UNDT/2013/175, Belhachmi

UNAT Held or UNDT Pronouncements

The Applicant’s request for recusal was not receivable and did not warrant a referral to the President of the Tribunal for determination. The Applicant’s claims were all of a substantive nature and would have been more appropriately dealt with by an appellate Tribunal. There was nothing to rectify or correct in the judgment as none of the particulars listed in the application were related to any errors.

Decision Contested or Judgment/Order Appealed

The Applicant contested the non-renewal of her contract, alleging gender abuse and discrimination, and a ‘medical component.’ She filed a formal recusal request against the Judge handling the case and also filed a request for correction of the receivability Judgment UNDT/2012/051.

Legal Principle(s)

A conflict pertains to the ability, impartiality and independence of a judge to adjudicate a case. Correction or rectification of a judgment is strictly limited to atithmetical mistakes or errors arising from any accidental slip or omission, as provided for in Article 12.2 of the UNDT Statute and Article 31 of the UNDT Rules of Procedure.

Outcome
Dismissed as not receivable
Full judgment
Full judgment
Applicants/Appellants
Belhachmi
Entity
UNOCI
Case Number(s)
UNDT/NBI/2013/6
Tribunal
UNDT
Registry
Nairobi
Date of Judgement
19 Dec 2013
Duty Judge
Judge Boolell
Language of Judgment
English
French
Issuance Type
Judgment
Categories/Subcategories
Judges
Conflict of interest
Judgment-related matters
Correction of Judgment

Jurisdiction / receivability (UNDT or first instance)
Subject matter (ratione materiae)
Applicable Law
UNDT RoP

- Article 27
- Article 28.2
- Article 31

UNDT Statute

- Article 12.2