

2011-UNAT-113, Kamanou

UNAT Held or UNDT Pronouncements

UNAT held that UNDT erred in deciding to review the non-attribution issue separately from the other issues. UNAT held that the appeal was receivable because UNDT had committed an error in procedure such as to affect the decision of the case. UNAT upheld the appeal, annulled the judgment and remanded the case to UNDT for a de novo review.

Decision Contested or Judgment/Order Appealed

The Applicant submitted an application involving a general claim of discrimination and harassment, which allegedly led to her non-promotion and the non-attribution of credits in a publication. UNDT focused only on the decision of non-attribution and left the issues of non-promotion and harassment/discrimination to be separately reviewed, as the Applicant had only recently expanded the evidence that she wished to adduce on those two issues and the case would not be ready for adjudication before the end of the Judge's tenure. On the issue of non-attribution, UNDT dismissed the application.

Legal Principle(s)

A trial judge is not allowed to divorce parts of a case that are ready to be decided from the other parts of the case that should go on trial if the division would violate due process of law. UNAT has grounds to find an appeal receivable where UNDT has committed an error of procedure so as to affect the decision of the case.

Outcome

Appeal granted

Full judgment

[Full judgment](#)

Applicants/Appellants

Kamanou

Entity

DESA

Case Number(s)

2010-108

Tribunal

UNAT

Registry

New York

Date of Judgement

11 Mar 2011

President Judge

Judge Simón

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Jurisdiction / receivability (UNAT)

Appeal

Staff selection (non-selection/non-promotion)

Full and fair consideration

Applicable Law

UNAT Statute

- Article 2.1(d)

Related Judgments and Orders

UNDT/2010/093