

UNDT/2011/122, Kweka

UNAT Held or UNDT Pronouncements

The current Application for suspension of action must be adjudicated against the stipulated cumulative test, in that the Applicant must establish that the impugned decision is prima facie unlawful, calls for urgent adjudication and that implementation of the impugned decision would cause him irreparable harm. The Tribunal finds no impropriety in the Respondent's application of the staff retention criteria in respect of the Applicant. This Application therefore fails on the limb of prima facie unlawfulness therefore. Having found that the impugned decision is not unlawful, and given that the test for suspension of action applications is a cumulative one, it is unnecessary for the Tribunal to proceed to assess this Application on the ground of urgency and irreparable harm.

Decision Contested or Judgment/Order Appealed

On 30 June 2011, the Applicant filed a motion for suspension of action with the United Nations Dispute Tribunal (UNDT) in Nairobi seeking a suspension of the decision by the United Nations International Criminal Tribunal for Rwanda (ICTR) not to extend his appointment beyond the expiry of his current contract on 30 June 2011.

Legal Principle(s)

N/A

Outcome

Dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Kweka

Entity

ICTR

Case Number(s)

UNDT/NBI/2011/032

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

7 Jul 2011

Duty Judge

Judge Izuako

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Suspension of action / interim measures
Prima facie unlawfulness

Applicable Law

Security Council Resolutions

- S/RES/1503

UNDT RoP

- Article 13

UNDT Statute

- Article 2

Related Judgments and Orders

2011-UNAT-119

UNDT/2011/051

UNDT/2010/005

UNDT/2009/017

UNDT/2010/140