



# UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

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Case No. 2024-1897

**Abbas Koura**

**(Appellant/Respondent)**

**v.**

**Secretary-General of the United Nations**

**(Respondent/Appellant)**

**ORDER No. 559 (2024)**

1. On 14 December 2023, the United Nations Dispute Tribunal (Dispute Tribunal or UNDT) issued Judgment No. UNDT/2023/136 in the case of *Koura v. Secretary-General of the United Nations*, in which it rescinded the contested decision of separation from service, awarded compensation in lieu of rescission and dismissed Mr. Koura's other claims (impugned Judgment).
2. On 11 February 2024, Mr. Koura filed an appeal of the impugned Judgment with the United Nations Appeals Tribunal (Appeals Tribunal or UNAT). The appeal was registered as Case No. 2024-1895. The Secretary-General filed the answer on 26 April 2024.
3. On 12 February 2024, the Secretary-General also filed an appeal of the impugned Judgment. The case was registered as Case No. 2024-1897.
4. On 23 February 2024, Mr. Koura re-filed his appeal form and appeal brief in Case No. 2024-1895.
5. The deadline for filing an answer to the Secretary-General's appeal in Case No. 2024-1897 was 15 April 2024. Mr. Koura did not file an answer within the time limit.
6. On 22 April 2024, Mr. Koura filed a document titled "Cross Appeal Brief" in Case No. 2024-1895, categorized as a cross-appeal. Having apparently intended to submit an answer to the Secretary-General's appeal in Case No. 2024-1897, Mr. Koura was advised

by the Registry that, because the submission was late, he should file a Motion for Extension, Suspension or Waiver for the submission to be considered as an answer in Case No. 2024-1897.

7. On 28 April 2024, Mr. Koura filed the same document titled “Cross Appeal Brief”/“Abbas Koura Answer to appeal 2024\_1897” in Case No. 2024-1897. The Registry reiterated its earlier advice.

8. On 9 May 2024, Mr. Koura filed a “Motion for Suspension, Waiver or Extension of Time Limit to Answer” (Motion), seeking the admission of the earlier document titled “Cross Appeal Brief”, attached to the Motion.

9. In support of the Motion, Mr. Koura submits that he confused the date of the filing of the Secretary-General’s appeal (12 February 2024) in Case No. 2024-1897 and the date of the re-filing of his appeal (23 February 2024) in Case No. 2024-1895, implying that he erroneously did not calculate the 60-day deadline from the date of receipt the Secretary-General’s appeal but from 23 February 2024. He argues that it is his first time dealing with appeals. He further submits that he is facing a stressful situation as his mission is closing and he is now facing devastating circumstances related to the tentative loss of appointment, similar to those he did less than 18 months ago.

10. Article 9(3) of the UNAT Rules of Procedure (Rules) provides that the signed original answer form and the annexes thereto shall be submitted together to the Registrar within 60 days of the date on which the respondent received the appeal transmitted by the Registrar. Article 18bis(1) of the Rules provides that the President may, at any time, either on a motion of a party or on his or her own volition, issue any order which appears to be appropriate for the fair and expeditious management of the case and to do justice to the parties. Article 30 of the Rules allows the President of the Tribunal to shorten a time limit fixed by the rules of procedure or waive any rule if it is required in the interests of justice.

11. The Appeals Tribunal has held that it “has been strictly enforcing, and will continue to strictly enforce, the various time limits”.<sup>1</sup>

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<sup>1</sup> *Philippe Schifferling v. Secretary-General of the United Nations*, UNAT Order No. 551 (2024), para. 9 (internal citation omitted).

12. There is nothing in Mr. Koura's Motion to suggest that he experienced any reasonable difficulty in timeously filing an answer to the Secretary-General's appeal, either due to the perceived complexity of the case or the voluminosity of the materials, an illness, unforeseeable obstacles from third parties, or any other justifiable reason. Therefore, I find that the reason presented by Mr. Koura does not necessitate a waiver of the time limit.

13. However, given that admitting Mr. Koura's answer brief into the case record in this instance is unlikely to cause any delay in the appeals process or a significant burden on the Secretary-General and that, no answer form to the Secretary-General's appeal having been filed by Mr. Koura, his answer brief would facilitate clarifying the decision sought from the Appeals Tribunal on the Secretary-General's appeal, and in the interest of justice under Article 30 of the Rules, I admit the brief.

**IT IS HEREBY ORDERED** that Mr. Koura's 9 May 2024 Motion to waive the time limit for filing an answer is **GRANTED and Mr. Koura's answer brief is admitted into the case record.**

Original and Authoritative Version: English

Decision dated this 13<sup>th</sup> day of May 2024 in Beijing, China.

*(Signed)*  
Judge Gao Xiaoli,  
President

Order published and entered in the Register on this 13<sup>th</sup> day of May 2024 in New York, United States.

*(Signed)*  
Juliet E. Johnson,  
Registrar