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

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Case No. 2012-326

**Said (Appellant)**

**v.**

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

**ORDER No. 92 (2012)**

1. On 18 May 2012, Mr. Faid Said filed a request for an extension of time to file an appeal against Judgment No. UNRWA/DT/2012/013 rendered by the Dispute Tribunal of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA DT) on 27 February 2011 in the case of *Said v. Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*. In support of the motion, Mr. Said submits that he has not yet received the Arabic translation of the Judgment and is therefore not in a position to fully understand it.
2. The case at bar is a case which was pending before the UNRWA Joint Appeals Board (JAB) and was transferred, upon its abolition effective 1 July 2009, to the UNRWA DT. Mr. Said had filed his appeal before the UNRWA JAB in English.
3. Article 7(1)(c) of the Statute of the Appeals Tribunal provides that an appeal must be filed within 60 calendar days of the receipt of the judgment. Pursuant to Article 7(3) of the Statute of the Appeals Tribunal, “[t]he Appeals Tribunal may decide in writing, upon written request by the applicant, to suspend or waive the deadlines for a limited period of time and only in exceptional circumstances”.
4. Pursuant to Article 11(5) of the Statute of the UNRWA DT, an applicant shall receive an Arabic translation of a judgment if his or her application was submitted in

Arabic. The Appeals Tribunal has consistently held that in cases where a DT judgment is rendered in a language which is different from the language of the appeal, the date of the receipt of the translation is considered the date of the receipt of the judgment for the purpose of the computation of time limits pursuant to Article 7(1)(c) of the Statute of the Appeals Tribunal.

5. I believe that the circumstances of Mr. Said's case are exceptional and warrant a waiver of the time limits to file an appeal. Mr. Said was caught in the transition from the former to the new internal justice system. He is unable to fully understand the Judgment and the only reason why he filed his application before the former UNRWA JAB in English is that the former UNRWA JAB did not accept appeals filed in Arabic.

6. The underlying rationale of an appellant's right to receive a judgment in the language of the application before the DT is that, in order to exercise his or her right to appeal, he or she needs to be able to fully understand the Judgment. Given the circumstances, to deny Mr. Said the possibility to fully understand the Judgment before filing an appeal would violate his due process rights.

7. For the foregoing reasons, I grant Mr. Said's motion. Mr. Said will have 60 days to file his appeal, if any, from receipt of the Arabic translation of the UNDT Judgment.

Original and Authoritative Version: English

Dated 21<sup>ST</sup> day of June 2012 in Geneva, Switzerland.

Entered in the Register on this 21<sup>ST</sup> day of June 2012 in Geneva, Switzerland.

*(Signed)*  
Judge Faherty, Duty Judge

*(Signed)*  
Weicheng Lin, Registrar