



UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

Case No. 2022-1748

Mohammad Saeed Almasri

(Appellant)

v.

Secretary-General of the United Nations

(Respondent)

ORDER No. 491 (2022)

1. On 29 July 2022, the United Nations Dispute Tribunal (Dispute Tribunal or UNDT) in Nairobi issued Judgment No. UNDT/2022/072 in the matter of *Almasri v. Secretary-General of the United Nations* dismissing on their merits his claims relating to the non-renewal of his Fixed Term Appointment on grounds of non-performance or poor performance.
2. On 5 November 2022, Mr. Almasri by e-mail filed a request for suspension, waiver or extension of time limit to file his appeal stating that he did not receive the UNDT's Judgment until 7 September 2022 and assumed that it was this date upon which the period within which to appeal commenced. He now appreciates that this period began on 29 July 2022.
3. Article 7(1)(c) of the Appeals Tribunal Statute (Statute) provides that an appeal must be filed within 60 calendar days of the receipt of the judgment of the Dispute Tribunal. However, under Article 7(3) of the Statute, the Appeals Tribunal may decide in writing, upon written request by the applicant, to suspend or waive the deadlines for a limited period and only in exceptional cases. In the same vein, Article 30 of the Appeals Tribunal Rules of Procedure (Rules) also allows this Tribunal to shorten or extend a time limit "when the interests of justice so require".

4. As noted, the UNDT's Judgment was issued on 29 July 2022. I assume it was sent promptly by the UNDT to Mr. Almasri's lawyer at the Office of Staff Legal Assistance (OSLA). Mr. Almasri says that he was not advised of the Judgment until 7 September 2022, that is some 5 weeks after it was probably received by OSLA.

5. The 60-day period for filing an appeal expired at or about the end of September. So it will be seen that the delay in Mr. Almasri's personal receipt of the UNDT's Judgment occupied more than half of that appeal period.

6. Although his application is explained only minimally, Mr. Almasri is now unrepresented and, by his account, the delay in receiving the UNDT Judgment is extraordinary. It is difficult to imagine how the Secretary-General may be prejudiced by allowing an extension of time for Mr. Almasri to appeal.

7. In all these circumstances, I am satisfied that the statutory test for extension of time has been established and that it is in the interests of justice to extend the appeal period to enable Mr. Almasri to file his own appeal. The appeal period will be extended to 1 December 2022 (New York Time) by which date Mr. Almasri will have had to file his intended appeal but failing which no further extension will be granted. Mr. Almasri must be provided forthwith with a copy of this Order by e-mail and acknowledgment of its receipt by him sought and acknowledged.

IT IS HEREBY ORDERED that Mr. Almasri's request is **GRANTED on the conditions set out in para. 7 of this Order.**

Original and Authoritative Version: English

Decision dated this 15th day of November 2022
in Auckland, New Zealand.

(Signed)
Judge Graeme Colgan,
President

Order published and entered in the Register on this
15th day November 2022 in New York, United States.

(Signed)
Juliet Johnson,
Registrar