



UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

Case No. 2024-1940

IK

(Appellant)

v.

Secretary-General of the United Nations

(Respondent)

ORDER NO. 575 (2024)

1. On 27 May 2024, the United Nations Dispute Tribunal (UNDT or Dispute Tribunal) issued Judgment No. UNDT/2024/034 (impugned Judgment) in the case of *IK v. Secretary-General of the United Nations*, in which it denied IK's application contesting the disciplinary measure of dismissal imposed on him pursuant to Staff Rule 10.2(a)(ix).
2. The deadline for filing an appeal of the impugned Judgment with the United Nations Appeals Tribunal (UNAT or Appeals Tribunal) is 26 July 2024.
3. On 20 July 2024, IK filed a motion requesting suspension, waiver or extension of time to file his appeal of the impugned Judgment (Motion). This case is registered as Case 2024-1940.
4. In support of his Motion, IK submits that he lost his father on 29 May 2024, which not only left him in a state of profound grief but also required significant time and attention, leaving him physically overwhelmed and exhausted. He requests an additional 30 days to file his appeal.
5. 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.

6. The Appeals Tribunal has found that it “may waive or suspend the deadlines for filing an appeal in exceptional cases or shorten or extend a time limit when the interests of justice so require”.¹ However, the Appeals Tribunal has held that it “has been strictly enforcing, and will continue to strictly enforce, the various time limits” in the Statute.²

7. The Appeals Tribunal has granted additional time where a party has an especially complex case with voluminous materials, a lengthy UNDT Judgment, and requires more time for consultation with counsel.³ It has also granted extensions of time in cases similar to the present case, where applicants faced illness or the death of a close family member.⁴

8. Therefore, I find that the circumstances preventing IK from filing a timely appeal were exceptional and that it is consequently in the interest of justice to grant his Motion. However, an extension of 30 days is lengthy and, in the circumstances of the present case, I find that an extension until 16 August 2024 is more appropriate.

IT IS HEREBY ORDERED that IK’s 20 July 2024 request for suspension, waiver or extension of time limit to file an appeal is **GRANTED. IK is to file his appeal no later than 16 August 2024.**

¹ *Polino Malish Abbas v. Secretary-General of the United Nations*, UNAT Order No. 549 (2024), para. 5 (internal citation omitted).

² *Philippe Schifferling v. Secretary-General of the United Nations*, UNAT Order No. 551 (2024), para. 9 (internal citation omitted).

³ *Abbas Order, op. cit.*, para. 7.

⁴ *Hermine Mireille Mbogol II c. Secretary-General of the United Nations*, Order No. 423 (2021); *Applicant v. Secretary-General of the United Nations*, Order No. 427 (2021).

Original and Authoritative Version: English

Decision dated this 26th day of July 2024 in
Beijing, China.

(Signed)
Judge Gao Xiaoli,
President

Order published and entered in the Register on this
26th day of July 2024 in New York, United States.

(Signed)
Juliet E. Johnson,
Registrar