

2010-UNAT-056, Shakir

UNAT Held or UNDT Pronouncements

UNAT concurred with UNDT that the case was time-barred and not receivable. UNAT noted that, while the Appellant referred to an accident that prevented her from filing on time, she did not mention this to UNDT and raised it for the first time before UNAT. UNAT held that, while Article 2. 5 of the UNAT Statute allows it to admit further evidence in exceptional circumstances, it would not admit evidence that was known to the party and could have been presented to UNDT. UNAT dismissed the appeal and affirmed the UNDT judgment.

Decision Contested or Judgment/Order Appealed

UNDT judgment: The Applicant contested the non-renewal of her appointment. UNDT held that her application was time-barred and rejected it. UNDT found no exceptional circumstances within the meaning of former Staff Rule 111. 2(f) that would justify a waiver of the time limit.

Legal Principle(s)

UNAT will not admit additional evidence that was known to the party and could have, with due diligence, been presented to UNDT.

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Shakir

Entity

UNAMI

Case Number(s)

2010-060

Tribunal

UNAT

Registry

New York

Date of Judgement

1 Jul 2010

President Judge

Judge Painter

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

Temporal (ratione temporis)

Procedure (first instance and UNAT)

Admissibility of evidence

Applicable Law

Former Staff Rules

- Rule 111.2(f)

UNAT Statute

- Article 2.5

Related Judgments and Orders

UNDT/2010/028