



**Before:** Judge Francesco Buffa

**Registry:** Geneva

**Registrar:** René M. Vargas M.

KRIOUTCHKOV

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**ORDER  
ON CASE MANAGEMENT**

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**Counsel for Applicant:**

Self-represented

**Counsel for Respondent:**

Alan Gutman, AAS/ALD/OHRM, UN Secretariat

## **Introduction**

1. The United Nations Dispute Tribunal (“UNDT”) issued Judgment No. UNDT/2018/093 in the matter of *Krioutchkov v. Secretary-General of the United Nations* (Case No. UNDT/GVA/2016/100) where the Applicant challenged the decision not to evaluate his candidature for, as well as his non-selection to, the position of Russian Translator (P-3), at the United Nations Office at Nairobi, advertised under job opening number 39481 (“JO 39481”). By this Judgment, the UNDT rescinded the mentioned decision and awarded the Applicant a *compensation in lieu* of two months’ net base salary.
2. The Secretary-General appealed the above-mentioned Judgment, and by Judgment *Krioutchkov* 2019-UNAT-920, the United Nations Appeals Tribunal set aside the Dispute Tribunal Judgment and remanded it to the UNDT for a full consideration of its merits by another Judge.
3. The remanded case was registered under Case No. UNDT/GVA/2016/100/R1 and assigned to the undersigned Judge.

## **Consideration**

4. The Appeals Tribunal based its remand of the case for a rehearing on the need to determine:
  - a. If rostered candidates are to be removed from the roster upon selection to a position linked to it (see paras. 24-25 of *Krioutchkov* 2019-UNAT-920); and
  - b. If the “Administration would require the Applicant (or any staff member in a similar position) to have lateral moves prior to applying to a non-language P-5 position” (see para. 27 of *Krioutchkov* 2019-UNAT-920).

IT IS ORDERED THAT:

5. **By Friday, 1 November 2019**, the parties submit all documentary evidence about all the rules applicable to the creation and management of rosters, with specific reference to the removal from rosters of the successful candidates following their selection to a given post, as well as the practice(s) followed by the Organization using such staff selection mechanism. Such documentary evidence may also include witness statements.

6. **By Monday, 18 November 2019**, each party submit comments, if any, on the other party's submission.

*(Signed)*

Judge Francesco Buffa

Dated this 11<sup>th</sup> day of October 2019

Entered in the Register on this 11<sup>th</sup> day of October 2019

*(Signed)*

René M. Vargas M., Registrar, Geneva