

2014-UNAT-449, Thweib & Al Hasanat

UNAT Held or UNDT Pronouncements

UNAT considered the Commissioner-General's appeal. UNAT noted that due process required both parties to be given an opportunity to present their case, and not allowing them to do so resulted in a miscarriage of justice. UNAT found that UNRWA DT's exclusion of the Commissioner-General from participating in the proceedings was a clear violation of due process such as to affect the decision of the case, which must result in the judgment being annulled and the cases remanded for a hearing de novo before a different Judge. UNAT noted it was, thus, not necessary to consider the other grounds of appeal. UNAT allowed the appeal in part, set aside UNRWA DT's judgment, and remanded the cases for a hearing de novo before a different UNRWA DT Judge, with leave for the Commissioner-General to participate in the proceedings and file a reply in each case.

Decision Contested or Judgment/Order Appealed

Ms Thweib submitted an application contesting the decision to place a note of misconduct on her record. Ms Al Hasanat submitted an application contesting the decision to issue her a written censure and to suspend her from duty without pay for one week for misconduct. UNRWA DT found that UNRWA breached Ms Thweib and Ms Al Hasanat's rights of due process and failed to establish the facts on which it premised its accusations and findings of misconduct. UNRWA DT rescinded the impugned decisions and ordered that all references thereto be expunged from their official status files. UNRWA DT also awarded Ms Al Hasanat compensation equal to the salary loss she incurred during her one-week suspension without pay and for moral damages. UNRWA DT awarded Ms Thweib moral damages.

Legal Principle(s)

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Outcome

Appeal granted

Full judgment

[Full judgment](#)

Applicants/Appellants

Thweib & Al Hasanat

Entity

UNRWA

Case Number(s)

2013-518

Tribunal

UNAT

Registry

New York

Date of Judgement

27 Jun 2014

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Due process

Right to comment/respond

Applicable Law

UNRWA DT RoP

- Article 14
- Article 30
- Article 6.1