

# UNDT/2012/183, Abu Ras

## UNAT Held or UNDT Pronouncements

On the score of prima facie unlawfulness, the Tribunal held that the Respondent had failed to provide reasons why the decision not to renew the Applicant's appointment was lawful. The Tribunal therefore, concluded that based on the available evidence, the contested decision was motivated by countervailing circumstances and was thus prima facie unlawful. With regard to urgency, the Tribunal found that the Applicant had acted prudently by filing her application in a timely manner. Consequently, the Tribunal held that in the circumstances, the requirement for urgency had been satisfied by the Applicant. On the prong of irreparable damage, the Tribunal observed that contrary to the Respondent's argument, monetary compensation alone in the face of an unjust and unlawful decision by ESCWA would not do justice to the Applicant. Therefore, the Tribunal found that implementation of the contested decision would cause the Applicant an irreparable damage. In view of the above findings, the Tribunal granted the application for suspension of action.

## Decision Contested or Judgment/Order Appealed

The Applicant applied for a suspension of the ESCWA's decision not to renew her appointment beyond 31 December 2012.

## Legal Principle(s)

There are three statutory prerequisites contained in art. 2.2 of the UNDT Statute, i.e. prima facie unlawfulness, particular urgency and irreparable damage, that must all be satisfied for an application for suspension of action to be granted.

## Outcome

Judgment entered for Applicant in full or in part

## Full judgment

[Full judgment](#)

## Applicants/Appellants

Abu Ras

## Entity

ESCWA

## Case Number(s)

UNDT/NBI/2012/058

## Tribunal

UNDT

## Registry

Nairobi

## Date of Judgement

20 Nov 2012

## Duty Judge

Judge Boolell

## Language of Judgment

English

## Issuance Type

Judgment

## Categories/Subcategories

Non-renewal

Separation from service

Suspension of action / interim measures

## Applicable Law

Secretary-General's bulletins

- ST/SGB/2005/21
- ST/SGB/2008/5

Staff Rules

UNDT RoP

- Article 13

UNDT Statute

- Article 2.2