UNDT/2012/064, Kamanou

UNAT Held or UNDT Pronouncements

Jurisdiction: The Tribunal is not competent to examine the lawfulness of a decision made by ECOWAS.

Decision Contested or Judgment/Order Appealed

The Applicant, a P-3 staff member in DESA, UN Secretariat, contested before the former New York Joint Appeals Board the decision not to attribute her for contributions to a publication named "ECOWAS [the Economic Community of West African States] Poverty Profile", as well as the decisions not to select her for two P-4 posts, claiming that she was the victim of harassment and discrimination. The case was transferred to the UNDT effective 1st July 2009. In May 2010, the Dispute Tribunal issued Kamanou UNDT/2010/093, which was reversed by the Appeals Tribunal and remanded to the UNDT in March 2011 (Kamanou 2011-UNAT-113). In November 2011, the case was transferred from the New York Registry to the Geneva Registry. The Tribunal found that the application was irreceivable insofar as it related to the non- attribution since the decision-maker was ECOWAS, a non-UN entity. It further found that the Applicant had not substantiated her claims of harassment and discrimination with respect to the non-promotion.

Legal Principle(s)

N/A

Outcome

Dismissed on merits

Full judgment

Full judgment

Applicants/Appellants

Kamanou

Entity

DESA

Case Number(s)

UNDT/GVA/2011/75

Tribunal

UNDT

Registry

Geneva

Date of Judgement

3 May 2012

Duty Judge

Judge Cousin

Language of Judgment

English

French

Issuance Type

Judgment

Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

Manifest excess of jurisdiction

