



UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

Case No. 2021-1570

Reem Khaled Matahen

(Appellant)

v.

Commissioner-General

**of the United Nations Relief and Works Agency
for Palestine Refugees in the Near East**

(Respondent)

Order No. 422 (2021)

1. Ms. Matahen contested the decision of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA or Agency) not to grant her request for Early Voluntary Retirement. On 29 April 2021, the Dispute Tribunal of UNRWA (UNRWA DT) issued Judgment on Receivability No. UNRWA/DT/2021/019 in *Matahen v. Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, dismissing Ms. Matahen's application as not receivable *ratione materiae*.

2. On 23 June 2021, Ms. Matahen appealed the UNRWA DT Judgment to the United Nations Appeals Tribunal (Appeals Tribunal). Her appeal was transmitted to the Commissioner-General on 2 July 2021. 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 31 August 2021. But the Commissioner-General did not file an answer before the deadline.

3. On 3 September 2021, 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 Counsel assigned to this case returned from leave on 31 August 2021 and resumed work on 1 September 2021. He clarifies that

the case could not be reassigned to another lawyer as UNRWA's Department of Legal Affairs with limited human resources has only one senior legal officer dedicated to matters of administration of justice. 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 the Appellant if the motion was granted. The Commissioner-General requests that he be granted five days from the date of the issuance of this Order to file his answer.

4. Under Article 7(3) of our 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".

5. The Appeals Tribunal has consistently held that it strictly enforces the various time limits under its Statute and Rules.¹ 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

6. It is unclear whether the failure to file his answer by the time limit was due to the Commissioner-General "running behind" or due to an "oversight" or "administrative error". However, the Commissioner-General waited until after the expiration of the time limit to file a motion for waiver and extension of the time limit. If the Commissioner-General was aware of Counsel's leave beforehand, the motion should have been filed immediately. No explanation is provided as to why the motion could not have been filed earlier regardless of Counsel's leave. As a result, I find these are not "exceptional circumstances" as required to waive the time limit for filing an answer to the appeal.

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

² *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, quoting *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.

7. For the foregoing reasons, the Commissioner-General's request for waiver of time limit is denied.

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

Original and Authoritative Version: English

Dated 9th day of September 2021
in Vancouver, Canada

(Signed)
Judge Kanwaldeep Sandhu

Entered in the Register on this 9th day of
September 2021 in New York, United States.

(Signed)
Weicheng Lin, Registrar