



JUDGE GRAEME COLGAN, PRESIDING .

1. This case arose from the non-renewal of Ms. Obah Yusuf Barud's fixed-term appointment (FTA) with the United Nations-African Union Hybrid Operation in Darfur (UNAMID) beyond 30 June 2019. A few days before the expiry of her contract, on 28 June 2019, Ms. Barud filed an application for suspension of the contested non-renewal decision. On the same day, the United Nations Dispute Tribunal (UNDT) or Dispute Tribunal in Nairobi issued Order No. 087 (NBI/2019) rejecting her application. We dismiss Ms. Barud's appeal against the UNDT's Order in the following circumstances for the following reasons.

#### Facts and Procedure

2. Ms. Barud was appointed on 2 June 2011 to UNAMID as an internationally recruited General Services Assistant at the FS5 level based in El Fasher, Sudan, under an FTA, which was last renewed through to 30 June 2019.

3. In March 2018 the Secretary-General submitted to the General Assembly the



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19. The Secretary-General requests that the Appeals Tribunal

order a suspension of the decision not to renew Applicant's employment contract pending its consideration of her substantive claims

24. There is111j





Article 14(4) of the UNDT Rules of Procedure set out above is consistent with the exclusory words of Article 10 of the UNDT Statute also set out in italics.

31. These provisions make clear that Ms Barud is not entitled to appeal against the UNDT interlocutory order. Her case does not fall within the exception to that otherwise absolute prohibition identified in the Appeals Tribunal judgments issued since at least 2010. Ms Barud's is not a case in which it is contended that the UNDT exceeded its jurisdiction or competence. These are narrow and tightly constrained considerations which will rarely be applicable. Ms. Barud's grounds of appeal do not so contend.

32. We are, therefore, not empowered to undertake an examination of the UNDT's application of the tests (correctly stated by the UNDT) for making such an order: the Appellant is faced with an insurmountable difficulty of prohibition under Articles 2 and 14(4) meaning that the UNDT's decision is not appealable. This Tribunal has consistently so found in earlier cases.<sup>6</sup>

33. In case Ms Barud's allegation that the UNDT acted unlawfully by dismissing her application to it without prejudice.

35. For the foregoing reasons, Ms. Barud's application for special leave and pleadings (in reality to admit further evidence) her