



UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

Case No. 2019-1272

Al-Refaea
(Appellant)
v.
Commissioner-General
of the United Nations Relief and Works Agency
for Palestine Refugees in the Near East
(Respondent)

ORDER No. 349 (2019)

1. On 25 April 2019, the Dispute Tribunal of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA Dispute Tribunal or UNRWA DT and UNRWA or Agency, respectively) rendered Judgment No. UNRWA/DT/2019/022 in the case of *Al Refae v. Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*,¹ in which it dismissed Mr. Adnan Salah Al-Refaea's application. Under Article 7(1) of the Statute of the Appeals Tribunal (Statute), Mr. Al-Refaea has 60 days of receipt of the Judgment to file an appeal, i.e., by 24 June 2019.

2. On 16 June 2019, Mr. Al-Refaea filed a request for suspension, waiver or extension of the time limit to appeal. He states, *inter alia*, that after he received the UNRWA DT Judgment, he wanted to file an appeal with the Appeals Tribunal, but he failed because he was not able to open the link, though he kept trying to open it for "almost a month". Subsequently, he communicated with the Registry of the Appeals Tribunal by e-mail and was given another link which gave him the access to the Appeals Tribunal's e-Filing portal. Mr. Al-Refaea states that he needs more time in order to collect the required documents and translate them into English. Considering the

¹ "Al Refae" was the name that the UNRWA Dispute Tribunal used in its Judgment. But the Appeals Tribunal adopts "Al-Refaea" which the Appellant uses in the present motion as the English spelling of his family name.

difficulty to do so in the midst of the “entry of the holy month of Ramadan and the vacation of Eid [al-Fitr]”, Mr. Al-Refaea requests an additional time of 50 days to complete his appeal against Judgment No. UNRWA/DT/2019/011.

3. Under 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”. Article 7(2) of the Appeals Tribunal Rules of Procedure (Rules) sets forth the manner in which an appellant should submit a written request for a waiver of a time limit, and Article 30 of the Rules allows this Tribunal to shorten or extend a time limit “when the interests of justice so require”.

4. The Appeals Tribunal expects parties to diligently protect their interests and take time limits and other statutory procedures seriously. It does, however, have the power to waive the time limit for filing an appeal in “exceptional cases”. We are satisfied that this case presents such an exception. It appears as though a combination of events was created through, *inter alia*, the use of e-mail as the sole method of filing an appeal and the specific time it occurred; the communication of the UNRWA Dispute Tribunal’s decision to Mr. Al-Refaea on 25 April 2019, as pleaded by him, and his inability to file the appeal through the Court Case Management System (CCMS); his subsequent communication with the Registry of this Tribunal to guide him in this respect; finally, the collection and arrangement of the required documents to defend his case and their translation into English from Arabic during Ramadan and the vacation of Eid al-Fitr.

5. However, at this juncture, we point out that we are not prepared to accept every delay or inability of a staff member to file an appeal as an insurmountable obstacle to the timely preparation of an appeal given the prevalence of modern methods of communication.

6. In view of the foregoing, and in the interests of protecting access to justice, we have decided to waive the time limit for filing an appeal and to grant Mr. Al-Refaea an extension of time of 20 days within which to file his appeal.

IT IS HEREBY ORDERED that Mr. Al-Refaea's request for suspension, waiver or extension of the time limit to file his appeal is **PARTIALLY GRANTED**, and the appeal form and appeal brief shall be filed **no later than 15 July 2019 COB (New York time)**.

Original and Authoritative Version: English

Dated this 24th day of June 2019
in New York, United States.

(Signed)
Judge Dimitrios Raikos,
President

Entered in the Register on this 24th day
of June 2019 in New York, United States.

(Signed)
Weicheng Lin, Registrar