



**UNITED NATIONS APPEALS TRIBUNAL
TRIBUNAL D'APPEL DES NATIONS UNIES**

Case No. 2010-047

**Ibrahim
(Appellant)**

v.

**Commissioner-General of the
United Nations Relief and Works Agency
for Palestine Refugees in the Near East
(Respondent)**

JUDGMENT

Before:	Judge Sophia Adinyira, Presiding Judge Mark P. Painter Judge Inés Weinberg de Roca
Judgment No.:	2010-UNAT-069
Date:	27 October 2010
Registrar:	Weicheng Lin

Counsel for

8. On 19 March 2006, the Acting Director of UNRWA Affairs, Syrian Arab Republic

THE UNITED NATIONS APPEALS TRIBUNAL

Judgment No. 2010-UNAT-069

15. By e-mail dated 17 September 2010, the Registrar of the Appeals Tribunal advised UNRWA that the deadline for the Commissioner-General to file an answer to the appeal was 8 October 2010. The Commissioner-General filed an answer on 8 October 2010.

Submissions

Ibrahim's Appeal

16. Ibrahim submits that the panel of the UNRWA JAB was prejudiced in favour of the Commissioner-General. In this regard, Ibrahim contends that the Commissioner-General's reply to his appeal before the UNRWA JAB was due to be filed by 27 May 2008. But it was only filed on 6 April 2009. Ibrahim contends that his appeal to the JAB was not time-barred as he did in fact seek an extension of time from the JAB to file an appeal. Further, he was waiting to receive certified copies of the investigation documents from UNRWA, which failed to provide them to him. It was not possible for him to file his appeal without the assistance of a lawyer as the appeal was required to be in English and he is not fluent in English. He was unable to retain another lawyer due to the cost. Moreover, Ibrahim contends that the Commissioner-General does not provide legal counseling for staff members, in contrast with other United Nations bodies.

17. Ibrahim argues that the decision of the Commissioner-General to terminate his appointment is tainted with mistakes of fact and errors of law. The decision was flawed, as the allegations against him were required to have been brought before the school's disciplinary board.

18. Ibrahim contends that the charge that he harassed one pupil is fabricated and has no foundation. Ibrahim submits that the allegations were contradicted by testimony from other witnesses and this was not properly taken into account by the Commissioner-General.

19. Ibrahim requests the Appeals Tribunal to order the Commissioner-General to produce authentic and certified copies of all the documents relating to the case; rescind the decision to terminate his appointment; treat the period of his cessation including suspension without pay as leave with full pay; and reinstate him to his original post.

Commissioner-General's Answer

20. The Commissioner-General submits that Ibrahim's appeal to the former Administrative Tribunal is time-barred and not receivable. Under Article 7(4) of the Statute of the former Administrative Tribunal, Ibrahim was required to either file his appeal or a request for an extension of time to appeal from the Commissioner-General's

Considerations

23. This appeal is only centred on the receivability of Ibrahim's appeal to the UNRWA JAB. Ibrahim sought a waiver of the time limit to appeal before the UNRWA JAB on the basis that his legal counsel was away from Syria for medical treatment for a year.

24.

Judgment

29. The appeal is dismissed and the Commissioner-General's decision to dismiss Ibrahim's appeal to the UNRWA JAB as time-barred is affirmed.

Dated this 27th day of October 2010 in New York, United States.

Original and authoritative version: English

(Signed)

Judge Adinyira, Presiding

(Signed)

Judge Painter

(Signed)

Judge Weinberg de Roca

Entered in the Register on this 29th day of December 2010 in New York, United States.

(Signed)

Weicheng Lin, Registrar