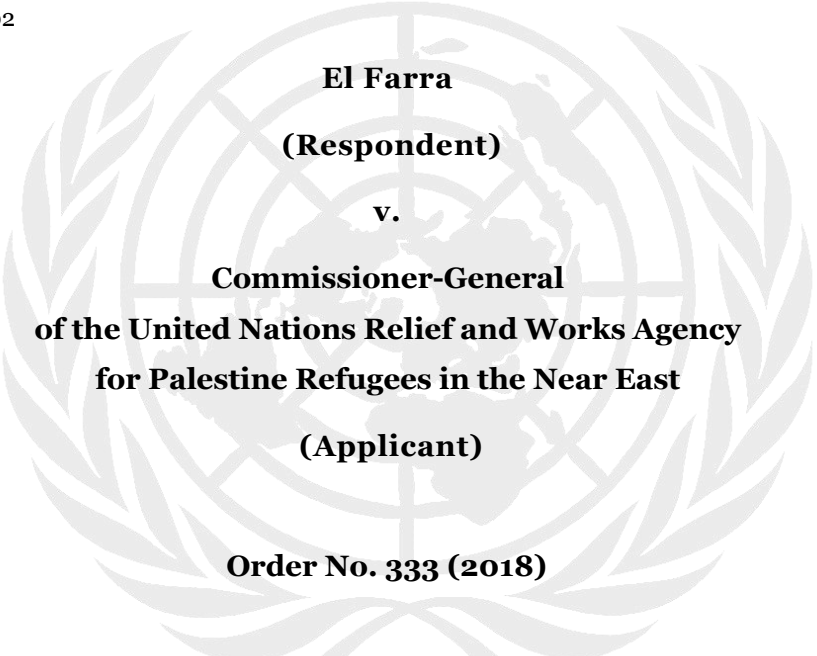




UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

Case No. 2018-1202



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

Order No. 333 (2018)

1. On 15 August 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/2018/047 in *El Farra v. Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*. The Judgment was transmitted to the Commissioner-General on the same day. The time limit for filing an appeal with the United Nations Appeals Tribunal (Appeals Tribunal) in terms of Article 7(1)(c) of the Appeals Tribunal Statute (Statute) and Article 7(1)(a) of the Appeals Tribunal Rules of Procedure (Rules) is 60 calendar days of the receipt of the judgement of the Dispute Tribunal and the appeal was therefore due on 14 October 2018.¹

2. On 24 October 2018, the Commissioner-General filed a motion requesting a waiver of the time limit and for leave to file an appeal brief in relation to the above-mentioned case. In support of his request, the Commissioner-General explains that no timely appeal was filed as the Agency's Department of Legal Affairs was confronted with competing legal tasks arising directly from the financial crisis faced by

¹ Since 14 October 2018 was a Sunday, the time limit included the next working day, so that he had until Monday, 15 October 2018 to file his appeal.

the Agency. He submits that the appeal raises an important question and the UNRWA DT would benefit from guidance from the Appeals Tribunal in this regard. The Commissioner-General requests that he be granted five working days from the date of the issuance of this Order to file his appeal.

3. Under Article 7(3) of the Statute, the Appeals Tribunal may decide “to suspend or waive the deadlines for a limited period of time and only in exceptional cases”.²

4. The Appeals Tribunal has consistently held that it strictly enforces the various time limits under its Statute and Rules.³ Having granted several motions for waiver of time limits 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”.⁴ Therefore, in this case, the mere existence of competing tasks does not amount to “exceptional circumstances” justifying 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 25th day of October 2018
in New York, United States.

(Signed)
Judge John Murphy
President

Entered in the Register on this 25th day of
October 2018 in New York, United States.

(Signed)
Weicheng Lin, Registrar

² See also Article 7(2) of the Rules.

³ *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).

⁴ *Al Saleh v. Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, Order No. 331 (2018), para. 4, citing *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.