

UNDT/2010/192, Nduwayo

UNAT Held or UNDT Pronouncements

The Tribunal sought to find whether there were any exceptional circumstances warranting a waiver of the receivability requirements. In the light of the jurisprudence of the former UN Administrative Tribunal, the UNDT reaffirmed that “exceptional circumstances” are those circumstances that are outside the control of the applicant. In the present matter, the Tribunal concluded that the Applicant had totally failed to establish that he was hampered by exceptional circumstances to pursue his case with due diligence. The Tribunal found that the matter was time-barred.

Decision Contested or Judgment/Order Appealed

Applicant sought review of the decision not to renew his contract with UNDP in Burundi sixteen years after notification of the contested decision.

Legal Principle(s)

N/A

Outcome

Dismissed as not receivable

Full judgment

[Full judgment](#)

Applicants/Appellants

Nduwayo

Entity

UNDP

Case Number(s)

UNDT/NBI/2010/39/UNAT/1605

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

25 Oct 2010

Duty Judge

Judge Boolell

Language of Judgment

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(e)