



**Before:** Judge Sean Wallace  
**Registry:** Nairobi  
**Registrar:** René M. Vargas M., Officer-in-Charge

HAILAT

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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

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**Counsel for Applicant:**  
Self-represented

**Counsel for Respondent:**  
UNHCR

## **Introduction**

1. The staff member who is the subject of the present motion for extension of time to file an application was a Senior Field Security Associate with the Office of the United Nations High Commissioner for Refugees (“UNHCR”) in Mafraq, Jordan.
2. On 18 July 2024, he filed the subject motion in connection with his intent to file an application before the United Nations Dispute Tribunal sitting in Nairobi to challenge the Respondent’s decision to “discontinue the position [he encumbered]” and, thus, separate him from the service of the Organization.
3. The Applicant sought management evaluation of the impugned decision. UNHCR issued its management evaluation decision on 2 January 2024.

## **Consideration**

4. Article 8.3 of the Statute of the Dispute Tribunal, read together with art. 35 of the Tribunal’s Rules of Procedure, affords the court the power to shorten or extend time limits where the interests of justice so require.
5. The motion for extension of time must however be brought before the deadline for the filing of a substantive application has expired. The Applicant’s submission to the Tribunal is that he received the management evaluation decision on 8 January 2024. Accepting that submission, the Applicant should have filed his application by 7 April 2024. He did not. He thus failed to meet the requirement that those seeking an extension of time should do so *before* the expiry of the putative deadline and not after. See e.g., *Nikwigize* 2017-UNAT-731, paras.18-21.
6. The Tribunal, therefore, does not have the jurisdiction to consider this motion because the Applicant has come to the Tribunal on 18 July 2024 for extension of a deadline that expired in April.

7. Be that as it may, the Tribunal considers it important to point out that even if this motion had been brought in good time, it does not satisfy the requirement of exceptional circumstances. The Applicant submits that he has i) been waiting “for a final response from” the Office of Staff Legal Assistance (“OSLA”), ii) been “confused about the next steps in the process”, and iii) not had the resource to retain private counsel.

8. Staff members are expected to know the Rules and Regulations governing the Organization. See *Dzuveronic* 2013-UNAT-338, para. 31; *Jennings* 2011-UNAT-184, para. 26. The Applicant’s timely submission for management evaluation suggests to the Tribunal that he was aware of the process of challenging the impugned decision.

9. The Tribunal agrees with the finding in *Soni* UNDT/2022/003 that “exceptional circumstances are circumstances beyond one’s control that would prevent someone from exercising their right in a timely manner”. The factors pleaded by the Applicant in this case do not constitute the “exceptional circumstances” envisaged by the Statute and Rules of the Tribunal.

### **Conclusion**

10. In view of the foregoing, it is ORDERED THAT the motion for extension of time to file an application is DENIED.

*(Signed)*

Judge Sean Wallace

Dated this 24<sup>th</sup> day of July 2024

Entered in the Register on this 24<sup>th</sup> day of July 2024

*(Signed)*

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