

# UNDT/2012/113, El Moctar

## UNAT Held or UNDT Pronouncements

The Tribunal found that the Applicant was not a staff member of the United Nations, but rather a member of UN police force (UNPOL), which was an international law enforcement entity separately administered outside the UN Secretariat. The Tribunal therefore, held that in view of the established law, articles 2.1 and 3.1 of the Statute of the Tribunal, the application was not receivable. The Tribunal was not competent to entertain it. Accordingly, the application was dismissed as non-receivable.

## Decision Contested or Judgment/Order Appealed

The Applicant contested the decision of the Police Commissioner of MONUSCO to impose on him the sanction of a reprimand and to place a note on his personnel file.

## Legal Principle(s)

The Tribunal is competent to hear applications filed by staff members from entities that fall under its jurisdiction. Further, the Tribunal is competent to adjudicate the merits only where the receivability requirement is satisfied.

## Outcome

Dismissed as not receivable

## Full judgment

[Full judgment](#)

## Applicants/Appellants

El Moctar

## Entity

MONUSCO

## Case Number(s)

UNDT/NBI/2011/011

## Tribunal

UNDT

## Registry

Nairobi

## Date of Judgement

24 Jul 2012

## Duty Judge

Judge Boolell

## Language of Judgment

English

## Issuance Type

Judgment

## Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

Subject matter (ratione materiae)

## Applicable Law

## UNDT Statute

- Article 2.1
- Article 3.1(a)