



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

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Judgment No. 2024-UNAT-1413

**Khaled Hejab, et al.**  
**(Respondent/Applicant and Appellant on Cross-Appeal)**

**v.**

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

**JUDGMENT**

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Before: Judge Nassib G. Ziadé, Presiding  
Judge Kanwaldeep Sandhu  
Judge Abdelmohsen Sheha

Case No.: 2023-1784

Date of Decision: 22 March 2024

Date of Publication: 19 April 2024

Registrar: Juliet E. Johnson

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Counsel for Mr. Hejab: Mr. Sani Khoury

Counsel for Mr. Hussein: Mr. Amer Abukhalaf, LOSA

Counsel for Ms. Abu Fardeh: Self-represented

Counsel for the Commissioner-General: Natalie Boucly

**JUDGE NASSIB G. ZIADÉ, PRESIDING.**

1. In Judgment No. UNRWA/DT/2022/060 (impugned Judgment), the Dispute Tribunal of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA DT or Dispute Tribunal), issued a judgment which consolidated seven applications that challenged disciplinary measures imposed on seven individual staff members of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA or Agency). These staff members were Mr. Khaled Hejab, Ms. Mahda Muheisen, Mr. Mutaz Hussein, Mr. Ammar Tahtamouni, Mr. Ismail Eladarbeh, Mr. Ali Al Akhras, and Ms. Rasha Abdu Fardeh (Applicants).
2. In the impugned Judgment, the UNRWA DT rescinded all the contested disciplinary decisions on the grounds that the Agency's disciplinary measure (DM) letters did not provide adequate information for the Dispute Tribunal to determine whether the contested decisions were lawful and just.
3. For two of the rescinded decisions, concerning the termination of Mr. Hejab and Mr. Eladarbeh from service, the Dispute Tribunal set in-lieu compensation of two years' net base salary for each of them, in the event the Agency did not reinstate them.
4. The Commissioner-General appeals the impugned Judgment, arguing that consolidation of these seven disparate cases was improper, and requests that the Judgment be reversed, and that each case is remanded for reconsideration on their own individual merits.
5. Mr. Hejab cross-appeals the impugned Judgment, contending that two years' net base salary was insufficient in-lieu compensation.
6. For the reasons set forth herein, the United Nations Appeals Tribunal (UNAT or Appeals Tribunal) grants the appeal, dismisses the cross-appeal and reverses the impugned Judgment.

**Facts and Procedure**

7. Given that the conclusions of the impugned Judgment do not rest on close consideration of the merits of the individual cases, only a brief overview of each case is presented here.

*Case No. 2021/006 - Hejab*

8. At the relevant time, Mr. Hejab was Chief Field Infrastructure and Camp Improvement Programme, West Bank Field Office (WBFO). On 18 June 2019, the Director of UNRWA Operations, WBFO (DUO/WBFO), referred a complaint to the Department of Internal Oversight Services (DIOS) that Mr. Hejab had engaged in a range of financial irregularities, been involved in the improper removal of valuable olive trees from an UNRWA project site (the Balad Autism Centre Project), and mismanaged an UNRWA construction project under his supervision (the Bethlehem University Project).

9. The DIOS investigation included interviews with 12 witnesses and Mr. Hejab, and review of various Agency files, including 19 files related to the Bethlehem University Project. During the investigation, further allegations came to light concerning a potential conflict of interest between Mr. Hejab and a contractor on the Bethlehem University Project. DIOS completed its report on 5 February 2020, in which it found that Mr. Hejab mismanaged the Bethlehem University Project and the Balad Autism Centre Project, that he had intentionally deleted material evidence (WhatsApp messages) from his UNRWA mobile phone, and that he failed to declare a potential conflict of interest with the appointed contractor for the Bethlehem University Project.<sup>1</sup>

10. The DUO/WBFO summarized the findings of the investigation in an Opportunity to Respond (OTR) letter sent to Mr. Hejab on 24 February 2020.<sup>2</sup> Mr. Hejab submitted an eight-page handwritten response.

11. On 17 September 2020, the Director of UNRWA Affairs, West Bank (DUA/WB), sent a DM letter to Mr. Hejab. The DM letter provided no details or assessment of Mr. Hejab's response to the OTR letter.

12. The DUA/WB stated that there was clear and convincing evidence to substantiate that Mr. Hejab committed misconduct, in terms of "mismanagement and destruction of material evidence", which was in violation of the Charter of the United Nations (Chapter XV, Article 101), the Standards of Conduct for International Civil Service 2013 (paragraphs 5 and 13), UNRWA Anti-Fraud and Anti-Corruption Policy (paragraphs 7b and 7c), Area Staff Regulations 1.1 and 1.4, and

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<sup>1</sup> Commissioner-General's Annex 18 (Investigation Report on Allegations of Mismanagement, Conflict of Interest and Corruption by a West Bank Field Office Staff Member).

<sup>2</sup> Commissioner-General's Annex 2 (Misconduct Investigation: Opportunity to Respond Letter, dated 24 February 2020).

General Staff Circular No. 05/2007. Accordingly, the DUA/WB imposed the disciplinary measure of separation from service with termination indemnity.<sup>3</sup>

13. On 23 September 2020, Mr. Hejab submitted a Request for Decision Review (RDR). The Agency did not respond.

14. On 12 January 2021, Mr. Hejab filed an application with the UNRWA DT contesting the disciplinary decision and requesting its rescission.

*Case No. 2021/021 – Muheisen*

15. At the relevant time, Ms. Muheisen was an English Teacher at Al Baqaa Preparatory Girls School 1 at the Jordan Field Office (JFO). Following reports that Ms. Muheisen practiced corporal punishment on three students in the seventh grade, the Director of UNRWA Affairs, Jordan (DUA/J) authorized an investigation in November 2019.

16. Investigators interviewed the three complainants, 16 witnesses and Ms. Muheisen, and also reviewed a CCTV video recording. The investigation concluded on 31 December 2019, and the results of the investigation were summarized in an OTR Letter from the Field Legal Office, Jordan (FLO/J) dated 24 February 2020.<sup>4</sup>

17. Specifically, the OTR Letter provided that: (a) complainant 1 stated that Ms. Muheisen violently pulled her head scarf in an attempt to take it off and slapped her, causing minor injury to her lip; (b) complainant 2 stated that Ms. Muheisen threw papers at her and violently pushed her in the abdomen; and (c) complainant 3 stated that Ms. Muheisen pulled her hair and slapped her face, as a result of which complainant 3 hit her head on the wall. The OTR letter recounted corroborating statements from some of the witnesses for each of these incidents. The letter further advised that the investigation concluded that she engaged in misconduct by practicing corporal punishment against the three complainants.

18. Ms. Muheisen responded to the OTR letter on 22 March 2020.

19. The DUA/J issued a DM letter to Ms. Muheisen on 17 November 2020, in which she acknowledged Ms. Muheisen's response to the OTR letter, including that Ms. Muheisen denied

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<sup>3</sup> Commissioner-General's Annex 4 (Letter Ref: E/N 10630881, dated 17 September 2020).

<sup>4</sup> Commissioner-General's Annex 6 (Opportunity to Respond letter, dated 24 February 2020).

committing corporal punishment, and claimed that complainant 1 was being disrespectful, complainant 3 was always late to school, and she had no recall with respect to complainant 2.

20. The DUA/J concluded that, based on a preponderance of the evidence, Ms. Muheisen had committed misconduct by engaging in corporal punishment in breach of Area Staff Regulations 1.1 and 1.4, the Standards of Conduct Applicable to UNRWA Personnel (paragraph 1(a)), the prohibition on corporal punishment in Education Technical Instructions (ETI L2No. 1/08) (paragraphs 1.3 and 4.1), and the General Staff Circular No. 01/2013 on the Prohibition of Violence (paragraph 2).<sup>5</sup>

21. After considering aggravating and mitigating factors, the DUA/J imposed the disciplinary measure of a written letter of censure and a fine equivalent to two months' salary.

22. On 6 January 2021, Ms. Muheisen submitted an RDR. The Director of Human Resources (DHR) upheld the disciplinary decision.

23. On 10 April 2021, Ms. Muheisen filed an application with the UNRWA DT contesting the disciplinary decision and requesting its rescission. She also requested compensation for moral and material damages.

*Case No. 2021/039 - Hussein*

24. At the relevant time, Mr. Hussein was a Field Administrative Services Officer, WBFO. On 18 September 2020, the DUA/WB received a complaint against Mr. Hussein when he refused a surprise cash count of imprest funds, and displayed signs of possible mismanagement of funds by mixing imprest funds with his private money and bringing the funds home.

25. An investigation ensued and, as summarized in the OTR letter, the final report concluded that there was sufficient evidence to support the allegations against him of violating the relevant Financial Technical Instructions and other parts of the Agency's regulatory framework. However, the report also found that the "investigation has not provided any evidence of theft or misappropriation of imprest funds at the time of the surprise cash count".<sup>6</sup>

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<sup>5</sup> Commissioner-General's Annex 7 (Disciplinary Measure Letter, dated 17 November 2020).

<sup>6</sup> Commissioner-General's Annex 8 (Letter ref: INV-20-0166, dated 23 December 2020).

26. Following receipt of Mr. Hussein's response to the OTR letter, the DUA/WB issued a DM letter on 1 February 2021. The DUA/WB concurred with the investigator's assessment that there was clear and convincing evidence to substantiate that Mr. Hussein committed misconduct, in violation of the Charter of the United Nations (Chapter XV, Article 101), the Standards of Conduct for International Civil Service 2013 (paragraph 5), Area Staff Regulations 1.1 and 1.4, and UNRWA Financial Technical Instructions.<sup>7</sup> Other than noting that she had reviewed Mr. Hussein's response to the OTR letter, there was no analysis of its content.

27. The DUA/WB imposed the disciplinary measure of demotion to an alternative post one grade lower in another office.

28. Mr. Hussein submitted an RDR on 16 February 2021. The DHR upheld the disciplinary decision on 23 March 2021.

29. On 24 May 2021, Mr. Hussein filed an application with the UNRWA DT challenging the disciplinary decision and requesting its rescission. He also requested reimbursement of 156 New Israeli Shekels (NIS) and compensation for moral damages.

*Case No. 2021/063 - Tahtamouni*

30. At the relevant time, Mr. Tahtamouni occupied the post of Administrative Assistant B at Irbid Area Office, JFO. On 30 September 2019, a complainant reported that he had verbally assaulted her and violently taken a file from her and threw it to the ground. In addition, the complainant alleged that Mr. Tahtamouni arbitrarily refused to allow her to attend a training, and engaged in unwelcome sexual behaviors.<sup>8</sup>

31. On 17 November 2019, the DUA/J authorized an investigation into the allegations. On 10 September 2020, the FLO/J issued a sixteen-page OTR letter to Mr. Tahtamouni which provided detailed summaries of the statements of the complainant, five witnesses, and his own interview. The FLO/J was of the opinion that Mr. Tahtamouni "(i) failed to comply with professional standards and (ii) harassed the [c]omplainant by pulling violently the file she was holding with her hands and shouting at her".<sup>9</sup>

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<sup>7</sup> Commissioner-General's Annex 9 (Letter ref: E/N 10610167, dated 1 February 2021).

<sup>8</sup> Impugned Judgment, para. 27.

<sup>9</sup> Commissioner-General's Annex 10 (Opportunity to Respond letter, dated 10 September 2020).

32. On 2 March 2021, the Officer-in-Charge, DUA/J (OiC/DUA/J) issued a DM letter to Mr. Tahtamouni. The OiC/DUA/J concluded that he engaged in misconduct by failing to comply with professional standards and engaging in workplace harassment, in violation of the Agency regulatory framework, including Area Staff Regulation 1.4, the Revised Standards of Conduct for the International Civil Service (paragraphs 1 and 21), and General Staff Circular No. 06/2010 (Prohibition of Discrimination, Harassment – Including Sexual Harassment – and Abuse of Power) (paragraphs 3, 6(b), 6(c) and 11).<sup>10</sup>

33. After considering Mr. Tahtamouni's response to the OTR letter and noting his acceptance of partial responsibility for the misconduct, the Agency imposed on him a written letter of censure and a fine equivalent to one month's salary as a disciplinary measure.

34. Mr. Tahtamouni submitted an RDR on 18 April 2021. The Agency did not respond.

35. On 1 July 2021, Mr. Tahtamouni filed an application with the UNRWA DT challenging the disciplinary decision and requesting its rescission. He also requested compensation for moral and material damages.

*Case No. 2021/080 - Eladarbeh*

36. At the relevant time, Mr. Eladarbeh occupied the post of Sanitation Foreman B, WBFO.

37. On 10 October 2019, following receipt of allegations that Mr. Eladarbeh had engaged in several instances of abuse of power, theft of Agency property, and fraud, the DUA/WB authorized an investigation.

38. As summarized in the OTR letter of 22 October 2020, the investigation report set out that there was sufficient evidence to conclude that his conduct amounted to abuse of power, and that he stole Agency property and committed fraud. Mr. Eladarbeh responded to the OTR letter on 2 November 2020.<sup>11</sup>

39. On 6 July 2021, the Officer-in-Charge, DUA, WB (OiC/DUA/WB) issued a DM letter to Mr. Eladarbeh. The DM letter stated that there was clear and convincing evidence that Mr. Eladarbeh had committed misconduct in terms of abuse of power, theft and fraud, in violation

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<sup>10</sup> Commissioner-General's Annex 11 (Disciplinary Measure Letter, dated 2 March 2021).

<sup>11</sup> Commissioner-General's Annex 12 (Letter ref: INV-19-0019 & INV-19-0020, dated 22 October 2020).

of the Charter of the United Nations (Chapter XV, Article 101), the Standards of Conduct for International Civil Service (paragraphs 2, 4, 5 and 20), Area Staff Regulations 1.1 and 1.4, Area Staff Rule 104.2 (paragraphs 1 and 2), and various UNRWA staff circulars and personnel directives.<sup>12</sup>

40. The OiC/DUA/WB imposed the disciplinary measure of separation of service without termination indemnity on Mr. Eladarbeh.

41. On 10 July 2021, Mr. Eladarbeh submitted an RDR. The Agency did not respond.

42. On 2 September 2021, Mr. Eladarbeh filed an application with the UNRWA DT contesting the disciplinary decision and requesting its rescission.

*Case No. 2021/128 – Al Akhras*

43. At the relevant time, Mr. Al Akhras occupied the post of School Attendant, JFO.

44. On 25 November 2018, the Agency received a complaint from a third party that Mr. Al Akhras had used the name of a fake commercial entity (“Reemas for Maintenance”) and provided the school with fake invoices in the name of this entity for maintenance works that he performed in his individual capacity.

45. The DUA/J authorized an investigation into these allegations, which included interviews with six witnesses as well as Mr. Al Akhras. The statements from each of these individuals were summarized in detail in an OTR letter from the FLO/J. The FLO/J further advised that the investigation had concluded that Mr. Al Akhras engaged in an unauthorized outside activity by providing services to certain UNRWA schools under the name of Reemas for Maintenance in exchange for payment.<sup>13</sup>

46. After receiving Mr. Al Akhras’ response to the OTR letter, the OiC/DUA/J issued a DM letter. In the DM letter, the OiC/DUA/J concluded, based on a preponderance of the evidence, that Mr. Al Akhras had committed misconduct by engaging in an unauthorized outside activity, in violation of Area Staff Regulations 1.1 and 1.4, Area Staff Rule 101.4, the Revised Standards of Conduct for the International Civil Service (paragraph 45), General Staff Circular No. 06/2010

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<sup>12</sup> Commissioner-General’s Annex 13 (Letter ref: E/N 10623805, dated 6 July 2021).

<sup>13</sup> Commissioner-General’s Annex 14 (Opportunity to Respond letter, dated 18 November 2020).



(paragraph 11), and General Staff Circular No. 5/2007 (paragraph 5).<sup>14</sup> The DM letter listed some of Mr. Al Akhras' responses to the OTR letter without comment.

47. The OiC/DUA/J weighed the aggravating and mitigating factors and imposed a written letter of censure as a disciplinary measure.

48. Mr. Al Akhras submitted an RDR on 9 August 2021, and DHR upheld the disciplinary decision.

49. On 7 December 2021, Mr. Al Akhras filed an application with the UNRWA DT challenging the disciplinary decision and requesting its rescission.

*Case No. 2021/013 – Abu Fardeh*

50. At the relevant time, Ms. Abu Fardeh was an Arabic Language Teacher at Al-Manshieh Preparatory Girls School, JFO. On 27 November 2019, allegations were reported to the FLO/J that she had practiced corporal punishment on a then fifth-grade student (complainant 1), and verbally abused another fifth-grade student (complainant 2). On 2 December 2019, the DUA/J authorized an investigation into the allegations.

51. The Agency conducted a formal investigation, including interviewing the two complainants, seven witnesses and Ms. Abu Fardeh. These interviews were summarized in relative detail in an OTR letter sent to Ms. Abu Fardeh on 7 December 2020.<sup>15</sup> The investigation concluded that Ms. Abu Fardeh practiced corporal punishment against complainant 1, but the allegation that she verbally abused complainant 2 could not be proven.

52. In the OTR letter, the FLO/J advised that she was of the opinion that Ms. Abu Fardeh engaged in misconduct, namely corporal punishment, against complainant 1.

53. Ms. Abu Fardeh submitted a response to the OTR letter in which she made fifteen counterpoints to the investigation.<sup>16</sup>

54. On 30 September 2021, the Deputy Director of DUA/J issued a DM letter to Ms. Abu Fardeh. He addressed several of Ms. Abu Fardeh's points in her response to the OTR letter. He

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<sup>14</sup> Commissioner-General's Annex 15 (Disciplinary Measure Letter, dated 24 June 2021).

<sup>15</sup> Commissioner-General's Annex 16 (Opportunity to Respond Letter, dated 7 December 2020).

<sup>16</sup> Commissioner-General's Annex 17 (Disciplinary Measure Letter, dated 30 September 2021).

concluded that she engaged in corporal punishment in clear violation of Area Staff Regulations 1.1 and 1.4, Education Technical Instructions (ETI L2No.1/08) (paragraphs 1.3 and 4.1) and General Staff Circular No. 01/2013 on the Prohibition of Violence (paragraph 2). After weighing aggravating and mitigating factors, the Agency decided to impose the disciplinary measure of a written letter of censure and a fine equivalent to two months' salary that would be deducted in instalments.

55. On 5 October 2021, the UNRWA Health Centre in Irbid issued a medical referral stating that Ms. Abu Fardeh had begun experiencing severe chest pain, and she was diagnosed with having irregular heartbeats and a weak pulse.<sup>17</sup>

56. On 25 October 2021, the first deduction of her salary occurred.

57. On 26 October 2021, the Irbid Specialty Hospital diagnosed Ms. Abu Fardeh as suffering from arterial hypertension and high blood sugar as a result of stress.<sup>18</sup>

58. On 9 November 2021, Ms. Abu Fardeh submitted an RDR. The DUA/J upheld the disciplinary decision.

59. On 7 March 2022, Ms. Abu Fardeh submitted an application to the UNRWA DT contesting the disciplinary decision and requesting its rescission. She also requested compensation for moral and material damages.

#### *UNRWA DT Proceedings*

60. The UNRWA DT considered the aforementioned seven applications and concluded that there were "certain common questions of law" such that it was appropriate to consolidate them into one Judgment.<sup>19</sup>

61. The UNRWA DT observed that the legal framework for these applications was Area Personnel Directive No. A/10/Rev.3 on Disciplinary Measures and Procedures (PD A/10). PD A/10 provides that where misconduct is established and disciplinary measures are imposed, the staff member is "informed in writing of (...) the reason(s) for imposing such measure(s)".

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<sup>17</sup> Impugned Judgment, para. 57.

<sup>18</sup> *Ibid.*, para. 59.

<sup>19</sup> *Ibid.*, para. 2.

62. The UNRWA DT reasoned that in order to discharge its obligation to determine whether the facts on which the disciplinary sanctions were based were established to the requisite standard of proof, it must be able to ascertain those facts in the disciplinary decisions. The UNRWA DT found that the disciplinary letters in these seven applications “include no factual findings at all or make a finding at such a high level of generality that the Tribunal cannot identify with certainty what specific actions the Agency found to be established”.<sup>20</sup> Moreover, absent factual findings, the UNRWA DT stated it could not assess whether the facts constituted misconduct and whether the sanctions imposed were proportionate.

63. In sum, the UNRWA DT held that “[w]ithout knowing what, precisely, the Applicants are supposed to have done, the Tribunal cannot determine whether the contested decisions themselves were lawful and just”.<sup>21</sup> Accordingly, the UNRWA DT rescinded all the disciplinary decisions in the seven applications.

64. Additionally, the UNRWA DT “observe[d]” that the OTR process in several of the cases was “deeply flawed”.<sup>22</sup> In the cases of Ms. Muheisen, Mr. Tahtamouni, Mr. Eladarbeh, and Ms. Abu Fardeh, the UNRWA DT found that the OTR letters failed to clearly inform the individuals which facts the investigation found to have been established. Further, the UNRWA DT noted that in most of the cases, there was no, or virtually no, assessment by the Agency of the arguments made by the Applicants in their responses to the OTR letters.<sup>23</sup> The UNRWA DT found this to be a failure of due process.

65. With regard to the cases of Mr. Hejab and Mr. Eladarbeh, both of whom had been terminated from the Agency, the UNRWA DT set an amount of two years’ net base salary as compensation in lieu of rescission for each of these former staff members.<sup>24</sup>

66. The UNRWA DT denied Ms. Abu Fardeh’s request for moral damages, finding a lack of causal connection between her salary deduction and her medical symptoms.<sup>25</sup>

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<sup>20</sup> *Ibid.*, para. 67.

<sup>21</sup> *Ibid.*, para. 69.

<sup>22</sup> *Ibid.*, para. 70.

<sup>23</sup> *Ibid.*, paras. 71-72.

<sup>24</sup> *Ibid.*, paras. 76-77.

<sup>25</sup> *Ibid.*, para. 80.

67. The UNRWA DT denied the requests for material or moral damages from Ms. Muheisen, Mr. Hussein, and Mr. Tahtamouni on the grounds that they provided no evidence in support other than their own testimony.<sup>26</sup>

68. The UNRWA DT also denied Mr. Hussein's request for reimbursement of NIS 156, noting that Mr. Hussein did not contest the decision of the Agency to withhold this sum in his application to the Dispute Tribunal.<sup>27</sup>

### **Submissions**

#### **The Commissioner-General's Appeal**

69. The Commissioner-General contends that the UNRWA DT erred in law and fact by consolidating the seven applications and erred in law by rescinding the contested disciplinary decisions in each of the seven cases.

70. The Commissioner-General avers that the UNRWA DT erred in finding that there was a common question of law amongst the seven applications concerning the adequacy of the reasons in the DM letters.

71. The Commissioner-General submits that a failure to provide reasons for a decision is not grounds to rescind the decision; rather, the consequence is that the burden of proof shifts to the Agency to establish that the decision was not arbitrary or tainted by improper motives. Relying on the Appeals Tribunal's decision in *Obdeijn*,<sup>28</sup> the Commissioner-General notes that when the Agency has not submitted reasons for a decision, the Appeals Tribunal "cannot automatically conclude that the decision was arbitrary" but may draw "an adverse inference from the refusal".

72. The Commissioner-General argues that the UNRWA DT erroneously relied on the Appeals Tribunal's Judgment in *Kennedy*<sup>29</sup> when it concluded that, absent the expression of sufficient reasons in the DM letters, the decisions should be rescinded. The Commissioner-General contends that if unsatisfied, the UNRWA DT should have issued interlocutory orders to the parties to present evidence and/or conduct a hearing.

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<sup>26</sup> *Ibid.*, para. 81.

<sup>27</sup> *Ibid.*, para. 82.

<sup>28</sup> *Obdeijn v. Secretary-General of the United Nations*, Judgment No. 2012-UNAT-201.

<sup>29</sup> *Timothy Kennedy v. Secretary-General of the United Nations*, Judgment No. 2021-UNAT-1184.

73. Moreover, the Commissioner-General states that the UNRWA DT's reliance on *Kennedy* was misplaced since that case concerned the proportionality of the disciplinary measure and there was no dispute about the underlying facts.

74. The Commissioner-General submits without equivocation that the UNRWA DT erred in law and fact by consolidating the seven cases because these cases involved distinct and separate administrative decisions, different issues of law, different standards of proof, and concerned staff from different field offices.

75. The Commissioner-General argues that the UNRWA DT's decision to consolidate was based on its mistaken perception that the DM letters were "sparse" in providing reasons. The Commissioner-General observes that none of the Applicants raised an issue regarding the adequacy of the DM letters. The Commissioner-General states that if the UNRWA DT had doubts about the adequacy of the DM letters, it should have asked the parties to make submissions on the matter.

76. The Commissioner-General submits that pursuant to the Appeals Tribunal's decision in *Abu Ata et al.*,<sup>30</sup> consolidation may be appropriate where convenient and there is no substantial prejudice to any party. The Commissioner-General argues that this standard is not met here, given the different sets of facts emanating from different fields of operations, different legal issues, and different contested decisions.

77. The Commissioner-General submits that the UNRWA DT erred in failing to fully apply the four-prong test for review of disciplinary decisions. The UNRWA DT claimed it could not examine the second and third prongs of the test: whether the facts constituted misconduct and whether the sanctions imposed were proportionate – based on the deficient content of the DM letters. The Commissioner-General argues that the UNRWA DT was obliged to look beyond the DM letters and examine the entire record. For example, the Commissioner-General states that the UNRWA DT had before it, in the case of Mr. Hejab, the unredacted investigation report, the OTR letter, Mr. Hejab's response, and the witness statements. The Commissioner-General submits that the UNRWA DT failed to exercise jurisdiction vested in it when it did not consider the full record.

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<sup>30</sup> *Abu Ata et al. v. Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, Judgment No. 2020-UNAT-1016.

78. The Commissioner-General claims that had the UNRWA DT engaged in a holistic review of the record it could have appreciated the factual findings underlying the contested decisions. He points out that the Applicants were aware of the factual findings and never contended that they could not defend themselves because of deficient factual findings in the DM letters.

79. The Commissioner-General requests that the Appeals Tribunal vacate the impugned Judgment and remand the seven cases for consideration on their own separate merits.

### **Mr. Hejab's Answer**

80. Mr. Hejab submits that the UNRWA DT did not make a mistake when it consolidated the seven applications; however, as noted in his cross-appeal, he believes he is entitled to additional compensation if he is not returned to his former job.

81. Mr. Hejab contends that the UNRWA DT correctly determined that the failure by the Agency to provide a full description of the reasons for the disciplinary decision in the DM letter, and the failure to respond to his RDR, do indeed render the decision to dismiss him from service unlawful. Mr. Hejab points to the Appeals Tribunal's Judgment in *Jafari*, in which it was stated that "a generic reasoning befitting every case is not enough and renders the decision unlawful".<sup>31</sup>

82. Mr. Hejab also submits that the UNRWA DT correctly found that due process required the Agency to assess his response to the OTR letter, which it failed to do. Mr. Hejab relies on the Appeals Tribunal's Judgment in *Hepworth*, in which it was stated: "Due process requires that a staff member must know the reasons for a decision so that he or she can act on it".<sup>32</sup>

83. Mr. Hejab submits that the Commissioner-General is incorrect to rely on the reasons in the record that are outside of the DM letter. Mr. Hejab states that the records show that the claims and charges against him were much harsher and stricter than the final findings, and it is impossible to tell from the DM letter what the actual reasons were for his dismissal in light of the fact that the serious claims turned out to be untrue.

84. Mr. Hejab argues that the UNRWA DT correctly applied *Kennedy* when it rescinded the disciplinary decision because the DM letter did not detail exactly the reasons for the termination,

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<sup>31</sup> *Jafari v. Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, Judgment No. 2019-UNAT-927, para. 26.

<sup>32</sup> *Hepworth v. Secretary-General of the United Nations*, Judgment No. 2011-UNAT-178, para. 32.

and there were many false claims against him. Even accepting the Commissioner-General's argument that *Obdeijn* provides that the failure to give reasons just shifts the burden of proof to the Agency, the Agency did not even try to prove its case for dismissal.

85. Mr. Hejab submits that it is "strange" for the Administration to argue that the staff members should have requested clarification about the reasons, when the Administration did not respond to his request for decision review.

86. Mr. Hejab submits that the Commissioner-General's argument that the UNRWA DT had the full record before it and could have used this is incorrect. Mr. Hejab avers that he was in an impossible situation because he had to respond to all the claims made against him without knowing exactly which ones resulted in his dismissal. The UNRWA DT likewise faced an impossible situation of having to guess at which claim were proved. The Agency did not state how it reached its conclusions yet somehow expected the UNRWA DT to analyze that decision-making process.

87. Mr. Hejab contends that the Agency apparently expects the UNRWA DT to do a holistic review of the entire record and guess at the rationale for the decision.

88. Mr. Hejab notes that without stated reasons for the dismissal, it is impossible to understand why he was terminated given his 27 years of excellent evaluations and track record of running tens of hundreds of projects. The only logical conclusion is that he was dismissed for foreign political reasons.

89. Mr. Hejab concludes that the only error made by the UNRWA DT was when it did not grant him in-lieu compensation of more than two years' net base salary.

**Mr. Hussein's Answer**

90. Mr. Hussein submits that the UNRWA DT did not err in law or fact in deciding to consolidate the seven applications. In accordance with Article 11 of the UNRWA DT Statute, the UNRWA DT gave reasons, facts and law in the impugned Judgment regarding why the seven applications should be consolidated. The UNRWA DT also relied on Article 14 of the UNRWA DT Rules of Procedure on Case Management, in making this decision.

91. Mr. Hussein relies on the Appeals Tribunal's decision in *Nugroho* in which it was stated that:<sup>33</sup>

It is therefore good practice for the Organisation to provide a general guidance for its managers that a well written statement of reasons, albeit sometimes succinct depending on the circumstance[s], is fundamental for the correct identification of the matters, concerns and reasoning process of the decision-maker. (...) What is more, when a justification is given by the Administration for the exercise of its discretion, it must be supported by the facts. In short, there is a threefold purpose for providing reasons for decisions, which is intelligibility (enabling both implementation and acceptance), accountability and reviewability.

92. Mr. Hussein also relies on the Appeals Tribunal's decision in *Obdeijn*, where the Appeals Tribunal noted that "the Tribunals' ability to perform their judicial duty to review administrative decisions and to ensure protection of individuals would be compromised" in the absence of the Administration stating the reasons for its decision. Moreover, "the obligation for the Secretary-General to state the reasons for an administrative decision (...) is inherent to the Tribunals' power to review the validity of such a decision [and] the functioning of the system of administration of justice".<sup>34</sup>

93. Mr. Hussein submits that the UNRWA DT properly relied on the Appeals Tribunal's decision in *Kennedy*, and that the Commissioner-General's argument that the latter judgment was inapposite is incorrect.

94. Mr. Hussein submits that there was a foundation for joinder of the applications because there were common legal and procedural issues concerning the OTR letters, the DM letters, and the procedural histories.

95. Mr. Hussein avers that the UNRWA DT has broad discretion in case management, and that according to *Salhi*,<sup>35</sup> when it comes to consolidation, the "overriding consideration is convenience, expedience and judicial economy". Moreover, it is a fundamental principle of case management that the tribunal controls its own processes and makes the decision on

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<sup>33</sup> *Bantan Nugroho v. Secretary-General of the United Nations*, Judgment No. 2020-UNAT-1042, para. 40.

<sup>34</sup> *Obdeijn* Judgment, *op. cit.*, paras. 35-36.

<sup>35</sup> *Salhi et al. v. Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, Judgment No. 2020-UNAT-1017.



consolidation. As in *Lauritzen*,<sup>36</sup> it was within the competence of the UNRWA DT to manage its cases as it saw fit.

96. Mr. Hussein argues that contrary to the submissions of the Commissioner-General, the UNRWA DT examined the standards of review of all seven cases and thus did not fail to exercise its jurisdiction.

97. Mr. Hussein contends that the UNRWA DT correctly observed that the Administration did not consider the responses by the Applicants to the OTR letters, and that this was a violation of their due process rights.

98. Mr. Hussein submits that the UNRWA DT did not err in law and in fact in its conclusion that the DM letters were bereft of factual findings so as to prevent the Dispute Tribunal from conducting a proper review.

99. Mr. Hussein requests that the Appeals Tribunal dismiss the appeal and affirm the impugned Judgment.

**Ms. Abu Fardeh's Answer**

100. Ms. Abu Fardeh submits that there is no error in the fact that the impugned Judgment covers several cases. She notes that each case was treated separately in the impugned Judgment. She further argues that the UNRWA DT was entitled to consolidate the cases because they all relate to financial matters.

101. Ms. Abu Fardeh points out that the Commissioner-General did not object to paragraph 90 of the impugned Judgment which concerned her case.

102. Ms. Abu Fardeh requests that the Appeals Tribunal reject the Commissioner-General's appeal because the UNRWA DT was correct to consolidate, and this is a question of case management in financial legal matters to save the Dispute Tribunal time and effort.

**Mr. Hejab's Cross-Appeal**

103. Mr. Hejab concurs with the impugned Judgment to the extent that the disciplinary decision terminating his employment was unlawful and should be rescinded. However,

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<sup>36</sup> *Lauritzen v. Secretary-General of the United Nations*, Judgment No. 2013-UNAT-282.

Mr. Hejab disagrees with two years' net base salary as in-lieu compensation. Mr. Hejab seeks payment of four years' net base salary in the event that the Agency decides to pay compensation rather than rescind the termination decision.

104. Mr. Hejab states that he served the Agency for 30 years without incident and received only the highest praises for his work and devotion to the Agency.

105. Mr. Hejab submits that the significant accusations about financial irregularities proved to be untrue. The Agency decided unequivocally that Mr. Hejab did not pay bribes, earn personal profit, or sell any trees. The ultimate findings were that he did not effectively manage one of his numerous projects (the Bethlehem University Project), did not adequately preserve records of tree removal (Baladi Autism Centre Project), erased WhatsApp communications, and did not report that an engineer on the Bethlehem University Project came from the same refugee camp as him.

106. Mr. Hejab submits that the DM letter was very general and did not give any assessment of the responses that he gave to the OTR letter and its findings.

107. Mr. Hejab claims that his termination for the foregoing findings was disproportionate, given his record, and that he has no doubt that his termination was done for political reasons. Mr. Hejab alleges that some in UNRWA viewed his presence as a burden on UNRWA's relationship with the government of Saudi Arabia.

108. Mr. Hejab submits that the UNRWA DT failed to exercise its jurisdiction when it did not analyze the unique circumstances of his case, which would have supported an award of four years' in-lieu compensation instead of only two years. Mr. Hejab argues that there were indeed exceptional circumstances to justify a greater award in his case.

109. Mr. Hejab submits that the exceptional circumstances in his case were that he was dismissed from service, even though he was acquitted of all serious accusations of corruption and financial wrongdoing, and it was determined only that he made very minor errors of judgment.

110. Mr. Hejab argues that even if one accepted the findings that he should have visited the Bethlehem University Project more often, or followed up on the fate of the olive trees, or saved his WhatsApp messages, his termination from employment was disproportionate given the fact

that Mr. Hejab has been running tens of projects over tens of years. None of the findings were so grave as to justify termination.

111. Mr. Hejab submits that there was unclear communication of policies concerning conflict of interest. It is “far-fetched” to claim there was a conflict of interest because he did not disclose that a contractor on the Bethlehem University Project came from the same refugee camp as he did. Mr. Hejab notes that the Balata refugee camp is the largest on the West Bank and is the size of a small town. Moreover, he did not choose the contractor; this was done by a tender committee. Mr. Hejab also points out that the Baladi Society knew about the removal of the olive trees and never objected, and that he derived no personal advantage from this situation.

112. Mr. Hejab submits that it was very well-known that the representative of the government of Saudi Arabia, which is one of UNRWA’s largest donors, expressed a dislike for Mr. Hejab. The DUA/WB asked Mr. Hejab not to join site visits with the Saudi representative so as not to upset him. Mr. Hejab contends that the baseless complaints against him were a way to solve an awkward situation for UNRWA with Saudi Arabia.

113. Mr. Hejab points out that the DM letter did not state any findings of facts and did not weigh any mitigating factors, such as his long service and unblemished record. Mr. Hejab also notes that the Agency failed to respond to his RDR.

114. Mr. Hejab submits that the UNRWA DT erred in not considering his age, length of service, and how close he was to retirement when it made the in-lieu compensation award.

115. Mr. Hejab concludes that it is clear that the Agency’s actions against him were punitive, cruel and vindictive, and completely out of line with the offenses, thus justifying an exceptional compensation award under Article 10(5)(b) of the UNRWA DT Statute.

### **Considerations**

116. The threshold issue presented is whether the UNRWA DT erred in consolidating the seven applications and disposing of them in one judgment.

117. There is no doubt that the UNRWA DT has substantial discretion, set forth in Article 14 of the UNRWA DT Rules of Procedure and under this Tribunal’s case law, in its management of cases which have been brought before it. Consolidation of cases is an appropriate means to address

common questions of law and fact, such as when the consolidated cases all share a common administrative decision or involve a common policy.<sup>37</sup>

118. This Tribunal has repeatedly recognized that discretion and will not lightly interfere with case management decisions by the UNRWA DT. However, this Tribunal has the authority and responsibility to correct egregious errors in procedure that have impaired the fair administration of justice.<sup>38</sup>

119. Such impairment can readily occur in the case of an improper consolidation. If individual matters do not involve a common administrative decision or policy, or do not arise out of a common set of facts, consolidation risks denying all parties – staff as well as the employing institution – their right to an individualized determination based on the facts and circumstances of their particular matters, and the legal criteria applicable to the actions taken with regard to them. As with any procedural decision, if consolidation leads to a denial of due process of law or impairs the fair administration of justice, it will not be allowed to stand.

120. Here, the consolidated cases all involve unique administrative decisions, and those decisions involve neither a common administrative policy nor a common set of facts.

121. The nature of the misconduct attributed to the staff members is not similar among the cases, but rather involved such disparate matters as “mismanagement, conflict of interest and corruption” (*Hejab*<sup>39</sup>); “corporal punishment” (*Muheisen*,<sup>40</sup> *Abu Fardeh*<sup>41</sup>); “failure to comply with professional standards, and workplace harassment” (*Tahtamouni*<sup>42</sup>); “abuse of power,

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<sup>37</sup> *Abu Ouda et al. v. Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, Judgment No. 2020-UNAT-1018, para. 26 (affirming consolidation when “[a]ll the staff members ... were in exactly the same position and the contested decision affected them all equally. The facts and the applicable law were the same for each application”); *Subramanian et al. v. Secretary-General of the United Nations*, Order No. 251/Corr.1 (2016), para. 1 (consolidation appropriate where “six applications ... concern[ed] identical decisions, rel[ied] on common facts and raise[d] the same questions of fact and law”).

<sup>38</sup> UNAT Statute, Article 2(d); *Mohammed Abed AlRaheam ElShanti v. Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, Judgment No. 2020-UNAT-1022, para. 39.

<sup>39</sup> Commissioner-General’s Annex 4 (Letter Ref: E/N 10630881, dated 17 September 2020), page 1.

<sup>40</sup> Commissioner-General’s Annex 7 (Disciplinary Measure letter, dated 17 November 2020), page 2.

<sup>41</sup> Commissioner-General’s Annex 17 (Disciplinary Measure letter, dated 30 September 2021), page 4.

<sup>42</sup> Commissioner-General’s Annex 11 (Disciplinary Measure letter, dated 02 March 2021), page 2.

theft of Agency property and fraud” (*Eladarbeh*<sup>43</sup>); and “unauthorized outside activity” (*Al Akhras*<sup>44</sup>).

122. The cases concern staff from different field offices: the West Bank Field Office (*Hejab*,<sup>45</sup> *Husseini*<sup>46</sup> and *Eladarbeh*<sup>47</sup>) and the Jordan Field Office (*Muheisen*,<sup>48</sup> *Tahtamouni*,<sup>49</sup> *Al Akhras*<sup>50</sup> and *Abu Fardeh*<sup>51</sup>).

123. The disciplinary measures taken are not identical among the cases, but include a wide range of penalties: separation from service with termination indemnity (*Hejab*<sup>52</sup>); separation from service with notice or compensation in lieu of notice and without termination indemnity (*Eladarbeh*<sup>53</sup>); written letter of censure (*Al Akhras*<sup>54</sup>); written letter of censure and a fine equivalent to two months’ salary (*Muheisen*<sup>55</sup> and *Abu Fardeh*<sup>56</sup>); written letter of censure and a fine equivalent to one month’s salary (*Tahtamouni*<sup>57</sup>); and demotion to an alternative post one grade lower (*Husseini*<sup>58</sup>).

124. Although there are common legal issues among the cases regarding the sufficiency of the Opportunity to Respond (OTR) letters and Disciplinary Measures (DM) letters, these legal issues are fact intensive, and the core facts vary significantly in this regard.

125. While the UNRWA DT reached the blanket conclusion that there was a fundamental commonality among the disciplinary letters at issue in each of the cases consolidated and that the “disciplinary letters either include no factual findings at all or make a finding at such a high level of generality”,<sup>59</sup> a review of the record shows the contrary. The cases are not identical

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<sup>43</sup> Commissioner-General’s Annex 13 (Letter Ref: E/N 10623805, dated 6 July 2021).

<sup>44</sup> Commissioner-General’s Annex 15 (Disciplinary Measure letter, dated 24 June 2021), page 3.

<sup>45</sup> Impugned Judgment, para. 5.

<sup>46</sup> *Ibid.*, para. 20.

<sup>47</sup> *Ibid.*, para. 35.

<sup>48</sup> *Ibid.*, para. 11.

<sup>49</sup> *Ibid.*, para. 26.

<sup>50</sup> *Ibid.*, para. 43.

<sup>51</sup> *Ibid.*, para. 50.

<sup>52</sup> Commissioner-General’s Annex 4 (Letter Ref: E/N 10630881, dated 17 September 2020), page 1.

<sup>53</sup> Commissioner-General’s Annex 13 (Letter Ref: E/N 10623805, dated 6 July 2021).

<sup>54</sup> Commissioner-General’s Annex 15 (Disciplinary Measure letter, dated 24 June 2021), page 5.

<sup>55</sup> Commissioner-General’s Annex 7 (Disciplinary Measure letter, dated 17 November 2020), page 4.

<sup>56</sup> Commissioner-General’s Annex 17 (Disciplinary Measure letter, dated 30 September 2021), page 6.

<sup>57</sup> Commissioner-General’s Annex 11 (Disciplinary Measure letter, dated 02 March 2021), page 5.

<sup>58</sup> Commissioner-General’s Annex 9 (Letter Ref: E/N 10610167, dated 01 February 2021), page 1.

<sup>59</sup> Impugned Judgment, para. 67.

with respect to the level of detail in the OTR letters. Five cases (*Hejab*,<sup>60</sup> *Muheisen*,<sup>61</sup> *Tahtamouni*,<sup>62</sup> *Al Akhras*,<sup>63</sup> and *Abu Fardeh*<sup>64</sup>) include detailed summaries of the investigation report. Two cases (*Husseini*<sup>65</sup> and *Eladarbeh*<sup>66</sup>) include only a one-paragraph summary of the investigation report.

126. Nor are the cases identical with respect to the level of detail in the DM letters, namely whether the DM letters refer to the response by the staff being investigated to the OTR letters. In three cases (*Hejab*, *Husseini* and *Eladarbeh*), there is no reference in the DM letters to the staff response to the OTR letter. In one case (*Muheisen*), there is a one-paragraph summary<sup>67</sup> of the staff response in the DM letter. In one case (*Al Akhras*), there is a detailed summary<sup>68</sup> in the DM letter of the staff response to the OTR letter. In one further case (*Abu Fardeh*), there is a detailed summary<sup>69</sup> in the DM letter of the staff response to the OTR letter, which is followed by an assessment<sup>70</sup> of such response. Given these differences, the UNRWA DT's reliance on a supposed commonality of facts with regard to the DM letters was clearly erroneous.

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<sup>60</sup> Commissioner-General's Annex 2 (Misconduct Investigation: Opportunity to Respond letter, dated 24 February 2020), pages 1-3.

<sup>61</sup> Commissioner-General's Annex 6 (Opportunity to Respond letter, dated 24 February 2020), pages 1-5.

<sup>62</sup> Commissioner-General's Annex 10 (Opportunity to Respond letter, dated 10 September 2020), pages 1-12.

<sup>63</sup> Commissioner-General's Annex 14 (Opportunity to Respond letter, dated 18 November 2020), pages 1-5.

<sup>64</sup> Commissioner-General's Annex 16 (Opportunity to Respond letter, dated 7 December 2020), pages 1-4.

<sup>65</sup> Commissioner-General's Annex 8 (Letter Ref: INV-20-0166, dated 23 December 2020 letter), page 1.

<sup>66</sup> Commissioner-General's Annex 12 (Letter Ref: INV-19-0019 & INV-19-0020, dated 22 October 2020), page 1.

<sup>67</sup> Commissioner-General's Annex 7 (Disciplinary Measure letter, dated 17 November 2020), page 2.

<sup>68</sup> Commissioner-General's Annex 15 (Disciplinary Measure letter, dated 24 June 2021), pages 2-3.

<sup>69</sup> Commissioner-General's Annex 17 (Disciplinary Measure letter, dated 30 September 2021), pages 2-3.

<sup>70</sup> *Ibid.*, page 3.

127. Different standards of proof are applicable to these cases: clear and convincing evidence in three cases (*Hejab*,<sup>71</sup> *Husseini*,<sup>72</sup> and *Eladarbeh*<sup>73</sup>); and preponderance of evidence in four (*Muheisen*,<sup>74</sup> *Tahtamouni*,<sup>75</sup> *Al Akhras*,<sup>76</sup> and *Abu Fardeh*<sup>77</sup>).

128. In light of the significant differences across all of these crucial fields of inquiry, it cannot be said that there was sufficient commonality among these applications to justify consolidation.

129. Moreover, the treatment of these matters on a consolidated basis undermined the fair administration of justice. The impugned Judgment does not reflect an individualized determination regarding the sufficiency *vel non* of the OTR and DM letters in each case, but rather a blanket and collective conclusion on that subject, even though the letters vary widely in subject matter, content and level of detail, and even though the underlying facts at issue in the specific cases vary widely.<sup>78</sup>

130. Given the widely varying underlying allegations of misconduct and disciplinary measures, the divergent details of the OTR and DM letters, and the variations in burden of proof, it is apparent to this Tribunal that the UNRWA DT erred in consolidating these matters to a degree that impaired the fair administration of justice.

131. Because the procedural error impaired the entire impugned Judgment, it is necessary to remand these cases to be adjudicated separately, pursuant to Article 2(3) of the Appeals Tribunal Statute (Statute).

132. In light of the inaccurate factual determinations already made by the original judge when these matters were treated on a consolidated basis, these matters shall be heard by a different judge upon remand, pursuant to Article 2(6) of the Statute.<sup>79</sup>

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<sup>71</sup> Commissioner-General's Annex 4 (Letter Ref: E/N 10630881, dated 17 September 2020), page 1.

<sup>72</sup> Commissioner-General's Annex 9 (Letter Ref: E/N 10610167, dated 01 February 2021), page 1.

<sup>73</sup> Commissioner-General's Annex 13 (Letter Ref: E/N 10623805, dated 6 July 2021), page 1.

<sup>74</sup> Commissioner-General's Annex 7 (Disciplinary Measure letter, dated 17 November 2020), page 2.

<sup>75</sup> Commissioner-General's Annex 11 (Disciplinary Measure letter, dated 02 March 2021), page 2.

<sup>76</sup> Commissioner-General's Annex 15 (Disciplinary Measure letter, dated 24 June 2021), page 3.

<sup>77</sup> Commissioner-General's Annex 17 (Disciplinary Measure letter, dated 30 September 2021), page 4.

<sup>78</sup> Impugned Judgment paras. 67-72

<sup>79</sup> See *Jafar Hilmi Wakid v. Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, Judgment No. 2022 UNAT-1194, para. 75 (remanding to a different judge "[g]iven the subjective assessment of the evidence in the Impugned Judgment").

**Judgment**

133. The Commissioner-General's appeal is granted, and Judgment No. UNRWA/DT/2022/060 is hereby reversed, and the consolidated cases are remanded to the UNRWA DT with instructions for a different judge to adjudicate each case separately. The cross-appeal is moot at this stage.

Original and Authoritative Version: English

Dated this 22<sup>nd</sup> day of March 2024 in New York, United States.

*(Signed)*

Judge Ziadé, Presiding

*(Signed)*

Judge Sandhu

*(Signed)*

Judge Sheha

Judgment published and entered into the Register on this 19<sup>th</sup> day of April 2024 in New York, United States.

*(Signed)*

Juliet E. Johnson, Registrar