

The United N

Judgment No. 2022-UNAT-1283

- 21. The Appellants request the Appeals Tribunal to reverse the impugned Judgment and grant them all the forms of relief that were sought in the course of the proceedings. In the alternative, they request the Appeals Tribunal to find that their applications were receivable and to remand them to the UNRWA DT for consideration by a different judge for the sake of objectivity.
- 22. The Appellants submit that since the UNRWA DT had chosen to combine the three cases, it should, as a matter of fairness and reason, have convened an oral hearing for the three applications, if at least one of the three applicants had provided a sufficient and convincing reason for doing so. In particular, Ms. Hussein had brought to the attention of the UNRWA DT that as a result of the contested decision, she was subjected to discrimination as compared with her colleagues at HQA, and specifically at the Finance Department. She had evidence which, owing to ethical and legal considerations, could not be submitted to the UNRWA DT without prior permission. Nevertheless, that Tribunal failed to exercise its procedural authority and jurisdiction under paragraph 13(2) of its Rules of Procedure (Evidence) requesting her to submit her evidence, which she was "compelled to omit" from her application.

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UNRWA DT's Denial of an Oral Hearing

- 30. Under Article 2(1)(d) of the Statute of the UNAT, the Appeals Tribunal is competent to hear and pass judgment on an appeal filed against a judgment rendered by the Dispute Tribunal in which it is asserted that the Tribunal has committed an error in procedure, such as to affect the decision of the case. It follows that a party, to be successful on appeal, not only has to assert and show that the Dispute Tribunal committed an error in procedure but also that this error affected the decision on the case.⁵
- 31. We do not find that the UNRWA DT committed an error of procedure by denying the Appellants' request for an oral hearing.

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The appeals are dismissed, a	nd Judgment N	No. UNRWA/DT/20	021/027 is affirmed.
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