

2013-UNAT-326, Jibara

UNAT Held or UNDT Pronouncements

UNAT considered an appeal by the Commissioner-General and a cross-appeal by Mr Jibara. UNAT held that UNRWA DT lacked jurisdiction to decide on the scope of the Oslo Accords signed by Israel and the Palestinian National Authority or the legality of the detention and imprisonment. UNAT recalled that it was not the role of UNDT to substitute its own decision for that of the Administration. UNAT recalled that, having established misconduct and the seriousness of the incident, UNAT cannot review the level of a sanction imposed except in cases of obvious absurdity or flagrant arbitrariness. UNAT upheld the appeal and vacated the UNRWA DT judgment.

Decision Contested or Judgment/Order Appealed

UNRWA DT judgment: The Applicant contested the termination of his contract with UNRWA after his conviction and imprisonment for weapons possession. UNRWA DT found for the Applicant, setting aside the decision to terminate his service and ordered his reinstatement or, as an alternative, compensation in the amount equivalent to two years' net base salary.

Legal Principle(s)

It is not the role of UNDT to substitute its own decision for that of the Administration. Having established misconduct and the seriousness of an incident, UNAT cannot review the level of sanction imposed except in cases of obvious absurdity or flagrant arbitrariness.

Outcome

Appeal granted

Outcome Extra Text

No relief ordered; No relief ordered.

Full judgment

[Full judgment](#)

Applicants/Appellants

Jibara

Entity

UNRWA

Case Number(s)

2012-355

Tribunal

UNAT

Registry

New York

Date of Judgement

28 Jun 2013

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Disciplinary matters / misconduct

Disciplinary measure or sanction

Dismissal/separation

Violation of local laws

Separation from service

Termination of appointment (see also, Termination of appointment)

Standard of review (judicial)

Disciplinary cases

Termination (of appointment)

Summary dismissal

Applicable Law

Laws of other entities (rules, regulations etc.)

- UNRWA Agency Policy in respect of Staff who are arrested

Related Judgments and Orders

2010-UNAT-040

2012-UNAT-265

2010-UNAT-028

2010-UNAT-024