



UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

Case No. 2021-1531

Ahmad Ali Mudardas
(Appellant)
v.
Commissioner-General
of the United Nations Relief and Works Agency for
Palestine Refugees in the Near East
(Respondent)

ORDER No. 443 (2022)

1. On 3 December 2020, the Dispute Tribunal of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA DT or Dispute Tribunal and UNRWA or Agency, respectively) issued Judgment No. UNRWA/DT/2020/071,¹ dismissing the application of Ahmad Ali Mudardas (Mr. Mudardas) and finding that the disciplinary sanction imposed on him, separation from service without termination indemnity, was lawful.
2. On 3 March 2021, Mr. Mudardas filed an appeal against the Impugned Judgment, and the appeal was registered with the United Nations Appeals Tribunal (Appeals Tribunal or UNAT) as Case No. 2021-1531. On 7 May 2021, the Commissioner-General filed his answer.
3. The case is now docketed for the Spring 2022 Session of the UNAT. The Agency included in its reply dated 10 July 2019, that was filed with the UNRWA DT, the Department of Internal Oversight Services Investigation Report (Investigation Report)

¹ *Mudardas v. Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, Judgment No. UNRWA/DT/2020/071 dated 3 December 2020 (Impugned Judgment).

under Annex No. 20. However, the Agency did not include the relevant exhibits attached to the Investigation Report, namely the Witness Statements. This evidence is crucial in examining whether the facts on which the disciplinary measure was based had been established by clear and convincing evidence.

4. Pursuant to Article 8(1) of the Appeals Tribunal Statute, this Tribunal “may order production of documents or such other evidence as it deems necessary ...”. Further, Article 10(1) of the Appeals Tribunal Rules of Procedure also provides that “[o]n its own volition, the Tribunal may order the production of evidence if it is in the interest of justice and the efficient and expeditious resolution of the case ...”.

5. Therefore, I order *proprio motu* that the Agency produce all exhibits attached to the Investigation Report as such is in the interest of justice and will also aid in the efficient and expeditious resolution of the case.

IT IS HEREBY ORDERED that the Agency produce all the exhibits attached to the Investigation Report no later than 5:00 p.m., E.S.T., on Wednesday 16 February 2022.

Original and Authoritative Version: English

Dated this 9th day of February 2022
in Hamburg, Germany.

(Signed)
Judge Sabine Knierim,
Presiding

Entered in the Register on this 9th day
of February 2022 in New York, United States.

(Signed)
Weicheng Lin,
Registrar