



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

Judgment No. 2013-UNAT-312

**Sanbar
(Appellant)**

v.

Commissioner-General

1. The United Nations Appeals Tribunal (Appeals Tribunal) has before it an appeal filed by Mr. Jubran David Sanbar against Judgment No. UNRWA/DT/2012/010, rendered by the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA or the Agency) Dispute Tribunal (UNRWA DT or UNRWA Dispute Tribunal) in Amman on 23 February 2012 in the case of *Sanbar v. Commissioner-General of UNRWA*. Mr. Sanbar appealed this Judgment on 16 July 2012. UNRWA filed an answer on 7 September 2012, erroneously responding to an appeal filed in respect of another UNRWA case, and filed a corrected answer on 4 February 2013.

Facts and Procedure

2. Mr. Sanbar entered the service of UNRWA in Beirut, Lebanon, on 18 March 1968. He served as an Area Staff Member until 31 January 1995 and then, from 1 February 1995, served as an International Staff member with the position of Senior Auditor, Electronic Data Processing, in Amman, Jordan.

3. Following a Quality Assessment Review of the Department of Internal Oversight Services (DIOS) undertaken by a Peer Review Team (PRT) from the Institute of Internal Auditors (IIA), on 20 September 2007, the PRT reported to the Commissioner-General, *inter alia*, as follows:

DIOS provides minimal [Information Technology (IT)] coverage.

DIOS has outsourced IT audit work, but to effectively monitor and evaluate such work, sufficient IT knowledge must exist within DIOS. DIOS currently has no auditors with current IT skills. The IT auditor post within UNRWA is open due to lack of funding. The risks that are inherent in IT make it important to build some internal capabilities in this regard ...

4. Mr. Sanbar protested about these findings in an e-mail dated 26 September 2007 to the Director of DIOS, and asked the latter to convey his complaints to the PRT. Thereafter, he repeatedly requested detailed information as to the methodology used by the PRT and the manner in which it had reached its conclusions. The Director of DIOS responded on 29 January 2008, indicating that the PRT had revised its final report and removed the reference to the position of the IT auditor being vacant, but that he accepted their finding and recommendation with respect to a lack of current IT audit skills.

5. Mr. Sanbar retired on 4 February 2008, but continued to engage in ongoing communication on the PRT report with the Director of the DIOS, the Head of the PRT and the President of the IIA, respectively.

6. On 6 June 2008, Mr. Sanbar filed an appeal with the UNRWA International Staff Joint Appeals Board (JAB). His appeal was subsequently transferred to the newly-created UNRWA Dispute Tribunal.

7. In Judgment No. UNRWA/DT/2012/010 of 23 February 2012, the UNRWA Dispute Tribunal dismissed the appeal, finding that Mr. Sanbar had “failed to present any appealable administrative decision”. Specifically, the UNRWA DT held:

- (i) the Agency’s decision to engage outside experts to assess the IT cap6.pnal di684aa [(Tribun[ce016l3

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Original and Authoritative Version: English

Dated this 28th day of March 2013 in New York, United States.

(Signed)

Judge Lussick, Presiding

(Signed)

Judge Simón

(Signed)

Judge Adinyira

Entered in the Register on this 24th day of May 2013 in New York, United States.

(Signed)

Weicheng Lin, Registrar