



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

**Al Saleh
(Appellant)**

v.

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

JUDGMENT

Before:	Judge Deborah Thomas-Felix, Presiding Judge Dimitrios Raikos Judge Richard Lussick
Case No.:	2018-1181
Date:	26 October 2018
Registrar:	Weicheng Lin

JUDGE DEBORAH THOMAS-FELIX, PRESIDING.

1. The United Nations Appeals Tribunal (Appeals Tribunal) has before it an appeal against Judgment No. UNRWA/DT/2018/020, rendered by the Dispute Tribunal of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA DT or UNRWA Dispute Tribunal and UNRWA or Agency, respectively) on 21 March 2018, in the case of *Al Saleh v. Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*. Mr. Fadi Ahmad Al Saleh filed the appeal on 25 April 2018, and the Commissioner-General has not filed an answer.¹

Facts and Procedure

2. The following facts are uncontested:²

... Effective 17 March 2008, the Applicant was employed by the Agency as Camp

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... By Order No. 162 (UNRWA/DT/2017) dated 15 November 2017, the [UNRWA Dispute] Tribunal disclosed to the Applicant a redacted copy of the investigation report.

(...)

... On 22 January 2018, the Applicant submitted his comments on the investigation report. (...)

3. The UNRWA DT rendered its Judgment on 21 March 2018, dismissing the application in its entirety. It considered that the facts as contained in the letter dated 22 September 2016 on which the sanction was based were established by clear and convincing evidence, namely that Mr. Saleh (i) misled the Agency about the importance of his role within the AMG when requesting permission for outside activities; (ii) had not been given authorisation for his activities within the AMG beyond 9 June 2015; and (iii) was involved in a leadership role within the AMG and members of this group were involved in the consequential armed clashes of 18 June 2015.

4. Regarding his involvement with the AMG, the UNRWA DT found that while many of the testimonies and Mr. Al Saleh's own contradictory statements were not fully reliable, Lebanese government sources as well as the fact that several victims of the armed clashes submitted complaints against Mr. Al Saleh to the Lebanese authorities together with the comments he provided on the investigation report made it "highly probable" that he was indeed involved with this group which conducted the armed clashes.

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Judgment No. 2018-UNAT-888