

2010-UNAT-008, Onana

UNAT Held or UNDT Pronouncements

The Secretary-General appealed, asserting that UNDT exceeded its competence in ordering suspension of the decision not to renew Mr Onana's appointment until it determined the substantive application on its merits. UNAT noted the exclusion of the right to appeal a decision to suspend the execution of an administrative decision constitutes an exception to the general principle of the right to appeal and must therefore be narrowly interpreted; this exception only applies to jurisdictional decisions ordering the suspension of an administrative decision pending a management evaluation. UNAT accordingly found that UNDT exceeded the limits of its competence when it ordered suspension of the decision until the judgment on the merits of the case has been rendered. UNAT annulled the contested decision.

Decision Contested or Judgment/Order Appealed

Mr Onana contested the requested suspension of the decision not to renew his fixed-term appointment. UNDT granted the request until a substantive application contesting the non-renewal was heard and determined.

Legal Principle(s)

The exclusion of the right to appeal a decision to suspend the execution of an administrative decision constitutes an exception to the general principle of the right to appeal and must therefore be narrowly interpreted. As a result, this exception applies only to jurisdictional decisions ordering the suspension of an administrative decision pending a management evaluation. In a situation in which UNAT is led to observe that UNDT has exceeded its competence, the appeal will be judged receivable.

Outcome

Appeal granted

Full judgment

[Full judgment](#)

Applicants/Appellants

Onana

Entity

ICTR

Case Number(s)

2009-009

Tribunal

UNAT

Registry

New York

Date of Judgement

30 Mar 2010

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Interlocutory or interim appeal / Appeal of UNDT order to UNAT

Manifest excess of jurisdiction

Suspension of action

Jurisdiction / receivability (UNAT)

Suspension of action / interim measures

Applicable Law

GA Resolutions

- A/RES/63/253

UNDT RoP

- Article 36

UNDT Statute

- Article 2.2

Related Judgments and Orders

UNDT/2009/033