

UNDT/2010/085, Ishak

UNAT Held or UNDT Pronouncements

Out of the various decisions that the applicant challenged, only those raised in the request for administrative request are receivable. Mere preparatory decisions may not be contested before UNDT, in accordance with article 2, paragraph 1, of its statute. Indeed, those decisions are not of such nature as to affect the staff member's rights per se; they can be called into question in contesting the main/final decision, but not by themselves. Furthermore, since the applicant had already been promoted by the time he filed the present case, he had no legitimate interest to take legal action.

Decision Contested or Judgment/Order Appealed

The applicant was not promoted at the UNHCR 2008 promotion session, but received a promotion to the P-5 level after the corresponding recourse session. He had been President of the HCR Staff Council from June 2007 to June 2008, during which period he had been released from his functions. Prior to the promotion session, he had requested that a new policy be adopted as regards the evaluation of the performance (for the purpose of promotion) of the President of the Staff Council which had no PAS as had been released of his functions during the relevant period. In the course of the procedure before UNDT, the applicant moved, inter alia, for several extensions of procedural time limits/suspension of the procedure, the recusal of the judge entrusted with the case, a change of venue and leave for submitting allegations against two of the staff members of the UN justice system which had been involved in different capacities in the processing of his case.

Legal Principle(s)

N/A

Outcome

Dismissed as not receivable

Outcome Extra Text

The application was rejected. The applicant was ordered to pay 2,000 CHF under article 10, paragraph 6, of the UNDT statute.

Full judgment

[Full judgment](#)

Applicants/Appellants

Ishak

Entity

UNHCR

Case Number(s)

UNDT/GVA/2009/066

Tribunal

UNDT

Registry

Geneva

Date of Judgement

5 May 2010

Duty Judge

Judge Cousin

Language of Judgment

English

French

Issuance Type

Judgment

Categories/Subcategories

Abuse of process before UNDT/UNAT

Manifest abuse

Jurisdiction / receivability (UNDT or first instance)

Applicable Law

UNDT Statute

- Article 10.6
- Article 2.1

Related Judgments and Orders

UNDT/2009/077

UNDT/2009/086

UNDT/2009/089