

UNDT/2019/178, Porras

UNAT Held or UNDT Pronouncements

The Tribunal observed that the Organization had decided not to renew the Applicant's appointment following his being declared persona non grata in Sudan. In practical terms, this could have necessitated redeployment of post, reassignment, administrative leave or, ultimately, non-extension of the appointment. Therefore, the Applicant's claim to remain in office in the country where he was unwelcome was, in any event, unfounded. The Tribunal, further found that the Organization had fulfilled its legal obligations towards the Applicant and the impugned decision was lawful. Consequently, the application was dismissed.

Decision Contested or Judgment/Order Appealed

The Applicant contested UNISFA's decision to not renew his appointment.

Legal Principle(s)

Under international law, every sovereign nation has the right to determine whether it will receive a diplomatic envoy from another nation or if he or she will be allowed to stay. The logical consequence that follows a persona non grata declaration is that the sending state must recall its agent. This applies mutatis mutandis to staff members working for the United Nations in a country that declares them persona non grata.

Outcome

Dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Porras

Entity

UNISFA

Case Number(s)

UNDT/NBI/2019/111

Tribunal

UNDT

Registry

Nairobi

Date of Judgement

16 Dec 2019

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Non-renewal

Separation from service

Expiration of appointment (see also, Non-renewal)

Applicable Law

UNDT Statute

UNAT Statute

- Article 2.1(a)

Related Judgments and Orders
2020-UNAT-1068