

2015-UNAT-512, Kadri

UNAT Held or UNDT Pronouncements

UNAT held that the nature of the contested decision before UNDT was not entirely clear. On the UNDT's finding that the Appellant had not adduced any evidence in support of his claim that the Settlement Agreement was imposed upon him by duress and threats, and therefore must fail, UNAT found no error of law or fact in the decision and affirmed the UNDT judgment on this point. UNAT held that UNDT failed to deal with the Appellant's claim of harassment and discrimination. UNAT held that the Appellant's right to due process entitlement him to a fair hearing and a fully reasoned judgment of his application. UNAT held that the UNDT's omission to adjudge the whole of the Appellant's application was a violation of his due process rights and constituted a procedural error such as to affect the decision of the case. UNAT allowed the appeal in part and remanded the case to UNDT to complete the hearing of the application.

Decision Contested or Judgment/Order Appealed

The Applicant made an application to the UNDT, subsequent to signing a Settlement Agreement, alleging, inter alia, that the Agreement was signed under duress. UNDT, restricting itself to the question of whether the case was receivable, found that it was not and that the claim of duress was devoid of merit.

Legal Principle(s)

Due process entitles an applicant to a fair hearing and a fully reasoned judgment of his or her application.

Outcome

Appeal granted in part

Full judgment

[Full judgment](#)

Applicants/Appellants

Kadri

Entity

ESCWA

Case Number(s)

2014-584

Tribunal

UNAT

Registry

New York

Date of Judgement

26 Feb 2015

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Discrimination and other improper motives

Due process

Right to a hearing

Ombudsman / informal resolution

Informal resolution (between parties)

Applicable Law

UNDT Statute

- Article 8.2

Related Judgments and Orders

UNDT/2013/177