

# **2011-UNAT-103, Abboud**

## UNAT Held or UNDT Pronouncements

UNAT held that UNDT has the power to, as it did, refer a matter to the Secretary-General for investigation under Article 10(8) of the UNDT Statute. UNAT dismissed the appeal and held that all language in the UNDT judgment was obiter dictum or surplusage, except for the order itself, which UNAT affirmed in its entirety.

Accountability Referral: The UNAT affirmed the UNDT referral for possible action to enforce accountability.

## Decision Contested or Judgment/Order Appealed

judgment No. UNDT/2010/030 referred to the failure of the Under-Secretary-General to conduct the preliminary investigation and his conduct before UNDT to the Secretary-General for investigation.

## Legal Principle(s)

Language not necessary or relevant to the actual decision of a trial court may be disregarded as obiter dictum or surplusage.

## Outcome

Appeal dismissed on merits

## Full judgment

[Full judgment](#)

## Applicants/Appellants

Abboud

## Entity

UN Secretariat

## Case Number(s)

2010-074

## Tribunal

UNAT

## Registry

New York

## Date of Judgement

11 Mar 2011

## President Judge

Judge Painter

## Language of Judgment

English

## Issuance Type

Judgment

## Categories/Subcategories

Referral for accountability

## Applicable Law

UNDT Statute

UNRWA DT Statute

- Article 10.8

## Related Judgments and Orders

UNDT/2010/030