

2024-UNAT-1443, Ahmad Shukri Safi

UNAT Held or UNDT Pronouncements

The UNAT held that Mr. Safi failed to discharge his burden in identifying in what respect and for what reasons the UNRWA DT erred in its Judgment. Mr. Safi merely reiterated the same arguments that he had presented in his application to the UNRWA DT. The UNAT stated that it is not its role to reexamine the staff member's case anew, and accordingly, his appeal must fail. The UNAT also observed that the UNRWA DT drew reasonable inferences from its extensive fact-finding exercise and delivered a well-reasoned judgment.

The appeal was dismissed, and Judgment No. UNRWA/DT/2023/011 was affirmed.

Decision Contested or Judgment/OrderAppealed

In Judgment No. UNRWA/DT/2023/011, the Dispute Tribunal of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA DT) dismissed the former UNRWA staff member's application which had challenged his summary dismissal from UNRWA for sexual abuse of a minor.

The former staff member appealed.

Legal Principle(s)

The role of the Appeals Tribunal is not to hear cases *de novo*, but rather to verify whether the lower court exceeded its jurisdiction, failed to exercise it, erred in law, erred in fact, resulting in a manifestly unreasonable decision, or erred in procedure, such as to affect the decision.

The appeals process is of a corrective nature, and the Appeals Tribunal's mission is limited to verifying whether any of the errors provided for under Article 2(1) of the Appeals Tribunal Statute were committed by the lower court, rendering its judgment defective. It is the burden of the appellant to establish that such errors exist.

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Ahmad Shukri Safi

Entity

UNRWA

Case Number(s)

2023-1821

Tribunal

UNAT

Registry

New York

Date of Judgement

9 Jul 2024

President Judge

Judge Sheha

Judge Colgan

Judge Ziadé

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Sexual exploitation and abuse

Disciplinary matters / misconduct

Applicable Law

UNAT Statute

- Article 2.1

Related Judgments and Orders

2018-UNAT-849

2010-UNAT-035

2013-UNAT-340