



Before: Duty Judge
Registry: Nairobi
Registrar: René M. Vargas M., Officer-in-Charge

NK

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

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

Counsel for the Applicant:

Self-represented

Counsel for the Respondent:

UNHCR

Introduction

1. On 21 March 2024, the Applicant, a staff member at the Office of the United Nations High Commissioner for Refugees (“UNHCR”), filed a motion for extension of time to file an application in respect of the decision to discontinue the position he encumbers.

2. According to a response to the Applicant’s management evaluation requests, the deadline for filing his application falls on 22 March 2024. The Applicant requests a two to three-week extension of time.

Consideration

3. Art. 8.3 of the Dispute Tribunal’s Statute stipulates that the 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.

4. Art. 7.5 of the Dispute Tribunal’s Rules of Procedure also provides that, in exceptional cases, an applicant may submit a written request to the Tribunal seeking suspension, waiver or extension of the time limits for filing an application. Art. 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.

5. Art. 19.1 of the UNDT Rules of Procedure provides that the Tribunal may at any time, either on an application of a party or on its own initiative, issue any order or give any direction which appears to a judge to be appropriate for the fair and expeditious disposal of the case and to do justice to the parties.

6. If an applicant requests a suspension, waiver or extension of the time limits, then the applicant bears the burden of proof to establish any circumstances beyond his/her control that would have the effect of preventing him/her from acting within the statutory time limits. While the circumstances of the request should meet “the test of untypicality or unusualness”, the Dispute Tribunal, in the exercise of its discretion, may not deny the request at the onset without compelling reasons,

“because it affects access to justice” (see *Gelsei* 2020-UNAT-1035, paras. 30, 34 and 37).

7. In the present case, the Applicant requests an extension of time on the following grounds:

- a. He is self-represented and only received the Office of Staff Legal Assistance final decision on not representing him on 15 March 2024;
- b. He lacks a legal background and will need to be well prepared to file his case in a professional manner and in line with the exhaustive instructions that he will need to familiarize himself with given that his case is very complex; and
- c. He has a medical condition that exacerbates the challenge in sufficiently preparing his application within the required deadline.

8. The Tribunal finds that the Applicant has provided sufficient information to justify the granting of an extension of the deadline to file his application. The Tribunal considers that the Respondent will not be prejudiced by such extension of the deadline.

Conclusion

9. In view of the foregoing, it is ORDERED THAT:

- a. The Applicant’s motion for extension of time to file an application is granted; and
- b. The Applicant shall file his application contesting the decision to discontinue the position he encumbers by 5 p.m. (Nairobi time) on **Monday, 15 April 2024**.

Case No. UNDT/NBI/2024/018

Order No. 39 (NBI/2024)

(Signed)

Judge Sean Wallace (Duty Judge)

Dated this 22nd day of March 2024

Entered in the Register on this 22nd day of March 2024

(Signed)

René M. Vargas M., Officer-in-Charge, Nairobi