

2020-UNAT-998, Barud

UNAT Held or UNDT Pronouncements

UNAT considered an appeal of UNDT Order No. 087 by Ms Barud. UNAT dismissed her motion to admit additional documents related to the substantive issue of justification for the non-renewal of her contract, due to their lack of relevance to the matter for decision by UNAT on her application for a suspension of action. UNAT noted that there was no reason why these documents could not be used by Ms Barud for the substantive matter, which was, at that time, before UNDT. UNAT held that the appeal failed on the grounds that Ms Barud did not apply for a suspension within the statutory time limit. In addition, UNAT held that Ms Barud was not entitled to appeal against such an interlocutory order, noting that it was not a case in which it was contended that UNDT clearly exceeded its jurisdiction or competence. UNAT held that hearing from the Secretary-General could not have repaired the failure to meet the essential requirement of urgency. UNAT dismissed the appeal and affirmed the UNDT Order.

Decision Contested or Judgment/Order Appealed

Ms Barud contested the non-renewal of her fixed-term appointment and filed an application for suspension of action prior to his contract expiring. In Order No. 087 (NBI/2019), UNDT rejected her application.

Legal Principle(s)

The decision of the UNDT on an application for suspension of action is not subject to appeal, with the narrow exception of when UNDT clearly exceeded its jurisdiction or competence. Fundamental to the question of the admissibility of evidence is the requirement that the evidence must be relevant to the issue to be decided.

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Barud

Entity

UNAMID

Case Number(s)

2019-1310

Tribunal

UNAT

Registry

New York

Date of Judgement

27 Mar 2020

President Judge

Judge Colgan

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Evidence

Admissibility

Interlocutory or interim appeal / Appeal of UNDT order to UNAT

Suspension of action

Suspension of action / interim measures

Applicable Law

UNAT RoP

- Article 7

UNDT RoP

- Article 14.1
- Article 14.4

UNDT Statute

- Article 10.2

Related Judgments and Orders

2016-UNAT-641

2011-UNAT-160