

UNDT/2014/019, Mohammed

UNAT Held or UNDT Pronouncements

In reviewing a decision not to renew an appointment, the role of the Dispute Tribunal is to determine whether the discretion not to renew was validly exercised. Where justification is given by the Respondent for the exercise of its discretion, that justification must be borne out by the facts. Both Parties have told the Tribunal that the Applicant took his grievances to the Retention Committee, which Committee then reviewed the Applicant's claim and found that the Retention Panel (which the Applicant chaired) had properly carried out the exercise it was charged with. The Tribunal is also unable to properly examine the Applicant's claims of nepotism, discrimination and unfair treatment because no evidence has been adduced by the Applicant to demonstrate that those elements were meted out against him.

Decision Contested or Judgment/Order Appealed

The Applicant challenged the decision not to renew his fixed-term appointment.

Outcome

Dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Mohammed

Entity

ICTR

Case Number(s)

UNDT/NBI/2012/39

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

14 Feb 2014

Duty Judge

Judge Boolell

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Discrimination and other improper motives

Non-renewal

Separation from service

Applicable Law

Security Council Resolutions

- S/RES/1503

Staff Rules

- Rule 4.13(c)

Related Judgments and Orders

UNDT/2009/017

UNDT/2013/100

2011-UNAT-132

2011-UNAT-153

2010-UNAT-021

2010-UNAT-081

2011-UNAT-128

2011-UNAT-119

2011-UNAT-115