



UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

Case No. 2015-707

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

ORDER No. 234 (2015)

1. On 18 February 2015, the Dispute Tribunal of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA DT and UNRWA, respectively) issued Judgment No. UNRWA/DT/2015/009, in the case of *Dawas v. Commissioner-General of UNRWA*. The UNRWA DT found in favor of Mr. Dahoud Dawas and ordered that UNRWA pay Mr. Dawas USD 16,000 in moral damages.
2. On 10 April 2015, the Commissioner-General of UNRWA appealed the Judgment to the United Nations Appeals Tribunal (Appeals Tribunal) and Mr. Dawas, with the assistance of UNRWA's Legal Office for Staff Assistance (LOSA), filed his answer to the Commissioner-General's appeal on 4 June 2015.
3. On 27 July 2015, Mr. Dawas filed a motion requesting a waiver or an extension of time to file his cross-appeal. In his motion, Mr. Dawas claims that he requested help from LOSA to file his cross-appeal on 7 June 2015. However, as the deadline for him to file his cross-appeal would lapse on 8 June 2015, LOSA advised him to proceed with filing his cross-appeal electronically via the Appeals Tribunal's eFiling portal. However, he subsequently experienced difficulties with filing his appeal electronically and his request of 15 July 2015 for assistance from the technicians responsible for maintaining the eFiling portal has remained unanswered. Mr. Dawas refiled the same motion on 8 August 2015.

4. Article 7(1)(c) of the Appeals Tribunal Statute (Statute) provides that an appeal must be filed “within 60 calendar days of the receipt of the judgement of the Dispute Tribunal or, where the Appeals Tribunal has decided to waive or suspend that deadline in accordance with paragraph 3 of the present article, within the period specified by the Appeals Tribunal”. Article 7(3) of the Statute provides that “[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 cases”.

5. Article 9 of the Appeals Tribunal Rules of Procedure the (Rules) governs the filing of, inter alia, answers and cross-appeals. Article 9(4) of the Rules provides that “[w]ithin 60 days of notification of the appeal, a party answering the appeal may file a cross-appeal, accompanied by a brief which shall not exceed 15 pages...”. Article 30 of the Rules allows this Tribunal to shorten or extend a time limit “when the interests of justice so require”.

6. This Tribunal has repeatedly held that it “has been strictly enforcing, and will continue to strictly enforce, the various time limits”.¹ The Appeals Tribunal has also consistently held that “[i]t is the staff member’s responsibility to ensure that he or she is aware of the applicable procedure in the context of the administration of justice at the United Nations” and that “[i]gnorance cannot be invoked as an excuse”.²

7. I have considered Mr. Dawas’ request and am not satisfied that exceptional circumstances exist or that it would be in the interests of justice to grant Mr. Dawas a waiver or extension of time to file his cross-appeal. Mr. Dawas acknowledged that he was advised by LOSA to file his cross-appeal on 7 June 2015, but he waited until 15 July 2015 to seek technical assistance for filing the cross-appeal electronically and, when he did not get a prompt response, he waited until 27 July 2015 to file a motion requesting permission to extend the filing date. Moreover, Mr. Dawas does not offer any explanation for the five week delay. For these reasons, Mr. Dawas’ request is denied.

¹ *Chandran v. Secretary-General of the United Nations*, Order No. 232 (2015), citing *Mezoui v. Secretary-General of the United Nations*, Judgment No. 2010-UNAT-043, para. 21. See also *Ibrahim v. Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, Judgment No. 2010-UNAT-069; *Harding v. Secretary-General of the United Nations*, Order No. 44 (2011); *Meron v. Secretary-General of the United Nations*, Order No. 42 (2011); *Islam v. Secretary-General of the United Nations*, Order No. 7 (2010).

² *Chandran v. Secretary-General of the United Nations*, Order No. 232 (2015), citing *Amany v. Secretary-General of the United Nations*, Judgment No. 2015-UNAT-521, para. 18 (and cites therein).

IT IS HEREBY ORDERED that Mr. Dawas' request for a waiver or an extension of time to file his cross-appeal is **DENIED**.

Original and Authoritative Version: English

Dated this 10th day of August 2015
in Los Angeles, United States.

(Signed)
Judge Rosalyn Chapman, President

Entered in the Register on this 10th day of
August 2015 in New York, United States.

(Signed)
Weicheng Lin, Registrar