

UNDT/2009/057, Diagne et al.

UNAT Held or UNDT Pronouncements

The Tribunal limited its review to the time-bar of the statement of appeal to the JAB in February 2009. Since former Staff Rules were applicable to this case, the Morsy judgment and the broader definition of "exceptional cases" with reference to art. 8.3 UNDT Statute, art. 7.5 UNDT RoP had to remain out of consideration. Neither the lack of knowledge of the English language nor ignorance of law could be accepted as "exceptional circumstances". Outcome: Application was dismissed.

Decision Contested or Judgment/Order Appealed

The applicants were separated from UNHCR effective 31 December 2005. They turned to different institutions but did not request administrative review from the Secretary General before August 2007. Whereas one applicant received a response in May 2008 the other applicants did not receive any answer. All applicants submitted an application to the Joint Appeals Board in February 2009.

Legal Principle(s)

N/A

Outcome

Dismissed as not receivable

Full judgment

[Full judgment](#)

Applicants/Appellants

Diagne et al.

Entity

UNHCR

Case Number(s)

UNDT/GVA/2009/030

Tribunal

UNDT

Registry

Geneva

Date of Judgement

29 Oct 2009

Duty Judge

Judge Laker

Language of Judgment

English

French

Issuance Type

Judgment

Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

Temporal (ratione temporis)

Applicable Law

Former Staff Rules

- Rule 111.2(a)
- Rule 111.2(f)

Related Judgments and Orders

UNDT/2009/036