

2021-UNAT-1158, Hassam Abd

Alrhman Al Dirawi

UNAT Held or UNDT Pronouncements

The UNRWA DT acknowledged that the imposed disciplinary measure of separation from service without termination indemnity is one of the most severe disciplinary measures that the Agency can impose on a staff member. Nevertheless, it decided that, given the Appellant's misconduct in committing corporal punishment to a disabled and highly vulnerable child, and the Agency's clear zero-tolerance policy towards corporal punishment, the disciplinary measure imposed on the Appellant appeared to be neither absurd nor arbitrary; nor was there any evidence that the measure taken had been tainted by extraneous reasons or bias.

Decision Contested or Judgment/Order Appealed

UNRWA/DT/2020/052, in which UNRWA DT rejected Mr. Al Dirawi's application contesting the decision to separate him from service without termination indemnity for having inflicted corporal punishment on a disabled student.

Legal Principle(s)

UNRWA's Staff Regulations 9.1, 10.2 and 10.3 give the Commissioner-General a wide discretion to impose disciplinary sanctions, including termination, for misconduct. ETI No. 1/08 clearly prohibits corporal punishment as misconduct that is subject to severe disciplinary measures including termination.

Outcome

Appeal dismissed on merits

Outcome Extra Text

Appeal dismissed; UNRWA DT Judgment affirmed.

Full judgment

[Full judgment](#)

Applicants/Appellants

Hassam Abd Alrhman Al Dirawi

Entity

UNRWA

Case Number(s)

2020-1480

Tribunal

UNAT

Registry

New York

Date of Judgement

29 Oct 2021

President Judge

Judge Neven

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Disciplinary matters / misconduct

Dismissal/separation

Applicable Law

UNRWA Area Staff Regulations

- Regulation 10.2
- Regulation 10.3
- Regulation 9.1

Related Judgments and Orders

2021-UNAT-1136

2011-UNAT-164

2010-UNAT-084