



UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

Case No. 2012-350

Al-Mulla (Appellant)

v.

Secretary-General of the United Nations

(Respondent)

ORDER No. 97 (2012)

1. On 5 April 2012, the United Nations Dispute Tribunal (UNDT or Dispute Tribunal) issued Judgment No. UNDT/2012/045 in the case of *Al-Mulla v. Secretary-General of the United Nations*.
2. On 17 July 2012, Mr. Mohamed Al-Mulla filed a request for suspension, waiver or extension of time limit to file his appeal against the Secretary-General. He filed the motion more than a month after the time limit for an appeal had lapsed. In support of his request, Mr. Al-Mulla claims that his delay in filing his appeal was caused by the fact that he had to tend to his mother and son who both required medical attention.
3. On 2 August 2012, the Registry of the United Nations Appeals Tribunal (Appeals Tribunal) transmitted a copy of Mr. Al-Mulla's request to the Secretary-General. The following day, the Secretary-General responded that he had no comments regarding the merits of Mr. Al-Mulla's request.
4. Article 7(1)(c) of the Statute of the Appeals Tribunal (Statute) provides that an appeal must be filed within sixty calendar days of the receipt of the judgment of the Dispute Tribunal. Pursuant to Article 7(3) of the Statute "[t]he Appeals 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 circumstances." Article 7(2) of the Rules of Procedure of the Appeals Tribunal (Rules) provides that "[i]n

exceptional cases, an appellant may submit a written request to the Appeals Tribunal seeking suspension, waiver or extension of the time limits referred to in article 7.1”.

5. The Appeals Tribunal has held that it “has been strictly enforcing, and will continue to strictly enforce, the various time limits.”¹ Having considered Mr. Al-Mulla’s request, I do not believe that it constitutes an exceptional case warranting a waiver or extension of the time limit as provided for by the Statute. To grant Mr. Al-Mulla’s request, based on vague and unsubstantiated grounds would undermine and abuse the legitimacy of time limits.

6. For the foregoing reason, I deny Mr. Al-Mulla’s motion for a waiver or extension of time to file his appeal.

Original and Authoritative Version: English

Dated 9th day of August 2012 in Montevideo,
Uruguay.

Entered in the Register on this 10th day of August
2012 in New York, United States.

(Signed)
Judge Luis María Simón, President

(Signed)
Weicheng Lin, Registrar

¹ *Mezoui v. Secretary-General of the United Nations*, Judgment No. 2010-UNAT-043, 1 July 2010.