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1. The United Nations Appeals Tribunal (Appeals Tribunal) has before it an appeal by Mr. Roger Achkar of Judgment No. UNRWA/DT/2014/031, rendered by the Dispute Tribunal of the United Nations Relief and Works Agency for Palestine Refugees in the Near East in Amman on 9 October 2014, in the case of *Achkar v. Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*. On 28 October 2014, Mr. Achkar filed his appe

“fall under the jurisdiction of the UNDT”; and, (b) Mr. Achkar’s application was brought against the wrong respondent. The UNDT also determined Mr. Achkar’s application was not receivable because it was filed after a considerable delay and was “time-barred”.

3. On 1 November 2012, the Appeals Tribunal issued Judgment No. 2012-UNAT-267 (*Achkar I*), which affirmed that the UNDT lacked subject matter jurisdiction to receive Mr. Achkar’s application, which could only be brought before the UNRWA Dispute Tribunal (UNRWA DT). The Appeals Tribunal thus vacated the UNDT’s conclusions that the application was untimely and not receivable *ratione temporis*, finding that the UNDT exceeded its jurisdiction or competence in reaching these legal conclusions since the application was not properly before the UNDT.

4. On 25 January 2013, Mr. Achkar filed an application before the UNRWA DT seeking monetary damages in the amount of USD three million for having been denied employment for the preceding ten years and for the alleged threats made against him when he traveled to and from Gaza in 2002.

5. On 9 October 2014, the UNRWA DT issued Judgment No. UNRWA/DT/2014/031, summarily dismissing Mr. Achkar’s application on the ground that it was not timely filed and was not receivable.

6. On 31 October 2014, Mr. Achkar appealed Judgment No. UNRWA/DT/2014/031, and on 19 December 2014, the Commissioner-General filed his answer to the appeal.

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7. Mr. Achkar requests that the Appeals Tribunal consider his appeal of the Judgment,

THE UNITED NATIONS APPEALS TRIBUNAL

Judgment No. 2015-UNAT-579

20. The UNRWA Dispute Tribunal, relying on Article 8(4) of the UNRWA DT Statute, found that Mr. Achkar's application was not receivable, stating that "[t]he record is clear that the contested administrative decision was taken in 2002 and that it was not until 2013 that [Mr. Achkar] filed his application before the [Dispute] Tribunal. Accordingly, the present Application is not receivable."⁴

21. This legal conclusion is unassailable.

22. Moreover, as the Commissioner-General aptly notes, the Appeals Tribunal has determined that under Article 8(4) of the UNDT Statute, which is identical to Article 8(4) of the UNRWA DT Statute, the UNDT "cannot waive the time limit to file an appeal, more than three years after the applicant's receipt of the contested administrative decision".⁵ In other words, Article 8(4) is an "absolute restriction on [...] judicial discretion," which precludes the UNRWA Dispute Tribunal, as well as the United Nations Dispute Tribunal, from "enter[ing] into a review of the possible existence of exceptional circumstances justifying an extension of the time limit".⁶

23. Thus, the UNRWA Dispute Tribunal did not err when it did not discuss whether the case was an "exceptional case" for extending, waiving or suspending the deadline for the filing of the application.



24. The appeal is dismissed and Judgment No. UNRWA/DT/2014/031 is affirmed.

⁴ Impugned Judgment, para. 8.

⁵ *Reid v. Secretary-General of the United Nations*, Judgment No. 2013-UNAT-389, para. 14. See also *Kouadio v. Secretary-General of the United Nations*

