



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

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Case No. 2021-1507

**Nadine Kaddoura**  
**(Respondent/Applicant)**

**v.**

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

**(Appellant/Respondent)**

**Order No. 409 (2021)**

1. On 10 November 2020, the Dispute Tribunal of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA DT) issued Judgment No. UNRWA/DT/2020/066 in the matter of *Kaddoura v. Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, whereby the UNRWA DT ordered rescission of the decision to separate Ms. Nadine Kaddoura from service for misconduct with termination indemnity or payment to her of an in-lieu compensation of two years' net base salary. In addition, the UNRWA DT ordered disbursement to Ms. Kaddoura of the entirety of her termination indemnity. Furthermore, the UNRWA DT ordered referral of the former Commissioner-General for accountability.

2. On 11 January 2021, the Commissioner-General of UNRWA appealed Judgment No. UNRWA/DT/2020/066 to the United Nations Appeals Tribunal (Appeals Tribunal).

3. Two days before she filed an answer to the appeal, on 15 March 2021, Ms. Kaddoura filed a "Motion for Interim Measures", in which she requests that the Appeals Tribunal declare Annex No. 23 to the appeal and Legal Ground C set forth in the appeal inadmissible and order their expungement. In the same motion, she also requests that the Appeals Tribunal order the Agency to pay her USD 25,000 as legal representation fee that she incurred for the UNRWA DT proceedings, as an interim measure, and any other measures necessary to prevent further irreparable harm.

4. On 26 March 2021, the Commissioner-General filed his response to the motion. He requests that the Appeals Tribunal reject the motion for interim measures as it fails to meet the strict requirement of Article 9(4) of the Statute of the Appeals Tribunal. The Commissioner-General maintains that the remedies that Ms. Kaddoura seeks in her motion are not in the nature of interim measures, because she is effectively seeking the disposal of a ground of appeal and the payment of her legal fees, the latter already forming part of the final remedy in her cross-appeal. Furthermore, the interim measures that Ms. Kaddoura now seeks are not consistent with Judgment No. UNRWA/DT/2020/066. One example is her request for legal representation fee. The Commissioner-General notes that the UNRWA DT rejected such an award.

5. Article 9(4) of our Statute provides that “[a]t any time during the proceedings, the Appeals Tribunal may order an interim measure to provide temporary relief to either party to prevent irreparable harm and to maintain consistency with the judgement of the Dispute Tribunal”.

6. Moreover, this Tribunal has held that an interim measure of relief is subject to very strict requirements; such relief is available to protect a litigant from the likelihood of irreparable harm, who the Dispute Tribunal believes is likely to succeed at trial or the Appeals Tribunal believes is likely to succeed on appeal.<sup>1</sup>

7. In the instant case, having reviewed the circumstances and the considerations of the motion, I am of the view that the specific measures sought by the Respondent are not of interim nature. Such measures – expungement of a document from the record and payment of legal representation fee – could be potential consequences of the upholding of the UNRWA DT’s Judgment. They do not aim, however, to preserve the effectiveness of such judgment, nor do they provide *temporary* relief or *prevent* irreparable harm to the Respondent. Rather, their purpose is to provide *definite* relief and *remediate* the harm already suffered by the Respondent, as acknowledged in the UNRWA DT Judgment, even though this is still subject to assessment on appeal. The specific measures requested by the Respondent relate hence to the merits of the case and shall be addressed by the Appeals Tribunal in its judgment.

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<sup>1</sup> UNAT Order No. 3 (2010) (*Koumoin*), para. 10.

8. In other words, if affirmed on appeal, the UNRWA DT Judgment would have its efficacy fully preserved, as the measures sought could be disposed of and possibly granted by the Appeals Tribunal, which could order adequate compensation for harm to the Respondent. To reason otherwise could have the consequence of substituting the jurisdiction of the Appeals Tribunal by an Order of its President when a collegiate decision is required as per Article 10(1) of its Statute. Any prejudgment in this area, even if this could eventually minimize the current costs for the Respondent, would hinder the Appeals Tribunal competence. The Commissioner-General is thus right in his assertion that at any rate, the Respondent's premise upon which the motion is predicated is misconceived.

9. Lastly, "any other measures" that the Respondent requests the Appeals Tribunal to grant as it deems fit and necessary to prevent further irreparable harm are too general and unjustified to be granted at this stage of the case.

In the premises, **IT IS HEREBY ORDERED** that Ms. Kaddoura's "Motion for Interim Measures" pending proceedings is **DENIED**.

Original and Authoritative Version: English

Dated this 9<sup>th</sup> day of May 2021  
in Juiz de Fora, Brazil.

*(Signed)*  
Judge Martha Halfeld  
President

Entered in the Register on this 10<sup>th</sup> day of  
May 2021 in New York, United States.

*(Signed)*  
Weicheng Lin, Registrar