



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2025/116
Order No.: 209 (NBI/2025)
Date: 28 October 2025
Original: English

Before: Judge Sean Wallace

Registry: Nairobi

Registrar: Wanda L. Carter

OTERO

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER
ON MOTION FOR EXTENSION OF
TIME TO FILE AN APPLICATION**

Counsel for Applicant:

Ludovica Moro

Counsel for Respondent:

AAS/ALD/OHR, UN Secretariat

Introduction

1. The Applicant is a P-3 Crime Prevention and Criminal Justice Officer with the United Nations Office on Drugs and Crime (“UNODC”) in the Regional Section for Africa and Middle East, based in Tripoli, Libya. On 23 October 2025 she filed a “Motion for Extension of Time to File an Application.”

2. On 8 August 2025, the Applicant received notice of a decision of the Under-Secretary-General for Management Strategy, Policy and Compliance (“DMSPC”) to impose on her the disciplinary measures of the “loss of three steps in grade and deferment of consideration for promotion for a period of three years, ... together with a managerial action requiring [her] to complete [certain] training courses.”

3. In her motion, the Applicant indicates that she was “currently pursuing an amicable resolution attempt.” She requests a one-month extension to “allow sufficient time to assess whether her effort to informally resolve of the matter is likely to be successful.”

4. Upon receipt and acceptance of the application, the Registry notified the Respondent of the assigned judge’s request for a reply to the Applicant’s motion by Monday, 27 October 2025.

5. Having received no reply from the Respondent by the deadline, the Tribunal will proceed to rule on the Applicant’s motion.

Consideration

6. In her application requesting an extension of time to file an Application on the Merits, the Applicant states that she received notification of the 8 August 2025 decision on 11 August. Pursuant to Article 8.1(d)(ii) of the UNDT Statute and Article 7.1(c) of the UNDT Rules of Procedures, the Applicant’s deadline for filing an appeal of that contested decision would fall due on Monday, 10 November.

7. Article 8.3 authorizes the Tribunal to suspend or waive the deadlines “only in exceptional cases.” Article 7.5 of the UNDT Rules of Procedure Article 7.5 of the Dispute Tribunal’s Rules of Procedure emphasizes that such measure should only

be used in *exceptional* cases, and further states that any such request made by an Applicant shall **succinctly** set out the exceptional circumstances that, in the view of the Applicant, justify such request.

8. Further, the Appeals Tribunal has determined that “only circumstances ‘beyond his or her control that prevented the applicant from exercising the right of appeal in a timely manner’ may be considered ‘exceptional circumstances’ justifying a waiver of a time limit or deadline.” *Shehadeh* 2016-UNAT-689, para. 19. See also, *El-Khatib* 2010-UNAT-029, para. 14; *Diagne et al.* 2010- UNAT-067, para. 1; *Bofill* 2014-UNAT-478, para. 19; and *Rüger*, 2016-UNAT-693, para. 13.

9. The Appeals Tribunal has also held that the granting of “exceptions to time limits and deadlines must be interpreted strictly.” *Abu-Hawaila*, 2011-UNAT-118, para. 29.circumstances. Finally, it has also directed that exceptional circumstances should meet “the test of untypicality or unusualness”. *Gelsei* 2020-UNAT-1035, para. 30.

10. The Applicant cites the General Assembly’s encouragement of the amicable settlement of disputes as her rationale for requesting the extension of time. It is true that the Tribunal strongly encourages the parties to deploy the necessary effort to have matters resolved *inter partes*, or with the assistance of the United Nations Office of the Ombudsman and Mediation Services (UNOMS).

11. In the instant case, the Applicant has not provided any evidence to show that negotiations are in fact ongoing. To the contrary, her language (that she is “attempting an informal resolution” and wants “to assess whether this effort is likely to be successful”) implies that she is just now broaching possible settlement with the Respondent. The Respondent failed to file a Reply confirming his willingness to discuss settlement.

12. The Tribunal notes that the contested decision states that the decision arises from “the disciplinary process initiated by the allegations of misconduct memorandum dated 18 March 2025.” It further recounts that the Applicant submitted her comments on the allegations of misconduct on 18 April 2025. Thus, the Applicant has had over six months to engage in and conclude negotiations with

the Respondent in this matter if she so desired. Her failure to do so until the eleventh-hour is certainly within her control.

13. Further, there is no reason why the Applicant cannot file her application contesting the disciplinary action before the 10 November deadline and still pursue settlement negotiations. Should such informal discussions prove fruitful, the Applicant can always withdraw her application.

14. The Applicant's request does not address any of these concerns.

15. Therefore, the Tribunal finds that the vague and unsupported reasons presented by the Applicant for an extension of time to file her application do not qualify as exceptional circumstances according to Article 8(3) of the Statute, nor do they necessitate an extension in the interest of justice under Article 35 of the Rules of Procedure.

Conclusion

16. In view of the foregoing, the Applicant's motion for Extension of Time to file his application is DENIED; and

17. It is ORDERED THAT the Applicant shall file her application by the deadline as provided under the applicable rules.

(Signed)

Judge Sean Wallace

Dated this 28th day of October 2025

Entered in the Register on this 28th day of October 2025

(Signed)

Wanda L. Carter, Registrar, Nairobi