CasaC

Kamanou

(Appellant)

[redacted]

(Respondent)

[redacted]

18. By separating the issue of non-attribution from the other issues of non-promotion, discrimination and harassment, the UNDT failed to evaluate facts and evidence that were related to the non-promotion, discrimination and harassment and had an impact on the issue of non-attribution.

19. Kamanou requests that this Tribunal reverse the UNDT Judgment, award her an unspecified amount of monetary compensation equivalent to the loss in salary increase due to non-promotion and compensation for destruction of her career, emotional distress, among others.

Secretary-General's Answer

20. Contrary to Kamanou's assertion, the UNDT

would violate due process of law. This could happen if, as is often the case, the resolution of some issues separately would prejudice the decisions on other issues.

25. We hold that the appeal is receivable at this point, because the UNDT has committed "an error in procedure, such as to affect the decision of the case" under Article 2 (1)(d) of the Statute. Despite the "practical reasons" given to support the separation, that measure can not be taken to divide the trial, resulting in separate judgments on the different issues involved in the merits of the present case.

26. We thus decide to annul the Judgment under appeal and remand the case to be tried *de novo* despite Kamanou's objection to this course of action, because this Tribunal cannot decide on the remedies that she is seeking without a decision by the UNDT on all the issues involved in the merits of the case.

27. In light of our decision above, it is not necessary to examine the other issues raised in the appeal, at this moment.

Judgment

28. We annul the Judgment under appeal and remand the case to the UNDT for a *de novo* review.

Original and Authoritative Version: English

Dated this 11th day of March 2011 in New York, United States.

(*Signed*)	(*Signed*)	(*Signed*)
Judge Simón, Presiding	Judge Courtial	Judge Painter

Entered in the Register on this 19th day of April 2011 in New York, United States.

(*Signed*)

Weicheng Lin, Registrar