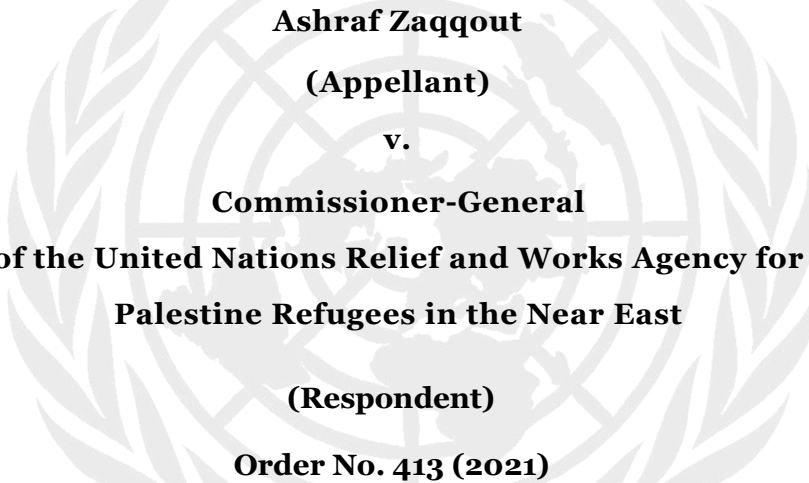




UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

Case No. 2021-1559



Ashraf Zaqqout
(Appellant)
v.
Commissioner-General
of the United Nations Relief and Works Agency for
Palestine Refugees in the Near East
(Respondent)
Order No. 413 (2021)

1. On 20 April 2021, the Dispute Tribunal of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA DT and UNRWA or Agency, respectively) issued Misc. Order No. 001/2021 (the Impugned Order) in the matter of *Ashraf Zaqqout v. Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, whereby the UNRWA DT denied Ashraf Zaqqout's (Mr. Zaqqout's) motion for an extension of time to file an application against the decision of the Agency not to re-employ him.
2. On 19 May 2021, Mr. Zaqqout filed an appeal with the United Nations Appeals Tribunal (Appeals Tribunal) challenging the UNRWA DT's denial of his motion for an extension of time to file an application. The crux of Mr. Zaqqout's appeal is centered on his claim that the UNRWA DT erred by not considering a majority of his submissions, which was in Arabic, and only look into a small portion thereof that was translated into English.
3. On 30 May 2021, Mr. Zaqqout filed a "Motion for Interim Measures," (the Motion) in relation to the Impugned Order. The Appeals Tribunal notes that the submissions in the Motion and the interim measures sought therein are exactly the same as the submissions and the ultimate relief sought in the appeal.

4. The Commissioner-General of the UNRWA filed his comments on 17 June 2021, noting that the Motion was duplicative both in form and also in terms of the ultimate relief sought in the appeal. In particular, the Agency submits that the Motion does not meet the strict requirements of Article 9 (4) of Appeals Tribunal Statute (Statute), in that the conclusions of the Impugned Order upon which the Motion is predicated was not favorable to Mr. Zaqqout. As such, there is no basis to order an interim measure to provide temporary relief to prevent an irreparable injury and to maintain consistency with the UNRWA DT Judgment, as there was no judgment in favor of the appellant.

5. Article 9(4) of the Statute provides that “[a]t any time during the proceedings, the Appeals Tribunal may order an interim measure to provide temporary relief to either party to prevent irreparable harm and to maintain consistency with the judgement of the Dispute Tribunal”.

6. The Appeals Tribunal has previously held that it may make an interim order for temporary relief, pending the outcome of the appeal, on two cumulative conditions: (i) It must be satisfied on a balance of probabilities that there is real likelihood of irreparable harm which can be prevented if temporary relief is granted; and (ii) The temporary relief granted is consistent with the judgment of the Dispute Tribunal.¹

7. In the present case, Mr. Zaqqout does not seek an interim measure for temporary relief, which is consistent with the Judgment of the UNRWA DT. He, in fact, seeks the opposite – a *de facto* reversal of the denial by the UNRWA DT regarding his motion for an extension of time to file an application. This would not yield temporary relief as a result. Rather, it would, in effect, grant the ultimate relief sought in the appeal. Since one of the two cumulative conditions under Article 9(4) of the Statute is not fulfilled, I need not further consider the second condition.

8. For the foregoing reason, Mr. Zaqqout’s request for interim measures is denied.

¹ *Nwuke v. Secretary-General of the United Nations*, Order No. 100 (2012), para. 5; *Koumoin v. Secretary-General of the United Nations*, Order No. 3 (2010), para. 9.

IT IS HEREBY ORDERED that Mr. Zaqqout’s “Motion for Interim Measures” pending proceedings is **DENIED**.

Original and Authoritative Version: English

Dated this 23rd day of June 2021
in Juiz de Fora, Brazil.

(Signed)
Judge Martha Halfeld,
President

Entered in the Register on this 23rd day of
June 2021 in New York, United States.

(Signed)
Weicheng Lin, Registrar