



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

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Judgment No. 2024-UNAT-1443

**Ahmad Shukri Safi  
(Appellant)**  
**v.**  
**Commissioner General  
of the United Nations Relief and Works Agency  
for Palestine Refugees in the Near East  
(Respondent)**

**JUDGMENT**

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Before:	Judge Abdelmohsen Sheha, Presiding Judge Nassib G. Ziadé Judge Graeme Colgan
Case No.:	2023-1821
Date of Decision:	28 June 2024
Date of Publication:	9 July 2024
Registrar:	Juliet E. Johnson

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Counsel for Appellant:	Ahmed Hussein Heles
Counsel for Respondent:	Natalie Boucly

**JUDGE ABDELMOHSEN SHEHA, PRESIDING.**

1. Mr. Ahmad Shukri Safi (Appellant) has filed an appeal of Judgment No. UNRWA/DT/2023/011 (impugned Judgment) rendered by the Dispute Tribunal of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA or Agency).<sup>1</sup>
2. In the impugned Judgment, the UNRWA Dispute Tribunal (UNRWA DT or Dispute Tribunal) dismissed Mr. Safi's application in which he had challenged his summary dismissal from the Agency. Mr. Safi was dismissed on the grounds that he had sexually abused a 14-year-old girl (Complainant or CO1).
3. Mr. Safi comes before the United Nations Appeals Tribunal (UNAT or Appeals Tribunal) with requests to rescind the dismissal, restore him to his former position, and compensate him for the periods of unemployment resulting from his termination.
4. For the reasons set forth herein, the Appeals Tribunal dismisses the appeal and affirms the impugned Judgment.

**Facts and Procedure**

5. Since 2011, Mr. Safi had been employed by the Agency as a Teacher. At the time of the contested decision, he was at Grade 10, Step 6, and based in the Gaza Field Office (GFO).<sup>2</sup>
6. On 31 October 2019, the Field Legal Office, Gaza (FLO/G) referred a complaint of sexual exploitation and abuse (SEA) against Mr. Safi to the Department of Internal Oversight Services (DIOS). Simultaneously, he was placed on Administrative Leave Without Pay (ALWOP).<sup>3</sup>
7. DIOS interviewed Mr. Safi, CO1, CO1's maternal uncle, CO1's mother, two bystanders to the incident (WO3 and WO4 in the Investigation Report), the Senior Field Investigator (SFI) and the Safety and Security Officer (SSO).<sup>4</sup>

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<sup>1</sup> *Safi v. Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, Judgment No. UNRWA/DT/2023/011 (5 March 2023).

<sup>2</sup> *Ibid.*, para. 4.

<sup>3</sup> *Ibid.*, paras. 5 and 7.

<sup>4</sup> *Ibid.*, para. 9.

8. After the conclusion of the investigation, on 14 June 2020, the Director of UNRWA Operations, Gaza (DUO/G) issued an Opportunity to Respond (OTR) letter to Mr. Safi that detailed the findings of the investigation and the allegations of misconduct.<sup>5</sup>

9. The OTR letter recounted the Complainant's testimony that on 10 September 2019 she had been trying to find transportation to a wedding party, when Mr. Safi, who was driving a car, beeped to indicate willingness to pick her up. She got in the front seat, as there were three women already in the back seat. She stated that after Mr. Safi dropped the other three women off, he took a road in a different direction than the Complainant's destination and attempted to remove her hijab and her clothing, began to touch her in improper ways, and attempted to force her to engage in sexual conduct. The Complainant fought back, and at one point, when he asked for directions at a shop, the Complainant screamed out the window that she had been kidnapped. She reported that Mr. Safi sped away, but later ended up in a dead-end street, where the car was surrounded by a group of people attempting to assist the Complainant. The Complainant went with some of these bystanders to the West Khan Younis police station.<sup>6</sup>

10. WO3 and WO4 were in the group of persons who gathered around the car in the dead-end street, and they corroborated that the Complainant's head cover was pulled back, that her jacket was stretched open as if by force, and that the Complainant looked terrified when she exited the car and said that she had been kidnapped. WO3 testified that the Complainant told him, and others, about the way that Mr. Safi abused her in the car.<sup>7</sup>

11. The OTR letter recorded Mr. Safi's statements that he stopped the car to pick up the Complainant because she looked poor, and as a teacher, he should help a person in need. Mr. Safi claimed that the Complainant's request for a lift was really a blackmail scheme that was a result of a conflict between Mr. Safi's uncle and the Complainant's family. Mr. Safi stated that when the Complainant started screaming, he kicked her out of the car, and that the bystanders noticed she was lying. He said he went to the police station to make a complaint against the Complainant. He insisted this was all a scheme to extort money from him because of the social status of his family

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<sup>5</sup> *Ibid.*, para. 11.

<sup>6</sup> Respondent's Reply before the UNRWA DT, Annex 16, Letter dated 14 June 2020, Misconduct Investigation: Opportunity to Respond to Investigation Finding, pp. 1-2.

<sup>7</sup> *Ibid.*, p. 3.

and that he was an UNRWA staff member. Mr. Safi stated that the Complainant's family eventually apologized to him when they realized that their daughter would end up in jail.<sup>8</sup>

12. It is undisputed that Mr. Safi was arrested at the police station on the day of the incident. The Complainant submitted a complaint of SEA to the local prosecutor on 12 September 2019.<sup>9</sup>

13. On 24 September 2019, a customary dispute resolution agreement known as a *Sulha* was reached between the families of the Complainant and Mr. Safi. The Complainant's family agreed to withdraw the criminal complaint and to not harm Mr. Safi in any way that might affect him with UNRWA. That same day, the Complainant withdrew the complaint.<sup>10</sup>

14. On 22 December 2019, the local authorities closed Mr. Safi's case based on the *Sulha*.

15. On 30 December 2019, the Complainant's father submitted a letter to the DUO/G that a *Sulha* had been concluded between their families and that the criminal complaint against Mr. Safi had been retracted.

16. On 23 February 2019, the Complainant's uncle advised the DIOS investigators that he, the Complainant's mother, and the Complainant could not engage with UNRWA or sign the statements that they had previously given to the investigators because to do so would constitute a breach of the *Sulha*.

17. The OTR Letter took the witnesses' testimonies into account, as well as the other events following the incident. The investigation found that Mr. Safi's explanations about the incident were not credible. The investigation took note that the criminal case was closed and that there had been a tribal reconciliation through the *Sulha*. However, the OTR letter explained that the Agency conducted its own independent investigation, and the closure of the criminal case and the *Sulha* were not decisive.

18. The OTR letter concluded that: "On 10 September 2019, [Mr. Safi] kidnapped and sexually abused the [C]omplainant in a car."<sup>11</sup>

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<sup>8</sup> *Ibid.*, pp. 2-3.

<sup>9</sup> Impugned Judgment, paras. 15-17.

<sup>10</sup> *Ibid.*, paras. 18-19.

<sup>11</sup> Respondent's Reply before the UNRWA DT, Annex 16, Letter dated 14 June 2020, Misconduct Investigation: Opportunity to Respond to Investigation Finding, p. 1.

19. In addition to the sexual abuse, the OTR letter also found that Mr. Safi had been operating a private vehicle as a taxi, and as such, was undertaking outside activities without authorization from the Agency.<sup>12</sup>

20. Mr. Safi denied all of the allegations in the OTR letter.

21. On 27 September 2020, the Commissioner-General imposed by Disciplinary Sanction Letter (DSL) the sanction of summary dismissal (contested decision) on Mr. Safi.

22. On 16 October 2020, Mr. Safi submitted a Request for Decision Review (RDR); the Agency did not respond.

23. On 14 January 2021, Mr. Safi filed an application with the UNRWA DT challenging the contested decision.

#### *Impugned Judgment*

24. The Dispute Tribunal took testimony from three expert witnesses (one proposed by Mr. Safi and two proposed by the Respondent) about the *Sulha*. The experts were in agreement that a *Sulha* is a customary dispute resolution agreement made between families, and that they have a very strong binding nature, and breach of a *Sulha* has serious consequences for both the individual who breaches, and the family of that individual. Two of the experts agreed that a *Sulha* is not an admission of guilt, the third expert was silent on this issue.<sup>13</sup>

25. Mr. Safi stated that there was no payment made to the Complainant's family pursuant to the *Sulha*. The Complainant's uncle stated that the *Sulha* included a payment of 4,000 Jordanian dinars (JOD) by Mr. Safi's family to the Complainant's family, and it included a clause for a fine for breach of the agreement of 10,000 JOD.<sup>14</sup>

26. The Dispute Tribunal rejected Mr. Safi's contentions that the DIOS investigators had interviewed irrelevant witnesses, and had not considered his evidence.<sup>15</sup>

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<sup>12</sup> *Ibid.*

<sup>13</sup> Impugned Judgment, para. 37.

<sup>14</sup> *Ibid.*, para. 36.

<sup>15</sup> *Ibid.*, paras. 54-55.

27. The Dispute Tribunal recognized that Mr. Safi and the Complainant had irreconcilably contradictory accounts of the events of 10 September 2019. Therefore, the Tribunal examined the credibility of their accounts.

28. The Dispute Tribunal rejected Mr. Safi's challenges to the statements provided by the Complainant to the local prosecutor and the DIOS investigators, finding that the minor inconsistencies between these statements were inconsequential.<sup>16</sup>

29. The Dispute Tribunal considered the import of the non-appearance of the Complainant before the Tribunal, which deprived Mr. Safi of the opportunity to cross-examine her. The Tribunal found that it was "factually impossible to acquire the testimony of [the Complainant] as long as the *Sulha* is in force".<sup>17</sup> The Tribunal found that with the *Sulha*, Mr. Safi had, through his family, prevented her from testifying.

30. After hearing from the expert witnesses, the Dispute Tribunal found the following with regard to the *Sulha* agreement:<sup>18</sup>

[T]he binding status of *sulha* proceedings derive not only from intense social pressures to abide by the decisions, but increasingly actual legal enforcement of *sulha* agreements by the police and formal judiciary. As a comparison, the Tribunal understands that once a *Sulha* is reached, it is like a *res judicata* and it is not acceptable within the society to resurface the dispute in any manner. In addition, the experts underlined the serious nature of potential consequences for individuals and families in case of non-avoidance with the provisions of a *Sulha*. These include (1) ostracization of the non-abiding individuals or families from the community, (2) further pressure, intimidation, harassment that may lead to new disputes and clashes and violence among families, or (3) *Jalwa*, meaning forced expulsion of a non-abiding individual and his/her family from the community.

31. In light of the expert testimony as well as a Security Report that discussed potential security risks to the Complainant and her family if any of them collaborated with UNRWA authorities,<sup>19</sup> the Dispute Tribunal concluded that the Complainant's non-appearance at the Tribunal hearing did not affect the credibility of her prior statements.<sup>20</sup>

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<sup>16</sup> *Ibid.*, paras. 64-65.

<sup>17</sup> *Ibid.*, para. 68.

<sup>18</sup> *Ibid.*, para. 72 (internal citations omitted).

<sup>19</sup> The Security Report provided that Mr. Safi's family was "highly connected both locally and within the socio-political structures within Gaza". See impugned Judgment, para. 91, footnote 24.

<sup>20</sup> Impugned Judgment, para. 73.

32. The Dispute Tribunal noted that Mr. Safi had full transcriptions of the Complainant's interview with the DIOS investigators and had extensive opportunities to question her account. Thus, the Tribunal found that he had been "afforded sufficient, fair and legitimate opportunities to defend his position".<sup>21</sup>

33. The Dispute Tribunal found that the Complainant's statement was credible, reliable and persuasive. The Tribunal noted that two bystander witnesses at the scene (W03 and W04) corroborated many aspects of her account. The Tribunal's view was that it was highly unlikely that a 14-year-old girl would come up with such a lie with such details without any significant discrepancies and inconsistencies.<sup>22</sup>

34. As to Mr. Safi, the Dispute Tribunal found his account "not reliable and not credible". The Tribunal noted a significant inconsistency in his admission in his response to the OTR letter that he had ended up in a dead-end street, to his denial of this fact during sworn testimony. The Tribunal observed that Mr. Safi admitted that it was very unusual in their culture for an adult male to give a ride to a young girl and seat her next to him. The Tribunal did not credit Mr. Safi's allegation that the Complainant targeted him in a blackmail scheme because there was no evidence that she knew who he was when he offered her a ride. It was also not believable that the bystanders (W03 and W04) were in on the blackmail scheme, because it was Mr. Safi who decided to stop outside the grocery store where they were standing. There was also no evidence to support his allegation that he was arrested due to personal conflicts between his family and the Chief of Police.<sup>23</sup>

35. The Dispute Tribunal concluded that the Complainant's version of events was credible; whereas Mr. Safi's account was not.<sup>24</sup>

36. The Dispute Tribunal did not credit the testimonies of two other alleged bystanders (W05 and W06) who testified at Mr. Safi's behest. The Tribunal rejected W05 and W06's testimonies that W03 and W04 were not present at the scene, given (among other things) that W04 drove the Complainant to the police station. Based on the accumulated evidence, the Tribunal concluded

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

<sup>22</sup> *Ibid.*, paras. 75, 77, and 79.

<sup>23</sup> *Ibid.*, paras. 83-89.

<sup>24</sup> *Ibid.*, para. 90.

that WO5 and WO6 had arrived at the police station after the fact. The Tribunal recorded many inconsistencies that arose in WO5 and WO6's testimonies on cross-examination.<sup>25</sup>

37. The Dispute Tribunal considered the testimony of Notables and Mukhtars that the Complainant had admitted in front of all of them that these events were a "misunderstanding". The Tribunal had no reason to doubt these statements of the Notables and Mukhtars, but considered this an outcome of the *Sulha* negotiations, and that the Complainant had no choice but to deny her complaint.<sup>26</sup> The Tribunal likewise did not place weight on the withdrawal of the Complainant's father's letter to the DUO/G about the incident, because this was also attributable to the differential power between the two families and the *Sulha* agreement.<sup>27</sup>

38. Lastly, the Dispute Tribunal did not find it relevant that the local authorities closed the criminal case against Mr. Safi. The Tribunal's proceedings are administrative, and the Agency is empowered to take disciplinary measures against staff for misconduct regardless of the outcome in a local court.<sup>28</sup>

39. The Dispute Tribunal concluded that taken cumulatively the following facts constituted clear and convincing evidence that the alleged misconduct occurred:<sup>29</sup>

- (1) CO1's consistent accounts of the incident, (2) the coherence of CO1's accounts with the statements of two eyewitnesses, namely WO3 and WO4, (3) the consistency of CO1's accounts with the statements of WO1 and WO2, (4) the lead investigator's testimony in support of CO1's credibility, (5) the absence of any credible challenge on the part of [Mr. Safi] that would raise question(s) with respect to CO1's accounts and credibility, (6) the lack of any reasonable motive on the part of a 14-year-old girl to come up with such a fabricated incident, (7) local authorities' initial reaction to detain [Mr. Safi] following CO1's complaint and other witnesses' statements, (8) [Mr. Safi's] failure to explain why CO1 was seated in the front seat of his car despite its uncommon nature in his culture in his words, (9) [Mr. Safi's] unsubstantiated and unsound claim that he was a victim of a complex blackmail scheme as an explanation for the differences between his and CO1's account, (10) [Mr. Safi's] rather implausible attempts to blame others with blackmail and to tarnish CO1's reputation with his comments about her and her behaviour in his statements during his interview with the investigators, (11) [Mr. Safi's] unreasonable explanations about how the incident ended up at the police station and how he ended up being detained, (12) the uncredible and unpersuasive testimonies of [Mr. Safi's] witnesses, WO5 and WO6, (13) the restrictions imposed on CO1's family in the *Sulha* agreement and the process leading to it in view of the clear and differential power between [Mr. Safi] and CO1's respective families' places and status in the community, and (14) the inherent probability that the original allegations were

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<sup>25</sup> *Ibid.*, paras. 95-100.

<sup>26</sup> *Ibid.*, paras. 101-102, 105-106.

<sup>27</sup> *Ibid.*, para. 111.

<sup>28</sup> *Ibid.*, para. 112.

<sup>29</sup> *Ibid.*, para. 114.



true given the harm CO1 and her whole family suffered as a result of her reporting such an incident to the police.

40. The Dispute Tribunal also found that Mr. Safi was engaged in an outside activity of operating as a taxi driver.<sup>30</sup>

41. The Dispute Tribunal found that the established conduct was in clear violation of the Agency's regulatory framework, and constituted deliberate acts of SEA and kidnapping against a minor and a beneficiary of UNRWA.<sup>31</sup> The Tribunal noted that such serious misconduct constitutes grounds for the most severe disciplinary measure. This was particularly so in this case because of the Complainant's vulnerability as a 14-year-old girl. Moreover, Mr. Safi also placed her in a position where she suffered retaliation and ostracism in her community for disclosing the incident. The Tribunal concluded that the sanction of summary dismissal was proportionate to the nature and gravity of such serious misconduct.<sup>32</sup> Mr. Safi's application was accordingly dismissed.

42. Mr. Safi filed an appeal with the Appeals Tribunal on 4 July 2023, and the Commissioner-General submitted his answer on 18 September 2023.

### **Submissions**

#### **Mr. Safi's Appeal**

43. Mr. Safi appeals the impugned Judgment on the grounds of: error of application of law, exclusion of his evidence, deficient reasoning, violation of the law and judicial precedents, and deprivation of his rights.

44. Mr. Safi challenges the factual basis of the impugned Judgment. He claims that the girl decided to ride in the front seat of his car so she could fabricate a false accusation against him. He claims he was motivated by chivalry and generosity to pick her up. He claims that she inexplicably started to scream in front of a grocery store, so he asked to go to the police station because he was afraid of her slander against him.

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<sup>30</sup> *Ibid.*, para. 118.

<sup>31</sup> *Ibid.*, para. 120.

<sup>32</sup> *Ibid.*, para. 125.

45. Mr. Safi questions where is the medical evidence that the girl bit him, and where is the evidence that he sexually abused her. Mr. Safi submits that the girl was perfectly normal in appearance when she got out of the car.

46. Mr. Safi claims that no one from WO3 and WO4's Family was present at the beginning of the incident.

47. Mr. Safi submits that he was wrongfully arrested at the police station due to personal antagonism of government officials. He submits that the communication issued by the public prosecutor in Khan Younis to the effect that there was no proven kidnapping or sexual assault proves his innocence.

48. Mr. Safi submits that the testimony of four members of WO5 and WO6's family who allegedly witnessed the incident made it crystal clear that he was innocent of all charges.

49. Mr. Safi submits that one of the expert witnesses, who testified about the *Sulha*, confirmed that he was innocent and a victim of injustice.

50. Mr. Safi submits that the letter of the Complainant's father stating that the incident was a misunderstanding proves his innocence.

51. Mr. Safi submits that the statements of the Mukhtars and Notables show that the Complainant erred in the complaint and that she misunderstood what happened.

52. Mr. Safi submits that the *Sulha* shows that the Complainant's family felt guilty about the wrong she had done to him. The *Sulha* was signed by the Complainant, the Complainant's father, the Notables and Mukhtars, all before the highest reconciliation authority in Palestine. Mr. Safi points out that he did not sign the *Sulha* even though it exonerated him.

53. Mr. Safi submits a statement from the Ministry of Transport that he has never registered for a driver's programme. He also points to the testimony of the Khan Younis taxi drivers which confirmed that he never worked as a taxi driver.

54. Mr. Safi submits that the original complaint was inadmissible because it was signed by the Complainant's uncle, not her parents.

55. Mr. Safi submits that the investigation team was prejudiced against him.

56. Mr. Safi submits that the crime of sexual harassment has material and moral elements. He submits that for the material element it is not enough for the act to be accidental or spontaneous, the acts must be repeated. Moreover, he submits that a crime does not occur merely with expressions of amorous affection.

57. Mr. Safi submits that for the moral element to be present, there must be the element of intent, that the perpetrator pushes the victim to respond to his sexual desires, and that the perpetrator knows the victim has some mental or physical weakness. Mr. Safi avers that his is a case of complete innocence.

58. Mr. Safi invokes the principle that “the benefit of the doubt goes to the accused” and “judgments should be made on the basis of certainty, not suspicion or belief”.

59. Mr. Safi requests that the Appeals Tribunal overturn the impugned Judgment so that he can be restored to his former job.

### **The Commissioner-General’s Answer**

60. The Commissioner-General submits that it is axiomatic that the appellant must establish a ground of appeal under Article 2(1) of the Appeals Tribunal Statute (Statute) upon which the impugned Judgment is defective. Respondent avers that Mr. Safi has failed to specify this.

61. The Commissioner-General submits that Mr. Safi merely repeats his narrative from before the UNRWA DT, including his arguments about the non-prosecution by the local courts, the letter of retraction by the Complainant’s father, and the terms of the *Sulha*. The Commissioner-General contends that Mr. Safi is merely rearguing his case before the Appeals Tribunal.

62. The Commissioner-General infers from the appeal brief that Mr. Safi is dissatisfied by the UNRWA DT’s assessment of the evidence. The Commissioner-General submits that the UNRWA DT properly concluded that the Complainant’s account was credible, as it was corroborated by the bystander witnesses and her mother and uncle. Similarly, the Commissioner-General argues that the UNRWA DT correctly assessed that Mr. Safi’s explanation was not credible, as there was no way that the Complainant could have known who Mr. Safi was in order to blackmail him.

63. The Commissioner-General submits that the UNRWA DT also correctly found that Mr. Safi's witnesses were not credible, and that the written testimonies of the Notables and Mukhtars were not relevant as they were not direct witnesses to the incident.

64. The Commissioner-General contends that the UNRWA DT duly considered the effect of the letter signed by the Complainant's father retracting the allegations. Mr. Safi fails to explain how the UNRWA DT was wrong in its assessment of this evidence; he merely repeats the same arguments he made before it.

65. The Commissioner-General submits that the UNRWA DT properly considered the effect of the non-prosecution and the *Sulha* agreement on the case, and correctly decided that these did not impact the disciplinary process before the Agency or the Dispute Tribunal's proceedings. The Commissioner-General also points to the record expert evidence that in cases of SEA the *Sulha* agreement is ill-equipped to protect the individual interest of the victim.

66. The Commissioner-General avers that Mr. Safi merely produces again the statement of the Ministry of Transport, but this was considered and rejected by the UNRWA DT.

67. The Commissioner-General submits that Mr. Safi's arguments about sexual harassment are wholly misconceived.

68. The Commissioner-General submits that Mr. Safi has dismally failed to establish reversible errors warranting reversal of the impugned Judgment.

69. The Commissioner-General asks that the Appeals Tribunal dismiss the appeal.

### **Considerations**

70. The Appeals Tribunal is established as the second instance court of the two-tier formal system of administration of justice for the United Nations. The role of this Tribunal is not to hear cases *de novo*, but rather to verify whether the lower court exceeded its jurisdiction, failed to exercise it, erred in law, erred in fact, resulting in a manifestly unreasonable decision, or erred in procedure, such as to affect the decision. The appeals process is, therefore, of a corrective nature, and this Tribunal's mission is limited to verifying whether any of the aforementioned errors provided for under Article 2(1) of the Statute were committed by the lower court, rendering its judgment defective. It is the burden of the appellant to establish that

such errors exist.<sup>33</sup> As such, it is not sufficient for the appellant to simply disagree with the impugned judgment or to reiterate arguments that were unsuccessful before the lower court.<sup>34</sup> More is needed. The appellant must demonstrate in what respect and for what reasons the judgment of the lower court was defective.

71. In the present appeal, Mr. Safi, although grounding his appeal on general errors in fact and in law, does not refer to specific parts of the impugned Judgment on which he disagrees. Nor does he challenge the specific reasoning adopted by the UNRWA DT to determine the questions of fact and of law that were in dispute between the parties.<sup>35</sup> Mr. Safi, through his counsel, merely reiterates the same arguments that he had already presented in his application before the UNRWA DT. As such, this Tribunal is incapable of determining in what respect and for what reasons Mr. Safi finds the impugned Judgment defective. If we were to address Mr. Safi's contentions made in the appeal brief, we would then have to re-examine the case anew, exercising a role similar to that of the first instance court, which is not the role of this Tribunal. Moreover, we are satisfied that the UNRWA DT drew reasonable inferences from the extensive fact-finding exercise in which it engaged, and delivered a well-reasoned Judgment, with no apparent signs of unreasonableness, capriciousness or arbitrariness.

72. Therefore, we find that Mr. Safi failed to discharge his burden, and for this reason alone the appeal must fail.

73. In light of the foregoing, the appeal is dismissed.

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<sup>33</sup> *Kule Kongba v. Secretary-General of the United Nations*, Judgment No. 2018-UNAT-849, para. 19.

<sup>34</sup> *Crichlow v. Secretary-General of the United Nations*, Judgment No. 2010-UNAT-035, para. 30.

<sup>35</sup> *Dannan v. Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, Judgment No. 2013-UNAT-340, para. 14.

**Judgment**

74. Mr. Safi's appeal is dismissed, and Judgment No. UNRWA/DT/2023/011 is hereby affirmed.

Original and Authoritative Version: English

Dated this 28<sup>th</sup> day of June 2024 in New York, United States.

*(Signed)*

Judge Sheha, Presiding

*(Signed)*

Judge Ziadé

*(Signed)*

Judge Colgan

Judgment published and entered into the Register on this 9<sup>th</sup> day of July 2024 in New York, United States.

*(Signed)*

Juliet E. Johnson, Registrar