

2024-UNAT-1481, Asmaa Abdullah Nassir Al-Timimi

UNAT Held or UNDT Pronouncements

The UNAT held that the former staff member did not meet the burden of showing that the UNDT Judgment was defective, instead merely arguing that the decision was not fair. On the contrary, the UNAT found that in not renewing her fixed-term appointment, the Administration acted lawfully and fairly.

The UNAT emphasized that the Administration's decision was part of a genuine restructuring which involved, among other measures, reprioritizing existing resources through reassignment, redeployment, and reclassification of staff, including the redeployment of the former staff member's position from Basra to Erbil, Iraq, to reinforce the operational oversight of resurgent activities in the area. As the former staff member's position was no longer funded, the UNAT concluded that the Administration appropriately notified her of the non-renewal of her fixed-term appointment two months in advance, particularly since, as a National Professional Officer, she was not expected to be mobile and was anticipated to leave the Organization upon the completion of her term.

The UNAT further found that Administration's offer in May 2022 to reassign the former staff member to a different duty station (i.e., Erbil instead of Basra) did not alter the terms of her fixed-term appointment that carried no expectation of renewal and had already expired on 31 December 2021, especially since she did not accept the offer.

The UNAT dismissed the appeal and affirmed Judgment No. UNDT/2023/076.

Decision Contested or Judgment/Order Appealed

A former staff member with the United Nations Assistance Mission for Iraq (UNAMI) contested the decision of the Administration not to renew her fixed-term appointment beyond its expiration date of 31 December 2021.

In its Judgment No. UNDT/2023/076, the UNDT concluded that the contested decision was lawful and dismissed her application.

Former staff member appealed.

Legal Principle(s)

Fixed-term appointments carry no expectation of renewal or conversion. Consequently, separation from service due to the expiration of the appointment occurs automatically without prior notice on the expiration date specified in the staff member's letter of appointment.

International organizations have the power to restructure some or all of their departments or units, including the abolition of posts, the creation of new posts, and the redeployment of staff. The UNAT will not interfere with a genuine organizational restructuring even though it may have resulted in the loss of employment of staff. However, even in a restructuring exercise, like any other administrative decision, the Administration has the duty to act fairly, justly, and transparently in dealing with its staff members.

Specifically, with regard to fixed-term appointments, the non-renewal of an appointment can be deemed unlawful if the Administration has not acted fairly, justly, or transparently with the staff member or was motivated by bias, prejudice or improper motive. The staff member has the burden of proving that such factors played a role in the administrative decision.

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Asmaa Abdullah Nassir Al-Timimi

Entity

UNAMI

Case Number(s)

2024-1859

Tribunal

UNAT

Registry

New York

Date of Judgement

18 Nov 2024

President Judge

Judge Sandhu

Judge Gao

Judge Savage

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Fixed-term appointment

No expectancy of renewal
Termination (of appointment)
Appointment (type)
Non-renewal

Applicable Law

Staff Rules

- Rule 4.13
- Rule 9.4

UNAT Statute

- Article 2.1(b)
- Article 2.1(e)
- Article 2.5

Related Judgments and Orders

UNDT/2023/076
2010-UNAT-051
2019-UNAT-916
2019-UNAT-960
2013-UNAT-311
2010-UNAT-084
2019-UNAT-902
2018-UNAT-844
2021-UNAT-1082