

UNDT/2013/025, Kacan

UNAT Held or UNDT Pronouncements

He alleged that the non-renewal of his appointment was based on discriminatory grounds, i.e. because of his Kurdish ethnicity, and not for reasons of force majeure, namely due to the occurred earthquake, leading to the subsequent closure of the UNHCR office in Van/Turkey. The UNDT found that the decision not to renew his appointment was lawful, as the Applicant failed to adduce evidence of any breach of his rights.

Decision Contested or Judgment/Order Appealed

The Applicant, a former staff member of the United Nations High Commissioner for Refugees (“UNHCR”) in Van/Turkey, contests the decision not to renew his fixed-term appointment beyond 31 December 2011.

Legal Principle(s)

Reasons for non-renewal/burden of proof of extraneous factors: If an Applicant contests the legality of a non-renewal decision, she/he has the burden of proving that the true reason behind a decision is unlawful.

Outcome

Dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Kacan

Entity

UNHCR

Case Number(s)

UNDT/GVA/2012/53

Tribunal

UNDT

Registry

Geneva

Date of Judgement

18 Feb 2013

Duty Judge

Judge Cousin

Language of Judgment

English

French

Issuance Type

Judgment

Categories/Subcategories

Burden of proof

Non-disciplinary

Non-renewal

Reason(s)

Separation from service

Applicable Law

Staff Regulations

- Regulation 4.5

Related Judgments and Orders
2011-UNAT-184