

# 2018-UNAT-863, Afawubo

## UNAT Held or UNDT Pronouncements

UNAT considered the Appellant's appeal. As a preliminary matter, UNAT refused the Appellant's Motion for Leave to File Additional Pleadings. UNAT referred to Article 3(1) of the RoP and Section II. A. 3 of Practice Decision No. 1 of the Appeals Tribunal, which provides that it may grant such a motion only if there are exceptional circumstances. UNAT held that the Appellant did not demonstrate any exceptional circumstances in the present case. UNAT also referred to the transitional measures provided by General Assembly Resolution 63/253 and Article 2(7) of the UNDT Statute, which notes that cases pending before the former JABs and the former Administrative Tribunal were transferred to the Dispute Tribunal. UNAT noted that it had no jurisdiction to consider applications before the former Administrative Tribunal, according to Article 2(1) of the UNAT Statute. UNAT accordingly dismissed the appeal.

## Decision Contested or Judgment/Order Appealed

The appellant filed an appeal with the former JAB in response to his reassignment. JAB concluded that he had not clearly identified the nature and the content of the administrative decision he was contesting, and the Secretary-General, therefore, decided to take no further action in respect of his appeal. He challenged the Secretary-General's decision not to take further action in respect of his appeal. The former Administrative Tribunal remanded the case to the JAB for review of all issues raised by the appellant. He filed an application with the former Administrative Tribunal, requesting interpretation and revision of judgment No. 884. JAB found that the decisions to discontinue his post and to reassign him were not tainted by prejudice or improper motivation and that there was no violation of his rights when he was not selected for a longer fixed-term appointment and for promotion at the 1993 session of the APPB. JAB recommended that the Secretary-General use his good offices to rectify the situation and the Secretary-General upheld JAB's recommendations. The appellant sent a memorandum to the Former Administrative

Tribunal, requesting that it review his application on the merits. The former Administrative Tribunal rejected the individual's application for interpretation and revision of judgment No. 8.

## Legal Principle(s)

UNAT may only grant a party's motion to file additional pleadings if there are exceptional circumstances in justification. Cases pending before both the former JABs and the former Administrative Tribunal were transferred to UNDT, which means that the UNAT has no jurisdiction to consider applications filed before the former Administrative Tribunal.

## Outcome

Appeal dismissed on receivability

## Full judgment

[Full judgment](#)

## Applicants/Appellants

Afawubo

## Entity

UNHCR

## Case Number(s)

2018-1167

## Tribunal

UNAT

## Registry

New York

## Date of Judgement

29 Jun 2018

## Language of Judgment

English

## Issuance Type

Judgment

## Categories/Subcategories

Judgment-related matters

Interpretation of Judgment

## Applicable Law

GA Resolutions

- A/RES/63/253

Other UN issuances (guidelines, policies etc.)

- UNAT Practice Direction No.1/Section II.A.3

UNAT RoP

- Article 3.1

UNAT Statute

- Article 2.1

UNDT Statute

- Article 2.7

## Related Judgments and Orders

