

UNDT/2009/008, Osman

UNAT Held or UNDT Pronouncements

UNDT noted that it was established that UNAMI decided not to renew the Applicant's appointment on the grounds of poor performance, while the appraisal performance procedure for the concerned staff member, at least for 2008/2009, had not been regularly completed. UNDT found that, in light of the case file, the decision under review appeared as prima facie illegal. UNDT found that the urgency for the Judge to rule on the Applicant's request was established since the implementation of the contested decision would result in the Applicant being excluded from the UN staff as of 18 August 2009. UNDT found that the implementation of the contested decision would cause to the Applicant an irreparable damage as, even if staff members do not have a right to have their contract renewed, the Applicant, after over 16 years of service at the United Nations, would find himself unemployed and, thus, without income. UNDT concluded that the conditions set out in Article 2.2 of the UNDT Statute were satisfied and granted the suspension of action of the decision not to renew the Applicant's contract during the pendency of management evaluation.

Decision Contested or Judgment/Order Appealed

The Applicant requested suspension of the decision not to renew his contract beyond 18 August 2009.

Legal Principle(s)

N/A

Outcome

Judgment entered for Applicant in full or in part

Full judgment

[Full judgment](#)

Applicants/Appellants

Osman

Entity

UNAMI

Case Number(s)

UNDT/GVA/2009/39

Tribunal

UNDT

Registry

Geneva

Date of Judgement

13 Aug 2009

Duty Judge

Judge Cousin

Language of Judgment

English

French

Issuance Type

Judgment

Categories/Subcategories

Non-renewal

Reassignment or transfer

Suspension of action / interim measures

Applicable Law

Administrative Instructions

- ST/AI/2002/3

UNDT Statute

- Article 2.2