

Polino Malish Abbas

(Appellant)

v.

ORDER No. 549 (2024)

1. On 10~~02~~²⁰²³ by the United Nations Dispute Tribunal (UN
Tribunal in Nairobi ~~is~~ Judgment No. UNDT 2023/1

Appeals Tribunal Rules of Procedure (Rules) also allows this Tribunal to shorten or extend a time limit when the interests of justice so require.

5. The Appeals Tribunal 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, we have held that it “has been strictly enforcing, and will continue to strictly enforce, the various time limits” in the UNAT Statute.²

6. The Appeals Tribunal has, on a few occasions, granted additional time for an applicant to gather documents to prepare their appeal. In *Al-Refaea*,³ the Appeals Tribunal granted the applicant additional time to gather documents and translate them into English, which was made more challenging during the holy month of Ramadan. However, even in that case, we emphasized that we were “not prepared to accept every delay or inability of a staff member to file an appeal as an insurmountable obstacle to the timely preparation of an appeal given the prevalence of modern methods of communication”.

7. The Appeals Tribunal has also granted additional time where an applicant has an especially complex case with voluminous materials, a lengthy UNDT judgment, and requires more time for consultation with counsel.⁴ However, this does not seem to be the case for Mr. Abbas, as his case was dismissed on receivability grounds, and the underlying judgment is 6 pages long.

8. Furthermore, the Appeals Tribunal has granted an extension of time to an applicant who has not had access to the necessary documents due to being on sick leave, as proven through medical certificates.⁵ It is pertinent to highlight that there has been no claim to any sickness by Mr. Abbas.

9. Finally, the Appeals Tribunal has granted an extension of time on the grounds of inability to access documents when there was a strike action at the office and staff could

¹ *Humphreys Shumba v. Secretary-General of the United Nations*, Order No. 502 (2023), para. 6.

² *Applicant v. Secretary-General of the United Nations*, Order No. 175 (2014), para. 2.

³ *Al-Refaea v. Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, Order No.349 (2019), para. 5.

⁴ *Khan v. Secretary-General of the United Nations*, Order No. 170 (2014), para. 4.

⁵ *Oummih v. Secretary-General of the United Nations*, Order No. 149 (2013), paras. 3-6.

