

# UNDT/2012/093, Tibouti

## UNAT Held or UNDT Pronouncements

Prima facie case: When the Respondent fails to respond to a submission of the Applicant and to the relevant evidence adduced by the parties, the Tribunal is left with the inference that the submission is correct. Urgency: The matter was imminent as the Applicant's contract ended in eight days from the date of the Judgment. The urgency was due to the Respondent not properly ensuring that a management evaluation would be ready before the scheduled day of separation. Irreparable harm: The harm that the Applicant contended he and his family will suffer from the non-renewal of his contract, and thereby also his separation from the Organization, was of a nature that is generally non-pecuniary, including the harm related to his family's potential relocation to Morocco. Loss of employment is to be seen not merely in terms of financial loss, for which compensation may be awarded, but also in terms of loss of career opportunities. This is particularly the case in employment within the United Nations which is highly valued. Once out of the system the prospect of returning to a comparable post within the United Nations is significantly reduced. The damage to career opportunities and the consequential effect on one's life chances cannot adequately be compensated by money.

## Decision Contested or Judgment/Order Appealed

The Applicant appealed the non-renewal of his appointment.

## Legal Principle(s)

N/A

## Outcome

Judgment entered for Applicant in full or in part

Full judgment

[Full judgment](#)

Applicants/Appellants

Tibouti

Entity

UNICEF

Case Number(s)

UNDT/NY/2012/054

Tribunal

UNDT

Registry

New York

Date of Judgement

22 Jun 2012

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Non-renewal

Suspension of action / interim measures

Applicable Law

## UNDT RoP

- Article 13

## UNDT Statute

- Article 2.2

## Related Judgments and Orders

UNDT/2012/077

UNDT/2012/058

2010-UNAT-005

2011-UNAT-115