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