



UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

Case No. 2018-1181

**Al Saleh
(Appellant)**

v.

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

Order No. 331 (2018)

1. On 21 March 2018, the Dispute Tribunal of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA DT and Agency, respectively) issued Judgment No. UNRWA/DT/2018/020 in *Al Saleh v. Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*. Mr. Fadi Ahmad Al Saleh appealed the Judgment on 25 April 2018 to the United Nations Appeals Tribunal (Appeals Tribunal). The appeal was transmitted to the Commissioner-General on 6 June 2018. The time limit for filing an answer in terms of Article 9(3) of the Appeals Tribunal Rules of Procedure (Rules) is 60 days and the answer was therefore due on 6 August 2018.

2. On 28 August 2018, the Commissioner-General filed a motion requesting a waiver of the time limit and for leave to file an answer to the appeal. In support of his request, the Commissioner-General explains that it was due to an administrative oversight, occasioned by unprecedented work overload at the Agency's Department of Legal Affairs, that no timely answer was filed. He submits that it is in the interest of justice to waive the time limit since the Commissioner-General's participation would assist the Appeals Tribunal in the disposal of the appeal and there would be no prejudice

to Mr. Al Saleh if the motion was granted. The Commissioner-General requests that he be granted seven days from the date of the issuance of this Order to file his answer.

3. Under Article 30 of the Rules, “the President or the panel hearing a case may shorten or extend a time limit fixed by the rules of procedure or waive any rule when the interests of justice so require”.

4. The Appeals Tribunal has consistently held that it strictly enforces the various time limits under its Statute and Rules.¹ Having granted several motions for waiver of time limit to file an answer submitted by the Agency in the past, the Appeals Tribunal has clearly stated that it is “not prepared to easily grant a waiver or an extension of time limits in the future whenever the Commissioner-General is running behind due to an oversight by the Agency”.² Therefore, in this case, a mere administrative oversight due to an alleged high work volume does not as such justify a waiver of the statutory time limits.

5. For the foregoing reasons, the Commissioner-General’s request for waiver of time limit should be denied.

IT IS HEREBY ORDERED that the Commissioner-General’s motion **IS DENIED**.

Original and Authoritative Version: English
Dated 29th day of August 2018
in Port of Spain, Trinidad and Tobago.

(Signed)
Judge Deborah Thomas-Felix,
Presiding

Entered in the Register on this 29th day of
August 2018 in New York, United States.

(Signed)
Weicheng Lin, Registrar

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

² *Dibs v. Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, Order No. 296 (2017), para. 5.