

# 2022-UNAT-1219, Ashraf Zaqqout

## UNAT Held or UNDT Pronouncements

UNAT held that the determination of the Director of the Ethics Office that no retaliation had occurred constituted an administrative decision that went directly to the merits of the case and could not be subject to an interlocutory appeal. UNAT held that the appeal against the UNRWA DT order for production of document was not receivable, because it was interrelated to the alleged lack of jurisdiction. Noting that the Appellant would not be able to raise his issues in an appeal against the final judgment, as he did not file an application to UNRWA DT and UNRWA DT had not issued a judgment, UNAT exceptionally allowed and received the Appellant's appeal. However, on the merits, UNAT held that the Appellant failed to show that UNRWA DT committed legal, factual or other errors. With regard to the Appellant's argument that he needed to be provided with certain documents and UNRWA DT's finding that this could not be considered an exceptional circumstance, UNAT held that the Appellant provided no reasons why he did not file an application without those documents, nor was it clear why it would not have been possible for him to do so. UNAT held that it was clear from article 13(3) of the UNRWA DT Rules of Procedure that a staff member must first file an application, and only then can he or she request UNRWA DT to order the production of evidence in possession of the Commissioner-General. On the issue of the Appellant's complaint that UNRWA DT only translated parts of his motion into English, UNAT held that UNRWA DT had no obligation to translate the full text or to invite the Appellant to provide an English translation. UNAT held that the Appellant did not respect the formal requirements for motions when he exceeded the maximum page limit. UNAT held that, having reviewed the motion, UNRWA DT had no reason to assume that the motion could contain exceptional circumstances other than the production of evidence in the possession of the Commissioner-General. UNAT held that the Appellant had not manifestly abused the appeals process. UNAT dismissed the appeal and the application to award costs.

## Decision Contested or Judgment/Order Appealed

The Appellant contests UNDT Miscellaneous Order No. 001/2021 which denied his motion for an extension of time to file an application against the decision not to reemploy him.

## Legal Principle(s)

Only appeals against final judgments are receivable. Interlocutory appeals on matters of evidence, procedure, and trial conduct are not receivable. When deciding on a motion for extension of time to file an application, UNRWA DT is only obliged to consider the arguments presented by the staff member.

## Outcome

Dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Ashraf Zaqqout

Entity

UNRWA

Case Number(s)

2021-1559

Tribunal

UNAT

Registry

New York  
Date of Judgement  
18 Mar 2022  
President Judge  
Judge Knierim  
Language of Judgment  
English  
Issuance Type  
Judgment  
Categories/Subcategories  
Production de documents  
Interlocutory or interim appeal / Appeal of UNDT order to UNAT  
Applicable Law  
UNAT Statute

- Article 2.1
- Article 9.2

#### UNRWA DT RoP

- Article 3.4
- Article 13.3

#### UNRWA DT Statute

- Article 8.3

#### Related Judgments and Orders

2010-UNAT-005  
2019-UNAT-943  
2016-UNAT-689  
2019-UNAT-972  
2020-UNAT-1060  
2015-UNAT-507