

2010-UNAT-081, Azzouni

UNAT Held or UNDT Pronouncements

UNAT held that UNDT erred in failing to consider adequately the Appellant's evidence, noting she was not given the opportunity to prove her case, including allegations of discrimination, at the UNDT hearing, which included the opportunity to call evidence and to challenge the Administration's evidence. UNAT held that UNDT erred in law in allowing testimony to be given at the hearing that was neither sworn, affirmed, nor made under a promise, to tell the truth. UNAT allowed the appeal, set aside the UNDT judgment and ordered reinstatement or the award of compensation in lieu of reinstatement in the amount of two years' net base salary.

Decision Contested or Judgment/Order Appealed

The Applicant contested the decision not to renew her appointment. UNDT rejected the application.

Legal Principle(s)

Testimony should not be admitted that was given without any promise, affirmation, or oath to tell the truth.

Outcome

Appeal granted

Full judgment

[Full judgment](#)

Applicants/Appellants

Azzouni

Entity

ESCWA

Case Number(s)

2010-079

Tribunal

UNAT

Registry

New York

Date of Judgement

21 Oct 2011

President Judge

Judge Adinyira

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Discrimination and other improper motives

Evidence

Admissibility

Non-renewal

Arbitrary or improper motive

Procedure (first instance and UNAT)

Oral hearings

Applicable Law

UNDT RoP

- Article 17.3

Related Judgments and Orders

UNDT/2010/005

UNDT/2010/034

2010-UNAT-028