



UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

Case No. 2012-419

Abdel Rahman

(Appellant)

v.

Commissioner-General

of the United Nations Relief and Works Agency

for Palestine Refugees in the Near East

(Respondent)

ORDER No. 236 (2015)

1. On 24 September 2012, the Dispute Tribunal of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) issued Judgment No. UNRWA/DT/2012/050, in the case of *Abdul Rahman v. Commissioner-General of UNRWA*.¹ The UNRWA DT determined that Mr. Ali Abdel Rahman's application was untimely and not receivable.
2. On 20 November 2012, the Registry of the United Nations Appeals Tribunal (Appeals Tribunal) received a hard-copy of Mr. Abdel Rahman's appeal form, dated 14 November 2012 and supporting annexes; however, no appeal brief was submitted with the appeal form.
3. On 30 November 2012, the Registry requested Mr. Abdel Rahman, through his counsel, to file his appeal via the Tribunal's electronic filing system and to submit an appeal brief within five working days.
4. On 7 December 2012, the Registry again wrote to Mr. Abdel Rahman to advise, *inter alia*, that he had yet to file his appeal brief.

¹ On appeal, the Appeals Tribunal relies on the spelling of the Appellant's name as reflected in his appeal form, namely Mr. Abdel Rahman.

5. On 15 July 2013, the Registry again requested Mr. Abdel Rahman, through his counsel, to file his appeal brief, setting a deadline of 1 August 2013, failing which this Tribunal would consider the appeal to have been abandoned. Mr. Abdel Rahman was also asked to provide an explanation for the delay in filing the appeal brief.

6. On 1 August 2013, Mr. Abdel Rahman filed his appeal brief; however, he did not explain the delay in filing the brief.

7. On 11 September 2013, in response to the Registry's further request for an explanation for the delay in filing the brief, Mr. Abdel Rahman advised that he was not previously aware that an appeal brief was required.

8. On 8 October 2013, at the Registry's request, Mr. Abdel Rahman filed a motion requesting this Tribunal to waive the time limits for filing his appeal brief on the ground of exceptional circumstances.

9. On 31 August 2015, the Registry served Mr. Abdel Rahman's appeal form, appeal brief, supporting annexes and motion to waive the time limits for filing his appeal brief on the Commissioner-General and requested comments solely with respect to the motion.

10. On 9 September 2015, the Commissioner-General filed his comments and opposed the request on the basis that Mr. Abdel Rahman had failed to establish any exceptional circumstances justifying it.

11. Article 8(1) of the Rules of Procedure of the Appeals Tribunal (Rules) provides that appeals shall be submitted on a prescribed form, and Article 8(2) mandates that "[t]he appeal form shall be accompanied by [a] brief that explains the legal basis of any of the five grounds for appeal set out in article 2.1 of the statute of the Appeals Tribunal".

12. 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". Pursuant to Article 7(3) of the Statute, "[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".

13. Article 30 of the Rules allows this Tribunal to shorten or extend a time limit “when the interests of justice so require”. Further, Article 18*bis* of the Rules provides that “[t]he President may, at any time, either on a motion of a party or on his or her own volition, issue any order which appears to be appropriate for the fair and expeditious management of the case and to do justice to the parties”.

14. While the Appeals Tribunal has repeatedly and consistently held that it “will continue to strictly enforce ... the various time limits”,² based on the extraordinary circumstances of this particular case, including the Registry’s ongoing communications with Mr. Abdel Rahman which may have been interpreted by him as permitting the late filing of his appeal brief, it is appropriate to grant Mr. Abdel Rahman’s motion. In light of the foregoing extraordinary circumstances, the interests of justice also support waiving the time limit for the filing of Mr. Abdel Rahman’s brief. Lastly, granting the motion for the waiver of time will not prejudice the Commissioner-General’s right to file an answer.

IT IS HEREBY ORDERED that:

- (a) the Appellant’s request for a waiver of the time limit for filing his appeal brief is **GRANTED**;
- (b) the Registry shall accept the Appellant’s appeal brief as part of the case file; and
- (c) the Respondent **shall file his answer form and answer brief within 60 days of the date of this order.**

Original and Authoritative Version: English

Dated this 14th day of September 2015 in
Los Angeles, United States.

(Signed)
Judge Rosalyn Chapman,
President

Entered in the Register on this 14th day of
September 2015 in New York, United States.

(Signed)
Weicheng Lin, Registrar

² *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).