



UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

Case No. 2017-1129

Abou Hamia

(Applicant)

v.

Secretary-General of the United Nations

(Respondent)

ORDER No. 302 (2017)

1. On 13 September 2017, the United Nations Dispute Tribunal (UNDT or Dispute Tribunal) issued Judgment on receivability No. UNDT/2017/075 in the case of *Abou Hamia v. Secretary-General of the United Nations*. The UNDT Judgment was transmitted to Mr. Mohamad Ahmad Abou Hamia on the same day.

2. On 10 November 2017, Mr. Abou Hamia contacted the Registry of the United Nations Appeals Tribunal (Appeals Tribunal) by e-mail asking for a waiver of the time limit to appeal Judgment No. UNDT/2017/075. On 16 November 2017, upon instruction by the Appeals Tribunal Registry, Mr. Abou Hamia filed a request for suspension, waiver or extension of time limit to appeal, seeking an additional but unspecified period of time for filing his appeal. In support of his request, Mr. Abou Hamia submits that he needs additional time to find the “right lawyer” and to “support [... his] case with credible witnesses”.

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”.¹ This Tribunal has repeatedly held that it “has been strictly enforcing, and will continue to strictly enforce, the various time limits”.²

4. Applying these statutory provisions to the present case, Mr. Abou Hamia has not provided any evidence showing exceptional circumstances that prevented him from filing a timely appeal. Inability to retain counsel in this case is not a sufficient impediment to amount to an exceptional circumstance.

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

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

Original and Authoritative Version: English

Dated this 1st day of December 2017
in Port of Spain, Trinidad & Tobago.

(Signed)
Judge Deborah Thomas-Felix,
President

Entered in the Register on this 1st day of
December 2017 in New York, United States.

(Signed)
Weicheng Lin, Registrar

¹ See also Article 7(2) of the Appeals Tribunal Rules of Procedure.

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 *Ocokoru v. Secretary-General of the United Nations*, Judgment No. 2015-UNAT-604, paras. 39 and 40 (and authorities cited therein).