



UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

Case No. 2023-1872

Naima Abdellaoui

(Appellant)

v.

Secretary-General of the United Nations

(Respondent)

ORDER No. 547 (2023)

1. On 10 October 2023, the United Nations Dispute Tribunal (Dispute Tribunal or UNDT) in Geneva issued Judgment No. UNDT/2023/113 in the matter of *Abdellaoui v. Secretary-General of the United Nations* whereby the UNDT dismissed as not receivable *ratione materiae* the application by Ms. Naima Abdellaoui (Appellant) contesting certain comments made by her Second Reporting Officer in her 2021-2022 Performance Document.
2. The time limit for filing an appeal of this Judgment with the United Nations Appeals Tribunal (UNAT or Appeals Tribunal) is 9 December 2023.
3. On 21 November 2023, Ms. Abdellaoui filed a request for suspension, waiver or extension of time limit for an unspecified amount of time to file her appeal with the Appeals Tribunal. In support of her motion, Ms. Abdellaoui submits that she has requested legal assistance from the UNOG Staff Union but that, due to duty travel, the members of the Executive Bureau have not yet held a meeting to examine her request; that the Department for General Assembly and Conference Management no longer allows time credit for self-represented staff members to prepare and defend their cases which renders self-representation challenging; and that the Office of Staff Legal Assistance (OSLA) requires that she accept OSLA lawyers in her duty station, as a result of which she is denied her basic right to appoint a lawyer of her own choice.

4. On 29 November 2023, the UNAT Registry transmitted the motion to the Secretary-General.

5. On 7 December 2023, the Secretary-General filed his response, opposing the motion.

6. The Secretary-General submits that none of the reasons Ms. Abdellaoui presents constitutes an exceptional circumstance that could justify her request to suspend, waive or extend the time limit to file an appeal. Ms. Abdellaoui has not been denied any rights of representation. While she has a right to hire her own private counsel, she has chosen not to do so. The fact that she may find it “challenging” to be self-represented is not an exceptional circumstance, as many staff members are self-represented before the United Nations Tribunals, whether out of preference or out of necessity. Moreover, the Secretary-General contends that the UNAT has held that the right of staff members to receive assistance by OSLA does not amount to a right to representation. Ms. Abdellaoui thus does not have a right to be represented by an OSLA officer, let alone by an OSLA officer from a duty station of her choosing. In addition, the present appeal is an appeal on receivability which raises limited issues of law and fact.

7. In sum, the Applicant has failed to demonstrate any circumstances warranting a waiver of the deadline to file an Appeal as set out in the UNAT Statute and Rules of Procedure.

8. 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, and in exceptional cases, to suspend or waive the deadlines for a limited period of time. 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.

9. I find that the Appellant’s reasons for the extension do not amount to exceptional circumstances under Article 7(3) of the Statute. The Appellant argues that she requires representation or, in the alternative, time off to prepare and defend her case if she must be self-represented. However, she can hire counsel but has chosen not to. She has

indicated that she does not want to be represented by OSLA in her duty station, but this is her choice and not an exceptional circumstance. As for the time challenges of self-representation, there are many staff members before the Appeals Tribunal who are self-represented and still make a timely appeal unless they are able to show some external or medical reasons that prevent them from doing so.¹

10. However, given that the time limit to appeal will soon elapse through no fault of the Appellant, I exceptionally grant the Appellant an extra 10 days from the date of this Order for her to file her appeal.

IT IS HEREBY ORDERED that Ms. Abdellaoui's request is **GRANTED exceptionally to allow her to file her appeal within 10 days from the date of this Order.**

Original and Authoritative Version: English

Decision dated this 7th day of December 2023 in Vancouver, Canada.

(Signed)
Judge Kanwaldeep Sandhu,
President

Order published and entered in the Register on this 8th day December 2023 in New York, United States.

(Signed)
Juliet E. Johnson,
Registrar

¹ *Sergio Baltazar Arvizu Trevino v. Secretary-General of the United Nations*, Order No. 469 (2022), paras. 1-2, and 5.