

# **UNDT/2010/136, Onana**

## UNAT Held or UNDT Pronouncements

The Administration's decision not to renew the Applicant's fixed-term appointment beyond September 30 2009 was not informed by improper motive, arbitrariness or other extraneous factors. The Applicant, in merely settling into his reassignment to clerical duties in JRAU, not only deluded himself as to the security of his employment with the ICTR but was utterly unreasonable and careless regarding his own career prospects and must bear the blame for the fall-outs of his reassignment. The ICTR Administration made sufficient effort in the spirit of the Performance Appraisal System to improve the Applicant's skills and to remedy his performance shortcomings as a Court Reporter in spite of his own apparent resistance, casualness and criticisms of the implementation of the real time system by his unit. The Applicant has not proved his assertion that the staff retention guidelines were not followed in arriving at the decision to abolish his post in the Court Reporting unit. The Applicant's due process rights were not violated in the decision not to retain him in light of the closing strategy of the ICTR.

## Decision Contested or Judgment/Order Appealed

The Applicant joined the ICTR in April 1999 as a French court reporter. He worked in that capacity until May 2007 when the Chief of section recommended that his contract should not be renewed. After some discussions within the section, the Applicant was moved to the Judicial Records and Archives Unit (JRAU) in August 2007. He however continued to encumber his post with the French Court Reporters Unit even though he now performed functions in the JRAU. In June 2009, he was given notice that his contract would not be renewed following the abolition of some posts as part of the completion strategy of the ICTR. The Applicant is appealing the decision not to renew his fixed-term appointment beyond September 30 2009.

## Legal Principle(s)

N/A

## Outcome

Dismissed on merits

## Full judgment

[Full judgment](#)

## Applicants/Appellants

Onana

## Entity

ICTR

## Case Number(s)

UNDT/NBI/2009/057

## Tribunal

UNDT

## Registry

Nairobi

## Date of Judgement

30 Jul 2010

## Duty Judge

Judge Izuako

## Language of Judgment

English

French

## Issuance Type

Judgment

## Categories/Subcategories

Abolition of post

Termination

Appointment (type)

Fixed-term appointment

Due process

Non-renewal

## Applicable Law

Administrative Instructions

- ST/AI/2002/3