

UNDT/2009/021, Campos

UNAT Held or UNDT Pronouncements

UNDT preliminarily rejected the Applicant's requests for recusal, holding that there were no longer any grounds for ruling on those requests since the UNDT President previously rejected those requests. Concerning the first application, UNDT held that the Applicant did not establish the illegality of the election of JC and that his application for the election to be declared null and void must be rejected. With regard to the Applicant's request that all decisions taken by the Internal Justice Council be rescinded, UNDT held that it is clear from General Assembly Resolution 62/228 of 22 December 2008 that the General Assembly created a body that is purely advisory and does not take any administrative decisions that could be referred to UNDT. Thus, UNDT rejected the applicant's request in this regard as well. With respect to the second application, UNDT preliminarily held that the application was not time-barred. UNDT noted that since JC was elected in due form and that the Applicant was quite rightly not declared elected, there was no point in the Applicant, as the defeated candidate, requesting rescission of the decision limiting the appointment of members of the Internal Justice Council to a period of four years; only the members themselves might have reason to contest such a decision. UNDT rejected the second application.

Decision Contested or Judgment/Order Appealed

The Applicant submitted two applications. In the first application, the Applicant contested the decision to publish the appointment of JC as a member of the Internal Justice Council and requested that all decisions taken by that Council be rescinded. In the second application, the Applicant requested rescission of the decision to appoint the five members of the Internal Justice Council for a period of four years.

Legal Principle(s)

Any UN staff member has the right to be a candidate to represent the staff.

Outcome

Dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Campos

Entity

UNOG

Case Number(s)

UNDT/GVA/2009/006

UNDT/GVA/2009/013

Tribunal

UNDT

Registry

Geneva

Date of Judgement

16 Sep 2009

Duty Judge

Judge Cousin

Language of Judgment

English

French

Issuance Type

Judgment

Categories/Subcategories

Administrative decision

Definition

Judges

Recusal

Jurisdiction / receivability (UNDT or first instance)

Temporal (ratione temporis)

Staff selection (non-selection/non-promotion)

Selection decision

Applicable Law

Former Staff Regulations

- Regulation 11.1

Former Staff Rules

- Rule 108.1
- Rule 108.2

GA Resolutions

UN Charter

- Article 97

UNDT Statute

- Article 2

Related Judgments and Orders

2010-UNAT-001