

# **2021-UNAT-1153, Ali Abdel Mon'em**

## **Aref Al Khatib**

### UNAT Held or UNDT Pronouncements

It was a reasonable exercise of the Commissioner-General's discretion to determine that intentionally abusing a position of power and trust against a beneficiary of UNRWA in a vulnerable situation rendered Mr. Al Khatib unfit for further service with the Agency, and separation from service without termination indemnity was neither unfair nor disproportionate to the seriousness of the offence.

### Decision Contested or Judgment/Order Appealed

UNRWA/DT/2020/063

### Legal Principle(s)

In determining whether these evidential standards have been established in any case, the UNDT must consider and weigh not only the evidence put forward by witnesses produced for the Secretary-General, but also any countervailing evidence adduced for the staff member, and any relevant and probative documentary evidence which may either corroborate or cast doubt on the recollection of witnesses. Such an analysis has to be applied by the UNDT not only to each individual piece of disputed evidence, but it must then be applied likewise to the totality of the evidence in support of the allegation of misconduct.

The matter of the degree of the sanction is usually reserved for the Administration, which has discretion to impose a measure that it considers adequate in the circumstances of the case and for the actions and conduct of the staff member involved.

## Outcome

Appeal dismissed on merits

## Full judgment

[Full judgment](#)

## Applicants/Appellants

Ali Abdel Mon'em Aref Al Khatib

## Entity

UNRWA

## Case Number(s)

2020-1497

## Tribunal

UNAT

## Registry

New York

## Date of Judgement

29 Oct 2021

## President Judge

Judge Raikos

## Language of Judgment

English

## Issuance Type

Judgment

## Categories/Subcategories

Disciplinary matters / misconduct

Fraud, misrepresentation and false certification

## Applicable Law

UNRWA Area Staff Regulations

- Regulation 1.1
- Regulation 1.4
- Regulation 10.2

UNRWA Area Staff Rules

- Rule 110.1

UNRWA DT RoP

- Article 13
- Article 14

## Related Judgments and Orders

2020-UNAT-1024

2019-UNAT-976

2019-UNAT-960

2018-UNAT-859

2017-UNAT-718

2016-UNAT-700

2015-UNAT-550

2012-UNAT-207