Du)ing t+e %ou)se of t+e ")o%eed\$ngs* t+e -es"ondent f\$#ed a num(e) of do%uments ex parte* 9+\$%+ %onta\$n %onf\$dent\$a# \$nfo)mat\$on. T+e T)\$ (una# made a## t+ese a3a\$a (#e to t+e A ""#\$%ant* 9\$st+)eda%t\$ons as ne%essa)! and on an unde) sea# (as\$s.

25. T+e A ""#\$%antDs ")\$n%\$"a# %ontent\$ons a)eC

a.

age* and the composition of the individual; into a number
of the (1) of an amount mean

4. The UN, C - faced to the reasons for its decision not to promote
the Applicant's promotion from the first to the second grade and
the Applicant's and the Applicant's elements in the of the Applicant to the
Applicant's (the Applicant's) of the Applicant's

m. The Applicant's the Applicant's

5. The Applicant's decision and the Applicant's grant of
the Applicant's

6. In the Applicant's Commission's decision to the Applicant's
the Applicant's (the Applicant's) and the Applicant's on the Applicant's
of the Applicant's

7. Commission's for the Applicant's in the amount of one month net
the Applicant's for the Applicant's of staff and the Applicant's
and

8. The Applicant's and the Applicant's rests on the Applicant's
damages.

26. The Applicant's the Applicant's

a. The Applicant's Commission's in the Applicant's
the Applicant's of the Applicant's - 3.666 5 3221 (f) 2.4sdg#td de%Stsons%\$nd s \$f " - 3.662D [(e) - 3.666 5 3
and the Applicant's

31 De(em)e 2013* and on#! t9o of t+em)an;ed t+e A""#\$\$antDs %and\$da%! among t+e 56 to" ma#e %and\$dates 9+o ad3an%ed to t+e T+\$)d - ound. T+e ")esum"t\$on of)egu#a)\$t! stands sat\$sf\$ed and \$t \$s \$n%um(ent u"on t+e A""#\$\$ant to s+o9* t+)oug+ %#ea) and %on3\$n%\$ng e3\$den%e* t+at +e 9as den\$ed a fa\$) %+an%e of ")omot\$onJ

%. 8n tu)n* t+e A""#\$\$ant fa\$#ed to esta(#\$s+ t+at t+e %ontested de%\$\$son 9as un#a9fu#* fo) t+e)easons set fo)t+ (e#o9C

d. :)\$st#!* t+e T)\$ (una# +as no aut+o)\$t! to)e3\$e9 t+e P)omot\$ons Po#\$\$! \$tse#f. 8n an! e3ent* t+e %om"a)at\$3e assessment of t+e %and\$dates fo) ")omot\$on at t+e P25 #e3e# %om"#sed 9\$t+ t+e)e7u\$)ements of fa\$)ness and

f. The Applicant has not provided sufficient reasons for the contested decision as set out above.

§. Informing that the case is being handled outside the 200H margin of the number of shots allocated for the P25 exercise.

§§. The applicant is not a member of the staff used in the exercise.

27. The Board's finding that the alleged errors in the contested decision* are T) (una# %ons\$de)s \$t a""o")\$ate to g\$3e a (\$)ef o3e)3\$e9 of t+e P)omot\$ons Po#\$\$!* 9+\$%+ \$s un\$7ue to t+e UN , C - and stems from \$ts /)an; \$n "e)son0 s!stem. T+\$s Po#\$\$!* +as (een a""#\$ed fo) t+e f)\$st t\$me \$n t+e 2013 P)omot\$ons 'ess\$on and fundamenta##! de"a)ts from t+e "e3\$ous "o#\$\$!* as staff mem(e)s a) no #on)e g\$3en a "o\$nt2(ased s%o)\$ng (ut)at+e) su(4e%ted to a %om"a)at\$3e assessment among ea%+ ot+e) (! a "ane# %om"osed of sen\$o) staff mem(e)s of t+e UN , C - . L+\$#st some of t+\$s T)\$(una#Ds ")e3\$ous +o#d\$ngs \$n)es"e"t of t+e UN , C - ")omot\$ons sess\$ons)ema\$n of)e#e3an%e* most of t+ese %annot (e a""#\$ed mutatis mutandis to t+e "e)esent %ase.

Overview of the Promotions Policy

2A. Unless t+e! se)3e on an eB"e)t "ost* t+e UN , C - staff mem(e)s \$n t+e &nte)nat\$ona# P)ofess\$ona# %atego)! 9+o a)e se)3\$ng on \$ndefn\$te and f\$Bed2te)m a""o\$ntments a)e %onfe))ed "e)sona# g)ade #e3e#s. T+e! a""#! fo) ass\$gnments at t+e\$) "e)sona# g)ade #e3e# o) one #e3e# a(o3e. T+ese staff mem(e)s ma! (e

§§1 :o) ")omot\$on to an! #e3e# and "a)t\$%u#a)#! to t+e P25 #e3e# and a(o3e* a staff mem(e) must +a3e demonst)ated a +\$g+ #e3e# of %om"eten%e and ")ofess\$ona#\$sm \$n t+e management of +uman* f\$nan%\$a# mate)\$a#)esou)%es* ")og)ammes o) o"e)at\$ons. 5 anage)\$a# a%+\$e3ements s+a## (e demonst)ated (! t+e\$))ef#e%t\$on \$n t+e PA -/e2PAD "e)fo)man%e e3a#uat\$ons and :a%t '+eet na))at\$3e.

5.6.2 :o) ")omot\$on to t+e P25 o) D21 #e3e#s* t+e Pane# 5 em(e)s 9\$## \$dent\$)! staff mem(e)s 9+o +a3e demonst)ated eBem"#a)! #eade)s+\$" 7ua#t\$es su%+ as mot\$3at\$ng a team* ")o3\$d\$ng a 3s\$on and ")omot\$ng a %#\$mate of)es"e%t and a""e)%\$at\$on \$n t+e 9o); "#a%e.

5.6.3 T+e num(e) of staff to (e ad3an%ed f)om t+e 'e%ond - ound to t+e T+\$)d - ound 9\$## %)es"ond to t+e m\$n\$mum of 150H of t+e num(e) of s#ots a3a#a(#e fo) ")omot\$ons to P2& and to a m\$n\$mum of 200H of t+e num(e) of a3a#a(#e s#ots a3a#a(#e fo) ")omot\$on to P25 and D21. ased on t+e Pane# 5 em(e)sD assessments* t+e Pane# 'e)%eta)\$at 9\$## %om"\$#e t+e 'e%ond - ound assessment)an;\$ngs and de3e#o" a %onso#\$dated #st of su(stant\$a##! e7ua##! me)\$to)\$ous %and\$dates fo) %ons)de)at\$on (! t+e Pane# 5 em(e)s \$n t+e T+\$)d - ound.

3&. :\$na##!* t+e T+\$)d - ound enta\$#s a %o##e%t\$3e)e3\$e9 of t+e /su(stant\$a##! e7ua##! me)\$to)\$ous %and\$dates0 (! t+e 'PP* and t+e ma;\$ng of f\$na#)e%ommendat\$ons %)es"ond\$ng to t+e num(e) of a3a#a(#e s#ots .se% s. 5.10.1 and 5.10.21. T+e e3a#uat\$on \$\$ (ased on t+e 'e%ond - ound %)ste)\$a* and ")o3\$des fo) t+e need to ensu)e geog)a"+\$%a# d\$st)\$ (ut\$on as 9e## as an! d\$\$%"#\$na)! measu)e* do%umented)e")\$mand* f\$nan%\$a# m\$smanagement o) g)oss neg#\$gen%e du)\$ng t+e "ast f\$3e !eas .se%. 5.10.21.:o) ")omot\$ons to t+e P25 #e3e#* t+e 'PP ma!)e7uest a 9)\$tten assessment of an! "a)t\$%u#a) %and\$date f)om t+e)es"e%t\$3e D\$)e%to)* fo) staff \$n ,ead7ua)te)s* o) f)om t+e)es"e%t\$3e - e")esentat\$3e* fo) staff \$n t+e f\$e#d .se% s. 5.10.3 and 5.10.&1.

35. T+e , \$g+ Comm\$\$s\$one) a9a)d %ond\$st\$ona# on t+e staff mem(e) o(ta\$ng a s"e%f\$% "os\$st\$on at t+e +\$g+e) #e3e#. T+\$s %ond\$st\$on does not a""#! to staff mem(e)s 9+o a#)ead! se)3e on a "os\$st\$on at t+e +\$g+e) #e3e# o) on an eB"e)t "ost* o) a)e 9\$st+\$n t9o !eas) of)et\$)ement age .se%. 5.121.

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s+o9 t+)oug+ #ea) and %on3\$n%\$ng e3\$den%e t+at s+e 9as den\$ed a
fa\$) %+an%e of ")omot\$on.

&1. L+e)eas t+e "a)t\$es ag\$ee t+at t+e T)\$ (una# ma! %ondu%t t+e t!"e of)e3\$e9
set out a(o3e* t+e! d\$ag)ee on 9+et+e) t+e T)\$ (una# ma! go an! fu)t+e) and
ente)ta\$ n %+a##enges to t+e P)omot\$ons Po#\$\$! \$tse#. 'ee;\$ng to)e#! on t+e
4u)\$s")uden%e of t+\$s T)\$ (una# dea#\$ng 9\$t+ %om"a)at\$3e assessments %ondu%ted \$n
t+e %onteBt of do9ns\$I\$ng eBe)%\$ses* t+e A""#\$\$ant a)gues t+at t+e T)\$ (una# s+a##
not (e #m\$ted to)e3\$e9\$ng e))o)s \$n t+e implementation of t+e P)omot\$ons Po#\$\$!
(ut a#so eBam\$ne* inter alia* 9+et+e) t+e ")o%edu)es \$n "#a%e fo) t+e %om"a)at\$3e
)e3\$e9 of %and\$dates fo) ")omot\$ons at t+e UN , C- 9e)e /fa\$) and t)ans"a)ent0*
and 9+et+e) t+e %om"a)at\$3e)e3\$e9 of t+e %and\$dates 9as (ased on /fa\$)
o(4e%t\$3e %)ste)\$a as "a)t of an \$m"a)t\$a# ")o%ess0. T+e -es"ondent a)gues t+at t+e
T)\$ (una# s+ou#d not engage \$n a)e3\$e9 of t+e Po#\$\$!* and s+ou#d #m\$t \$tse#f to t+e
standa)d of)e3\$e9 set out (! t+e A""ea#s T)\$ (una# \$n)es"e"t of ")omot\$on
eBe)%\$ses as des%)\$(ed a(o3e.

&2. , a3\$ng)e3\$e9ed t+e 4u)\$s")uden%e and t+e su(m\$\$s\$ons of t+e "a)t\$es* t+e
T)\$ (una# \$s of t+e 3\$e9 t+at t+e standa)d of)e3\$e9 fo) de%\$\$s\$ons \$n t+e %onteBt of
do9ns\$I\$ng eBe)%\$ses \$s su(stant\$a##! t+e same as t+at fo) a""o\$ntments and
)omot\$ons. :o) \$nstan%e* \$n "ersh 201&2UNAT2&33* 9+\$\$+ %on%e)ns a
do9ns\$I\$ng eBe)%\$se* t+e A""ea#s T)\$ (una# +e#d t+at \$t +ad to eBam\$ne \$f t+e
a""#\$\$a(he)u#es 9e)e fo##o9ed and a""#sed \$n a fa\$)* t)ans"a)ent and
non2d\$\$%)\$m\$nato)! manne). 8n Adundo

3. In the context of a "domestic" case conducted under a "self" "order" *
su+ as in the "present" case* the T)(una#Ds)e3e9 \$s essential##! fo%used on the
\$m"#ementation of the "order"! .see #ofill 20132UNAT22A31. It \$s not the T)(una#Ds
)o#e to eBam\$ne 9+et+e) a "order"! adopted (! the Adm\$n\$st)at\$on \$s 9e##2founded
o) a""o"\$ate. T+\$s does not mean* +o9e3e)* that the T)(una# ma! not ente)ta\$n
%+a##enges to the #ega#\$t! of the "order"! \$n)es"e%t of non2%om"#\$an%e 9\$t+ a +\$g+e)
no)m* \$nsofa) as the \$))egu#a)t! ma!)esu#t \$n a staff mem(e) not (e\$ng g\$3en fa\$)
and fu## %onsde)at\$on fo) "domestic". :o) eBam"#e* a "domestic" "order"! sett\$ng out

established in a single group of individuals. The respondent argues that the
Promotions Policy in the UN, C-18 Gender Policy mandates that the
allocation of posts for promotion (established) among female and male
individuals and that to achieve this purpose and to ensure that the established
separate from the 'second round' as not being in the Promotions Policy!
intended to.

&7.

&6.

P)omot\$ons Po#\$%! . Not on#! d\$d \$t \$nt)odu%e a ne9 %)ste)son fo) %ons\$de)at\$on du)\$ng t+e 'e%ond - ound* (ut \$t 9as a#so ent)\$e#! \$n%ons\$stent 9\$t+ t+e te)ms of t+e Po#\$%! \$tse#f* 9+\$%+ %#ea)#! en3\$saged a s\$ng#e "oo# of %and\$dates fo) t+e\$) %om"a)at\$3e assessment and)an;\$ng (! t+e 'PP at t+\$s stage. A## %and\$dates 9+o +ad "assed t+e :)\$st - ound 9e)e)e7u\$)ed to (e assessed on t+e\$) me)\$ts as one g)ou" \$n t+e 'e%ond - ound to ")odu%e a #st of /su(stant\$a##! e7ua##! me)\$to)\$ous0 %and\$dates fo) %ons\$de)at\$on (! t+e 'PP \$n t+e T+\$)d - ound.

53. :u)t+e)mo)e* t+e T)\$ (una# \$s of t+e 3\$e9 t+at t+e , \$g+ Comm\$ss\$one)Ds de%\$s\$on to set t+e a3a\$a(#e num(e) of ")omot\$on s#ots fo) fema#e and ma#e %and\$dates (efo)e t+e a#tua# ")omot\$ons sess\$on 9as %om"#eted*)at+e) t+an at t+e t\$me of a 9a)d\$ng ")omot\$ons* a#so)a\$ses some %on%e)ns.

5&. T+e , \$g+ Comm\$ss\$one)Ds "o9e) to set t+e num(e) of a3a\$a(#e ")omot\$on s#ots \$s def\$ned \$n se%. &.1.2 of t+e P)omot\$ons Po#\$%! * 9+\$%+ ")o3\$desC

ET+eF D\$3\$ss\$on of , uman -esou)es 5 anagement .D , - 5 1 9\$## su(m\$t to t+e Jo\$nt Ad3\$so)! Comm\$ttee .JACI* at #east 10 9o);\$ng

s"e%\$f\$a##!* ea%+ 9o); o(4e%t\$3e +ad to (e)ated "u)suant to t+e s#a#e (e#o9* and
t+e s%o)es fo) ea%+ o(4e%t\$3e 9e)e t+en %om(\$ned (! t+e s!stem to gene)ate an
o3e)a## 9o); "e)fo)man%e)at\$ng on 9o); o(4e%t\$3esC

- \$. Not A%+\$e3ed 1* 2
- \$\$\$. Pa)t\$a##! A%+\$e3ed 3* &* 5
- \$\$\$\$. A%+\$e3ed 6* 7* A
- \$3. KB%e"t\$ona##! A%+\$e3ed 6* 10

63.

one of the... to 26H in 2006. The... tend... to... of... - 5... to ensure... of the 2010... and stressed... on... the... .

66. At the outset... notes that... a... to... as... of... from... !... of... a... of... a... system for... under... during the 2013... . The... 5... not... to... ;... the... to ensure... !... to... and... to... !... of... a... from 2006 to 2013 and... !... of... UN... to... an... of... and... the... of... the... must... of... the... .

70. The... at... and... to... and... of... !... the... -... . The... to... !... to... of... (e...ess.

710-169760810039665-53(066543(1)03(59-760(45)(n5-0790)21(0669)218(%) - 3.666 5 3(.).4..9 9218(a) -

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t+e 'PP mem(e)s 9e)e not \$n a "os\$t\$on to 3e)\$f! \$f

fo)t+ \$n se%. 5.6.1.\$1* 9+\$%+ \$s %e)ta\$#n#! one of t+e most dete)m\$nat\$3e %)ste)son of t+e ent\$)e ")o%ess.

7A. T+en* \$t seems t+at t+e Pe)fo)man%e 5 anagement Asso%ate 9+o d\$d t+e 3e)\$f\$%at\$on eBe)%\$se used t+e 9)ong \$nd\$%ato) (! \$dent\$f!\$ng t+ose 9+o +ad an o3e)a## s%o)e (e#o9 5.1 fo) %om"eten%\$es and o(4e)t\$3es. 8n t+\$s)es"e%t* t+e PA 5 ' esta(#s+ed a s#a#e 9+e) /A%+\$e3ed0 and /P)of\$%ent0 %)o))es"onded to a s%o)e of 6 to 6 .see "a)as. 62 and 63 a(o3e1* 9+\$%+ te%+n\$a##! means t+at a staff mem(e) must +a3e a s%o)e of at #east 6 to m\$n\$ma##! meet t+ese standa)ds. 8n tu)n* AnneB 2 to t+e PA 5 ' ent\$#ed / a% ;g)ound and o3e)3)e9 of t+e PA 5 ' P)o%ess0 ")o3\$des \$n \$ts se%. 16 t+at /A%+\$e3ed0 and /P)of\$%ent0 %)o))es"ond to a)at\$ng (et9een 5.1 and A.0* 9+\$%+ a#so seems to (e t+e "os\$)on ado"ted (! t+e D , - 5 * as "e) t+e)oad%ast sent on 1A 5a! 2011 .see "a)a. 6A a(o3e1. T+e T)\$ (una# %annot)e%on%#\$e t+ese t9o a""a)ent#! !ont)ad\$%to)! ")o3\$)ons of t+e PA 5 ' and* g\$3en t+at \$t \$s not dete)m\$nat\$3e of t+e ")esent a""#\$%at\$on* 9\$## #m\$t \$tse)f to)e%ommend\$ng t+e Adm\$n\$st)at\$on to #oo; \$nto t+e matte). As a)esu#t* \$t \$s 9e## "oss\$(#e t+at staff mem(e)s 9+o d\$d not e3en meet t+e m\$n\$mum "e)fo)man%e t+)es+o)d ad3an%ed to t+e T+\$)d - ound.

76. :\$na##!* and most \$m"o)tant#!* \$t tu)ned out t+at \$t 9as t+e D , - 5 t+at assessed "a)t of t+e "e)fo)man%e %)ste)son unde) se%. 5.6.1.\$1* \$instead of t+e 'PP* \$n %ont)a3ent\$on 9\$)t+ t+e eB"#\$%\$t te)ms of t+e P)omot\$ons Po#\$\$!* unde) 9+\$%+ t+e aut+o)\$t! to ma;e t+at assessment %#ea)#! fa##s on t+e 'PP. 8n t+\$s)es"e%t* t+e \$nfo)mat\$on ")o3\$ded (! t+e D , - 5 to t+e 'PP 9as not suff\$%)ent to %on%#ude t+at t+e 'PP mem(e)s u#t\$mate#! made t+e\$) \$nd\$3\$dua# assessment of t+e e3a#uat\$on %)ste)son as "e) t+e te)ms of se%. 5.6.1.\$1. T+e a""a)ent de\$\$)on of t+e D , - 5 to ;ee" t+e)at\$ngs f)om t+e 'PP meant t+at t+e 'PP mem(e)s 9e)e* t+us* not "e)sona##! a(#e to as%e)ta\$)n t+e %)o))e%tness o) ot+e)9\$se of t+e \$nfo)mat\$on \$n t+e %ons\$de)at\$ons unde) se%. 5.6.1.\$1 of t+e Po#\$\$! e3en t+oug+ t+e Po#\$\$!)e7u\$)ed t+at t+e !ad to (e "e)sona##! sat\$sf\$ed t+at t+e %)ste)son +ad (een met.

A0. Add\$)ona##!* t+e)at\$ngs g\$3en to t+e %and\$dates (! t+e\$) su"e)3\$so)s \$n)es"e%t of t+e a%+\$e3ement of t+e\$) 9o); o(4e)t\$3es and t+e\$) #e3e# of %om"eten%\$es 9as %e)ta\$)n#! a usefu#* \$f not ne%essa)!* \$nd\$%ato) to %om"a)e t+e

3a) sous %and\$datesD "e)fo)man%e* manage)\$a# a%+\$e3ements and #eade)s+\$"
7ua#t\$es. 8t ")o3\$ded a 7uant\$at\$3e measu)e t+at 9ou#d "oss\$(#! a##o9 t+e 'PP
mem(e)s to \$dent\$f! st)engt+s and 9ea;nesses \$n t+e 3a)\$ous staff mem(e)sD
%and\$da%!* and %om"a)e t+em aga\$nst one anot+e). :o) \$nstan%e*)at\$ngs of
/KB%e"t\$ona##! A%+\$e3ed0 o) /KB%e"t\$ona##! P)of\$%\$ent0 9e)e most %e)ta\$n#!
)e#e3ant to t+e 'PPDs %ons\$de)at\$on of* inter alia* 9+et+e) %and\$dates +ad
/%ons\$stent#! demonst)ated eB%e"t\$ona# "e)fo)man%e and do%umented eBem"#a)!
se)3\$e0* as "e) se%. 5.6.1.\$1 of t+e P)omot\$ons Po#\$%! As t+e -es"ondent
a%;no9#edged \$n +\$s)e"#!* t+e eB")ess\$on /eB%e"t\$ona# "e)fo)man%e0)efe)s
d\$e)t#! to t+e PA 5 '* \$n 9+\$%+ t+e (est #e3e# of "e)fo)man%e 9as)ated as
/KB%e"t\$ona##! A%+\$e3ed0 o) /KB%e"t\$ona##! P)of\$%\$ent0. 8f t+e 'PP mem(e)s +ad
(een ")o3\$ded 9\$t+ t+e e2PADs* t+e! %ou#d "oss\$(#! +a3e \$dent\$f\$ed outstand\$ng
%and\$dates (! t+e\$))at\$ngs* 9\$t+ t+e ass\$stan%e of t+e %omments ")o3\$ded (! t+e
su"e)3\$so). A#t+oug+ t+e)e ma! (e some %on%e)ns as to t+e)e#\$a(\$#t! of t+e

Promotion to the P2 & #3e# and a (o3e 9\$## (e su(4e%t to the staff
member(s) occupying a "position at these #e3e#s. 'taff member(s) 9\$## (e

6&. The Tribunal does not question the accuracy of the information provided into a account

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D, - 5 Ds suggested met+odo#og!. T+e 'PP mem(e) \$n 7uest\$on s!stemats\$a##!
)e"eated t+\$s ")o%edu)e* 9+\$%+)esu#ted \$n t+e)an;\$ng of 1&6 %and\$dates (et9een
 num(e) 1 and 127. T+en* t+\$s 'PP mem(e) sta)ted to)an; a g)ou" of %and\$dates at
 t+e (ottom end*)an;\$ng 21 of t+em num(e) 170. T+\$s #eft t+)ee %and\$dates to (e
)an;ed (et9een num(e) 127 and 170J t+ese t+)ee %and\$dates 9e)e m!ste)\$ous#!
)an;ed num(e)s 156* 160 and 166. T+\$s a""eas to (e an unusua# g)ou"\$ng and
 ma! (e \$nd\$%at\$3e of a)andom a#t\$on (! t+at "ane# mem(e). 5 ost %e)ta\$#n#!* \$t d\$d
 not %om"#! 9\$+ t+e D, - 5 Ds suggested met+odo#og! 9+e)e(!* fo) eBam"#e* t+e
 21 #ast %and\$dates s+ou#d +a3e)e)e\$3ed a)an;\$ng of 1&6* not 170. T+\$s ma! +a3e
 a s\$gn\$f\$%ant \$m"a%t on t+e\$) a3e)age.

106. A se%ond 'PP mem(e) a""eas to +a3e engaged \$n a "u)e g)ou"\$ng eBe)%\$se
 (!)an;\$ng* fo) eBam"#e* 1&7 %and\$dates among a g)ou" of 3 %and\$dates o) mo)eC A
 %and\$dates num(e) 1* 3 %and\$dates num(e) 6* 5 %and\$dates num(e) 12* 7
 %and\$dates num(e) 17* 6 %and\$dates num(e) 2&* 20 %and\$dates num(e) 3&* 16
 %and\$dates num(e) 56* 7 %and\$dates num(e) 76* 7 %and\$dates num(e) A3* 11
 %and\$dates num(e) 60* 17 %and\$dates num(e) 106* 7 %and\$dates num(e) 12&* 11
 %and\$dates num(e) 137* & %and\$dates num(e) 1&5* 10 %and\$dates num(e) 15&* and
 A %and\$dates num(e) 163. \$n t+\$s ")o%ess* +e %omm\$tted se3e)a# e))o)s \$n t+e
 a""#\$%at\$on of t+e suggested met+odo#og!* (! not ass\$gn\$ng %o))e)t#! t+e neBt
)an;\$ng. ,e)an;ed a#most a## %and\$dates 9\$+)\$n a g)ou"* 9+\$%+ %auses t+e
 T)\$ (una# to 9onde) 9+at eBa%t %)e)\$e)a t+\$s "ane# mem(e) 9as a""#!\$ng.

107. A t+\$)d 'PP mem(e) a#so engaged \$n a s\$m\$#a) g)ou"\$ng eBe)%\$se (!)an;\$ng*
 fo) eBam"#e* 136 %and\$dates 9\$+)\$n a g)ou" of fou) %and\$dates o) mo)eC &
 %and\$dates num(e) 1&* A %and\$dates num(e) 21* & %and\$dates num(e) 35* &
 %and\$dates num(e) 36* A %and\$dates num(e) &3* & %and\$dates num(e) 51* 5
 %and\$dates num(e) 55* 6 %and\$dates num(e) 61* 11 %and\$dates num(e) 77* 16
 %and\$dates num(e) AA* 12 %and\$dates num(e) 107* & %and\$dates num(e) 116* A
 %and\$dates num(e) 123* 7 %and\$dates num(e) 131* 11 %and\$dates num(e) 13A* 7
 %and\$dates num(e) 1&6* & %and\$dates num(e) 1&6* and 7 %and\$dates num(e) 160.
 A#most a## %and\$dates a)e)an;ed 9\$+)\$n a g)ou". 5 !ste)\$ous#!* t+e f\$)st e\$g+t
 %and\$dates and t+e #ast t+)ee 9e)e)an;ed \$nd\$3\$dua##!.

10A. The other three 'PP members' gave evidence and
stated that on 10 October 2001, on a few occasions, they
omitted to mention that one of them gave numbers 75 to
76 and number 76 to the next one and did not attend
meeting 166 for no obvious reason. Another one of these three
members stated that one of them gave numbers 171 to 170.

106. None of these three were detected to be present. The
evidence shows that the D, - 5 identified the

111. K3en mo)e 9o))\$some \$s t+e fa%t t+at t+e D , - 5 de3e#o"ed t+e %onso#dated
#\$st of %and\$dates 9+o ad3an%ed to t+e T+\$)d - ound (ased on t+e num(e)s
")o3\$ded (! t+e 'PP mem(e)s 9+\$%+ d\$s"#a!ed* on t+e\$) fa%e* (#atant e))o)s.

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reference to a treaty. The content of the treaty is of
no consensus. It is indeed a matter of fact that not only the D, - 5 (as so
the 'PP mem(e)s mentioned the relevant case as (being one of the
'PP mem(e)s "the" case among the group's that the Commission decided upon (the most
needed at the P25 level) or "the" case in the opinion of the group; the
"om"ing the "and" dates on the opinion as referred to (the Promotions

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1&A.

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109 The Applicant would have informed the Panel of 331 and dates of 900 on 112 days to attend the Tribunal and 56 days until the meeting to be held.

157. The Respondents suggest that the Applicant would not have been notified given that he was invited 7 out of 170 days until the meeting as the dates are not given a schedule (attached). 50 days (because of the dates) given of the Panel members in the assessment of the Panel that the Applicant represented in a Panel of 170 members

assessment of that of the 'PP and the , \$g+ Comm\$ss\$one)* somet+\$ng that the

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From the onset that the respondent made effort to "act as an agent" (- 10297321t)0.67.

1A6. 8n Asariotis

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