

UNDT/2011/194, Achkar

UNAT Held or UNDT Pronouncements

From the pleadings of the Applicant, it is clear that at the time of the contested decision he was a staff member of UNRWA. This entity does not fall under the jurisdiction of the UNDT. At the time the cause of action arose, the Applicant would probably have been entitled to pursue any claim he might have had against UNRWA before the former UN Administrative Tribunal. Since the cause of action arose in UNRWA, the element of *ratione materiae* of the UNDT is not satisfied because the Applicant should have filed his application against the Commissioner General as the Chief Executive Officer of UNRWA. In the light of the above quoted legal provisions therefore, *prima facie*, the Application is not receivable *ratione temporis* since the Applicant did not comply with the time-limit provided in art. 7.6 of the Rules of Procedure of the UNDT with respect to the submission of the request for review. Applicant has not only filed his Application against the wrong entity but has also done so after a considerable delay and therefore beyond the scope of receivability.

Decision Contested or Judgment/Order Appealed

The Applicant asserted that he faced threats upon his life by Israeli soldiers upon entry to and exit from Gaza and that he and his extended family have been the subject of harassment.

Outcome

Dismissed as not receivable

Full judgment

[Full judgment](#)

Applicants/Appellants

Achkar

Entity

UNRWA

Case Number(s)

UNDT/NBI/2011/68

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

15 Nov 2011

Duty Judge

Judge Boolell

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

Subject matter (ratione materiae)

Temporal (ratione temporis)

Applicable Law

Staff Regulations

- Regulation 11.2

UNDT RoP

- Article 7.6
- Article 8

UNDT Statute

- Article 2

UNRWA DT Statute

- Article 2.1