



**Before:** Judge Francesco Buffa  
**Registry:** Nairobi  
**Registrar:** Abena Kwakye-Berko

HANDY

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**ORDER ON THE MOTION FOR  
EXTENSION OF TIME TO FILE AN  
APPLICATION**

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**Counsel for the Applicant:**  
Self-represented

**Counsel for the Respondent:**  
AAS/ALD/OHR

## Introduction

1. On 31 January 2022, the Applicant filed a motion for extension of time to file an application before the Dispute Tribunal in respect of a decision to impose a disciplinary sanction against him, which was notified to him on 3 November 2021. He is seeking an extension of time of 21 additional days.<sup>1</sup>

2. In support of his motion, the Applicant contends that he is seeking an extension of time due to poor health that he suffered and his inability to access information from his office considering that he travelled out of the Mission on 18 November 2021.<sup>2</sup>

## Considerations

3. Article 8.3 of the Dispute Tribunal’s Statute provides that the Dispute 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”. Article 7.5 of the Dispute Tribunal’s Rules of Procedure reiterates that in exceptional cases an applicant may request a suspension, waiver or extension of the time limits for filing an application. Article 7.5 further states that any such request shall succinctly set out the exceptional circumstances that, in the view of the applicant, justify the request.

4. It is well established jurisprudence that the Tribunal may only suspend or waive the deadlines for filing an application in exceptional circumstances.<sup>3</sup> The Appeals Tribunal held in *El-Kathib* 2010-UNAT-029 that only events beyond the applicant’s control and actually preventing him or her from pursuing legal action may be regarded as “exceptional circumstances” warranting such a waiver.

5. Having in mind art. 8.3 of the Statute and art. 7.5 of the Rules of Procedure; having seen the Applicant’s medical certificate dated 18 November 2021<sup>4</sup> from which

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<sup>1</sup> Motion, sections V and VII.

<sup>2</sup> Ibid, section V.

<sup>3</sup> *Christensen* 2012-UNAT-218; *Rüger* 2016-UNAT-693.

<sup>4</sup> Motion, annex 2.

no medical urgency emerges; considering that the Applicant understood his need to collect information in a very urgent way; further considering that the Applicant may seek production of documents if necessary during the proceedings; the Tribunal finds that the lack of access to the premises cannot be considered an exceptional situation justifying a waiver of deadlines; especially a 90 days' long deadline.

6. In the absence of exceptional circumstances, the Tribunal considers that the Applicant's request for an extension of time to file an application should be rejected.

**ORDER**

7. In view of the foregoing, the motion is dismissed.

*(Signed)*

Judge Francesco Buffa

Dated this 2<sup>nd</sup> day of February 2022

Entered in the Register on this 2<sup>nd</sup> day of February 2022

*(Signed)*

Eric Muli, Legal Officer, for  
Abena Kwakye-Berko, Registrar, Nairobi