



UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

Case No. 2022-1750

AAH
(Appellant)

v.

Secretary-General of the United Nations
(Respondent)

ORDER No. 492 (2022)

1. On 10 October 2022, the United Nations Dispute Tribunal (Dispute Tribunal or UNDT) in Nairobi issued Judgment No. UNDT/2022/104 in the matter of *AAH v. Secretary-General of the United Nations*. The Appellant was separated from service with the Organization as a result of a disciplinary proceeding. The UNDT dismissed the Appellant's challenge to this dismissal because it was filed, according to the records of the Court Case Management System, on 18 September 2022, which was three days after the deadline. The Appellant was then represented by counsel. In his appeal, the Appellant attributes the late filing of his application with the UNDT to a failing by his counsel.
2. The Appellant seeks to appeal against the UNDT's summary judgment dismissing his claims as irreceivable because his application was time-barred. On 15 November 2022, the Appellant filed a request for suspension, waiver or extension of time limit to file his appeal stating that he has suffered adverse consequences to his mental health as a result of both the summary dismissal of his case by the UNDT and as a result of the publication of his identity in the UNDT's summary judgment.
3. In support of his own assertions to this effect, the Appellant has filed what appear to be handwritten medical prescribing notes by a hospital clinician. By their nature and without explanation of them in relation to the proceedings in issue, these are of very limited, even no, assistance to the Appeals Tribunal.

4. Nevertheless, it is clear that the Appellant anticipates that he will be unable to file his appeal before about 9 December 2022 when the time for doing so expires and that his mental health issues will be the cause of these difficulties.

5. Article 7(1)(c) of the Appeals Tribunal Statute (Statute) provides that an appeal must be filed within 60 calendar days of the receipt of the judgment of the Dispute Tribunal. However, under Article 7(3) of the Statute, the Appeals Tribunal (UNAT) 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. In the same vein, Article 30 of the Appeals Tribunal Rules of Procedure (Rules) also allows this Tribunal to shorten or extend a time limit “when the interests of justice so require”.

6. I am satisfied that the unusual events leading to the current position constitute exceptional circumstances and that in view of what appear to be health-related factors, it is in the interests of justice to extend the time for the Appellant to file his appeal. There will, however, be conditions attaching to this extension and I also recommend strongly that the Appellant attempt to obtain further legal representation, including by an approach to the Office of Staff Legal Assistance (OSLA) if he is unable to obtain counsel privately.

7. The time for the Appellant to file an appeal will be extended by 2 weeks to 23 December 2022. If the Appellant seeks to rely on medical grounds to support his case, a properly prepared medical report(s) must be obtained and filed.

8. On grounds relating to his health, I make an interim or temporary order anonymising the Appellant’s identity in this Order by substituting for his name a three-letter acronym to be assigned by the Registrar. This Order will remain in force only until the judgment of his substantive appeal (in which case it will be reviewed) or its earlier dismissal if the Appellant fails to comply with these or any further directions by the UNAT.

IT IS HEREBY ORDERED that the Appellant's motions are **GRANTED on the conditions set out in paragraphs 7 and 8 of this order.**

Original and Authoritative Version: English

Decision dated this 21st day of November 2022
in Wellington, New Zealand.

(Signed)
Judge Graeme Colgan,
President

Order published and entered into the Register on this
21st day November 2022 in New York, United States.

(Signed)
Juliet Johnson,
Registrar