

2018-UNAT-833, Koumoin

UNAT Held or UNDT Pronouncements

UNAT rejected the request for an oral hearing since it did not find that an oral hearing would assist in the expeditious and fair disposal of the case. UNAT held that the UNDT Summary judgment, finding that the application was manifestly inadmissible, was not tainted by any errors. UNAT held that the Appellant was asking for the execution of an alleged default judgment issued by the first instance court in the previous proceedings more than six years earlier, and for enforcement of a non-existent mediation agreement. UNAT dismissed the appeal and affirmed the UNDT judgment.

Decision Contested or Judgment/Order Appealed

UNDT judgment: The Applicant filed an application seeking an order for execution of a “Default judgment” said to be issued by UNDT on 14 December 2009 and an order for enforcement of a “Mediation Agreement” dated 24 May 2010. UNDT dismissed the application as manifestly inadmissible.

Legal Principle(s)

A summary judgment may be issued by UNDT when there is no dispute concerning the facts and the moving party is entitled to judgment as a matter of law. It can be issued either in response to a party’s request or on the Tribunal’s own initiative.

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Koumoin

Entity

UNDP

Case Number(s)

2017-1122

Tribunal

UNAT

Registry

New York

Date of Judgement

22 Mar 2018

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Jurisdiction / receivability (UNAT)

Subject matter (ratione materiae)

Temporal (ratione temporis)

Procedure (first instance and UNAT)

Oral hearings

Applicable Law
UNDT RoP

- Article 9

UNDT Statute

- Article 2.1

Related Judgments and Orders
UNDT/2017/083