



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

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Case No. 2016-937

**Kifle**  
**(Applicant)**

**v.**

**Secretary-General of the United Nations**  
**(Respondent)**

**ORDER No. 266 (2016)**

1. On 24 February 2016, the United Nations Dispute Tribunal (UNDT or Dispute Tribunal) issued Judgment on liability and relief No. UNDT/2016/012 in the case of *Kifle v. Secretary-General of the United Nations*. The UNDT Judgment was transmitted to Mr. Mekbib Kifle on the same day.

2. On 17 June 2016, Mr. Kifle filed with the United Nations Appeals Tribunal a request for suspension, waiver or extension of time limit to appeal Judgment No. UNDT/2016/012, seeking an additional but unspecified period of time. According to Mr. Kifle, he has received the “proceeds of the judgment of the UNDT” (presumably in the amount of one year’s net base salary as awarded by the Dispute Tribunal), and he used the “proceeds” to pay counsel for the purpose of filing an appeal with the Appeals Tribunal.

3. 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, 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”.<sup>1</sup> This

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<sup>1</sup> See also Article 7(2) of the Appeals Tribunal Rules of Procedure.

Tribunal has repeatedly held that it “has been strictly enforcing, and will continue to strictly enforce, the various time limits”.<sup>2</sup>

4. Applying these statutory provisions to the present case, Mr. Kifle has not made a case for any additional time as he has already missed the deadline of 25 April 2016 to timely file an appeal. Moreover, he waited an additional 50 days before filing the pending request. Finally, Mr. Kifle has not provided any evidence showing exceptional circumstances that prevented him from filing either a timely appeal or a timely request for waiver of the time limit. Financial inability to retain counsel is not an impediment to Mr. Kifle exercising diligence in requesting an extension or waiver of the time limit to appeal.

5. For the foregoing reasons, Mr. Kifle’s request for suspension, waiver or an extension of time limit to appeal should be denied.

**IT IS HEREBY ORDERED** that Mr. Kifle’s request for suspension, waiver or extension of time limit to appeal **IS DENIED**.

Original and Authoritative Version: English

Dated this 30<sup>th</sup> day of June 2016  
in New York, United States.

(Signed)  
Judge Rosalyn Chapman,  
President

Entered in the Register on this 1<sup>st</sup> day of  
July 2016 in New York, United States.

(Signed)  
Weicheng Lin, Registrar

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<sup>2</sup> *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, most recently, *Ocokoru v. Secretary-General of the United Nations*, Judgment No. 2015-UNAT-604, paras. 39 & 40 and the authorities cited therein.