



7. In a memorandum dated 1 October 2003, the Area Officer, North Lebanon, reported that the father of a pupil at Manara School had brought a complaint against Mr. Al Sayyed, accusing him of physically punishing his then six-year old son on the morning of 29 September 2003 and injuring him in the left eye, face and arms while on the premises of Manara School. Mr. Al Sayyed denied the allegation. According to the Area Officer, the case was under investigation.

8. It appears that a Note For the Record (NFR) was prepared at the end of the investigation, but it curiously disappeared. The matter was not taken up again until three years later in October 2006, when the pupil's father filed a claim with the UNRWA Administration. According to the claim, on 29 September 2003, Mr. Al Sayyed struck the pupil on his face and body with a rubber hose, and the pupil almost lost the entirety of his sight in one eye and was facing vision deterioration in the other.

9. A Board of Inquiry (BOI) was subsequently convened to investigate the claim against Mr. Al Sayyed. It interviewed a total of eighteen individuals including the pupil and Mr. Al Sayyed, some on more than one occasion. In its report dated 16 January 2007, the BOI found that Mr. Al Sayyed struck the pupil on the face and head with a rubber hose on 29 September 2003, that the striking directly led to the pupil's eye injury, and that Mr. Al Sayyed's testimony was not credible. As a result of its investigation, the BOI recommended the imposition of appropriate disciplinary measures against Mr. Al Sayyed.

10. In a letter dated 20 November 2007, the Officer-in-Charge, UNRWA Affairs, Lebanon, advised Mr. Al Sayyed that, in light of the serious misconduct of corporal punishment committed against the pupil, it had been decided to terminate his service in the interest of the Agency under Area Staff Regulation 9.1 "effective close of business 15 December 2007".¹ The Officer-in-Charge asked Mr. Al Sayyed to consider her letter as notice of termination as per paragraph 7(a) of his initial letter of appointment dated 22 February 1979.²

¹ UNRWA Staff Regulation 9.1 provides: "The Commissioner-General may at any time terminate the appointment of any staff member if, in his opinion, such action would be in the interest of the Agency."

² Paragraph 7(a) of Mr. Al Sayyed's letter of appointment states: "Should the Agency terminate your appointment after it has been confirmed, you will receive not less than 30 days written notice of such termination."

11.

THE UNITED NATIONS APPEALS TRIBUNAL

Judgment No. 2012-UNAT-193

21. Mr. Al Sayyed maintains that under the UNRWA Staff Regulations and Rules, a staff member has the right to appeal after having requested an EVR. Mr. Al Sayyed avers that he submitted an EVR request “to preserve [his] right & not to resign”.

22. Mr. Al Sayyed stresses that the decision to terminate his service with UNRWA was “unfair” [and] “unjust”, and that it has caused huge damage to his reputation and his career with UNRWA.

23. Mr. Al Sayyed seeks a return to his post until retirement, with the period of his separation to be treated as leave with full pay. He also seeks USD 500,000 in compensation for being subject to blackmail.

UNRWA's Answer

24. Mr. Al Sayyed requested, and was granted, an EVR, effective 15 December 2007. That was prior to the UNRWA Administration taking any action in connection with the termination of Mr. Al Sayyeh”, ans0erchRNfRWA Adm651 Tmrotttertred,9his] reD 52r6(c)1(e)d, sion

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Original and Authoritative Version: English

Done this 16th day of March 2012 in New York, United States.

(Signed)

Judge Faherty, Presiding

(Signed)

Judge Adinyira

(Signed)

Judge Weinberg de Roca

Entered in the Register on this 7th day of May 2012 in New York, United States.

(Signed)

Weicheng Lin, Registrar