

UNDT/2014/094, Hassouna

UNAT Held or UNDT Pronouncements

The Tribunal found that the Applicant should have been given a one-year extension in Entebbe so that he would have been entitled to the benefits and entitlements that ordinarily accompany such a contract. Receivability: The Tribunal concluded that there was an administrative decision in that the Applicant was challenging a continuum of events - the repeated short-term renewal of his appointment stemming from the decision of the Government of Sudan to oust him from its territory. The Tribunal held that this was a decision of “individual application” with “direct legal consequences” to the Applicant. Persona non grata: Non-renewal or renewal on adverse terms and conditions is an option open to the Secretary-General depending on the circumstances surrounding the PNG decision by the host country. In some cases, staff members are declared persona non grata for overstepping their TORs and the mandate of the mission. Where the host country provides the information requested and the SG decides, pursuant to section 20 of the Convention, that the staff member acted outside his/her official capacity, non-renewal is an option. However in the case of a staff member who has been declared persona non grata and the host country is not forthcoming with information as to the basis for his/her expulsion or the reasons, if any, do not justify a PNG decision, other considerations may apply. Under these circumstances, a change in the terms and conditions of the staff member’s contract or non-renewal is not an option open to the Secretary-General. Under such circumstances it is the duty of the Organization to take steps to alleviate the predicament in which the staff member finds himself/herself following his/her expulsion from the host country.

Decision Contested or Judgment/Order Appealed

The Applicant contested the decision of the Secretary-General to not redeploy him from the African Union/United Nations Hybrid Operation in Darfur (UNAMID) following the Government of Sudan’s decision declaring him as persona non grata (PNG), and for changing the terms and conditions of his appointment.

Legal Principle(s)

N/A

Outcome

Judgment entered for Applicant in full or in part

Full judgment

[Full judgment](#)

Applicants/Appellants

Hassouna

Entity

UNAMID

Case Number(s)

UNDT/NBI/2012/43

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

10 Jul 2014

Duty Judge

Judge Boolell

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

Subject matter (*ratione materiae*)

Non-renewal

Applicable Law

Agreements, conventions, treaties (etc.)

- Agreement on Privileges and Immunities of the United Nations concluded between the Swiss Federal Council and the Secretary General of the United Nations on 19 April 1946