

UNDT/2009/029, Gonzalez-Ruiz & Buscaglia

UNAT Held or UNDT Pronouncements

A summary judgment was rendered because, as per art. 9 of the RoP, there was no dispute as to the material facts and judgment was restricted to matters of law. As one of the Applicants did not file an application in person (art. 8.1 (b), 3.1 and 2.1 of UNDT Statute) neither designated a counsel to act on his behalf (art. 12 of UNDT RoP), his application was deemed as not receivable. Furthermore, considering that an apology is beyond the remedies which may be ordered by the Tribunal in accordance with art. 10.5 of UNDT Statute, the application was declared as out of the Tribunal's mandate.

Decision Contested or Judgment/Order Appealed

A person submitted an application on behalf of the Applicants. The JAB and the Tribunal requested the Applicants to confirm that person as their counsel. Just one of them did it. Moreover, the only remedy sought in the application was an apology from the Administration.

Legal Principle(s)

N/A

Outcome

Dismissed as not receivable

Full judgment

[Full judgment](#)

Applicants/Appellants

Gonzalez-Ruiz & Buscaglia

Entity

UNODC

Case Number(s)

UNDT/GVA/2009/035

Tribunal

UNDT

Registry

Geneva

Date of Judgement

5 Oct 2009

Duty Judge

Judge Laker

Language of Judgment

English

French

Issuance Type

Judgment

Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

Subject matter (ratione materiae)

Applicable Law

GA Resolutions

- A/RES/63/253

UNDT Statute

- Article 10.5
- Article 2.1
- Article 3.1
- Article 8.1