

2014-UNAT-422, Khisa

UNAT Held or UNDT Pronouncements

UNAT considered an appeal by the Secretary-General. UNAT held that UNDT committed a substantial error in procedure in not granting due process of law to the Administration. UNAT held that the Secretary-General's argument about the suspension of the deadline for submission of a Reply, on which he relied, was substantiated. UNAT held that UNDT should not have issued a default "Summary judgment" on the merits of the case. UNAT upheld the appeal and vacated the UNDT judgment. The case was remanded to another UNDT Judge to be tried on its merits after both parties have had the opportunity to make their case.

Decision Contested or Judgment/Order Appealed

UNDT judgment: The Applicant contested the decision to evict her from her UN provided accommodation in Torit on 11 November 2011. UNDT issued judgment No. UNDT/2013/001 finding the application receivable. Two months later UNDT issued judgment No. UNDT/2013/043 as a "Summary judgment". UNDT found that the forced eviction was not unavoidable and awarded the Applicant compensation.

Legal Principle(s)

The principle audi alteram partem was affected by UNDT's summary judgment since the Administration had only been heard on the issue of receivability of the case and could not, therefore, anticipate that UNDT would also decide on merits.

Outcome

Appeal granted

Full judgment

[Full judgment](#)

Applicants/Appellants

Khisa

Entity

UNMISS

Case Number(s)

2013-476

Tribunal

UNAT

Registry

New York

Date of Judgement

2 Apr 2014

President Judge

Judge Simón

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Due process

Right to comment/respond

Procedure (first instance and UNAT)

Case management

Applicable Law

UNDT RoP

- Article 10.1
- Article 19

Related Judgments and Orders

UNDT/2013/047

UNDT/2013/001