



---

# UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

---

Case No. 2024-1892

**Polino Malish Abbas**

**(Appellant)**

**v.**

**Secretary-General of the United Nations**

**(Respondent)**

**ORDER No. 549 (2024)**

1. On 16 November 2023, the United Nations Dispute Tribunal (UNDT or Dispute Tribunal) in Nairobi issued Judgment No. UNDT/2023/126 in the matter of *Abbas v. Secretary-General of the United Nations* (the Judgment), in which it dismissed Mr. Polino Malish Abbas's application contesting the Administration's decision to separate him from service at the United Nations Mission in South Sudan (UNMSS) due to misconduct.
2. The deadline for filing an appeal of this Judgment with the United Nations Appeals Tribunal (UNAT or Appeals Tribunal) was 15 January 2024.
3. On 13 January 2024, Mr. Abbas filed a request for suspension, waiver or extension of time limit to file his appeal with the Appeals Tribunal. In support of his motion, Mr. Abbas asserts that he needs 6 days "to collect the necessary documents to file an appeal" because he "is still in the village and there is a difficulty for [him] to come to the town."
4. 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 may decide in writing, upon written request by the applicant, and in exceptional cases, to suspend or waive the deadlines for a limited period of time. 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.

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”.<sup>1</sup> However, we have held that it “has been strictly enforcing, and will continue to strictly enforce, the various time limits” in the UNAT Statute.<sup>2</sup>

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*,<sup>3</sup> 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.<sup>4</sup> 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.<sup>5</sup> 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

---

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

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

<sup>3</sup> *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.

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

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

not access the office to obtain relevant documents.<sup>6</sup> This scenario, deemed a highly exceptional circumstance, bears no resemblance to Mr. Abbas's situation.

10. Therefore, I find that, the reasons presented by Mr. Abbas for an extension do not qualify as exceptional circumstances according to Article 7(3) of the Statute, nor do they necessitate an extension in the interest of justice under Article 30 of the Rules.

11. However, given that Mr. Abbas had not reached the deadline when he submitted his request, and acknowledging that the deadline lapsed when his motion was pending, I exceptionally grant him an extra 2 days from the date of this Order for him to file his appeal.

**IT IS HEREBY ORDERED** that Mr. Abbas's request is **DENIED** and he must file his complete appeal no later than 2 business days from the date of this Order.

Original and Authoritative Version: English

Decision dated this 18<sup>th</sup> day of January 2024 in Beijing, China.

(Signed)  
Judge Gao Xiaoli,  
President

Order published and entered in the Register on this 18<sup>th</sup> day January 2024 in New York, United States.

(Signed)  
Juliet E. Johnson,  
Registrar

---

<sup>6</sup> *Abu-Malluh et al. v. Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, Order No. 307 (2018), paras. 4-5.