



Before: Judge Jean-François Cousin

Registry: Geneva

Registrar: René M. Vargas M.

RAHMAN

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER

ON PRODUCTION OF EVIDENCE

Counsel for Applicant:

George G. Irving

Counsel for Respondent:

Bettina Gerber, UNOG

Susan Maddox, ALS/OHRM, UN Secretariat

1. The Applicant challenges the decision not to select him for the position of Director of the Division on Africa, within the Least Developed Countries and Special Programmes of the United Nations Conference on Trade and Development (“UNCTAD”). He was notified of the contested decision by a memorandum, dated 12 September 2011, from the UNCTAD Secretary-General and a letter of 19 September 2011 from the UNCTAD Deputy Secretary-General.
2. The Applicant submits, *inter alia*, that the decision not to select him was tainted by extraneous considerations and that the selection process endured improper interference.
3. Pursuant to Order No. 39 (GVA/2013) of 10 April 2013, the Tribunal held on 22 May 2013 an oral hearing on the merits.

Consideration

4. Article 18.2 of the Tribunal’s Rules of Procedure provides:

Article 18

Evidence

...

The Dispute Tribunal may order the production of evidence for either party at any time and may require any person to disclose any document or provide any information that appears to the Dispute Tribunal to be necessary for a fair and expeditious disposal of the proceedings.

5. Article 19 of the Tribunal’s Rules of Procedure provides that:

Article 19

Case management

The Dispute Tribunal may at any time, either on an application of a party or on its own initiative, issue any order or give any direction which appears to a judge to be appropriate for the fair and expeditious disposal of the case and to do justice to the parties.

6. ST/AI/2006/3 (Staff selection system) dated 15 November 2006 stipulates in its section 7.5:

Section 7

Consideration and selection

...

Programme managers must prepare a reasoned and documented record of the evaluation of those candidates against the requirements and competencies set out in the vacancy announcement.

and reiterates this obligation in its subsequent section 7.6 that states:

For each vacancy, the programme manager shall prepare a reasoned and documented record of the evaluation of the proposed candidates against the applicable evaluation criteria to allow for review by the central review body and/or decision by the head of the department/office.

7. Following the oral hearing on the merits where the Applicant's Counsel questioned the authenticity and accuracy of the Applicant's interview and evaluation reports and in light of the aforementioned legal provisions applicable in the instant case, the Tribunal considers it necessary that the Respondent provides original documentary evidence pertaining to the Applicant's interview process, i.e. in particular relating to the conduct of the competency-based interview process, namely contemporaneous (handwritten and typed) notes taken by each of the panel members, their individual and collective evaluations of the candidates as well as the panel's joint report signed by the Chairperson and its members, including all draft and commented versions thereof.

Conclusion

In view of the foregoing, it is ORDERED that:

8. The Respondent shall file the documents referred to in para. 7 above by **Friday, 31 May 2013**.

(Signed)

Judge Jean-François Cousin

Dated this 24th day of May 2013

Entered in the Register on this 24th day of May 2013

(Signed)

René M. Vargas M., Registrar, Geneva