

2024-UNAT-1426, Qasem Abdelilah

Mohammed Qasem

UNAT Held or UNDT Pronouncements

The Appeals Tribunal dismissed the appeal. The Appeals Tribunal found that the UNDT correctly held that Mr. Qasem's application before the UNDT challenging the decision to place him on administrative leave with pay was filed untimely and was therefore not receivable *ratione temporis*. Furthermore, his application contesting the decision to conduct various investigations of him was not receivable *ratione materiae* in the absence of a request for decision review.

Decision Contested or Judgment/Order Appealed

Mr. Qasem contested the decisions of UNRWA: i) to place him on administrative leave with pay until further notice pending an investigation; and ii) to conduct various investigations of Mr. Qasem. By Summary Judgment No. UNRWA/DT/2023/010, the UNRWA DT consolidated the applications and dismissed both applications as not receivable.

Mr. Qasem appealed.

Legal Principle(s)

Strict adherence to filing deadlines assures one of the goals of the system of administration of justice: the timely hearing of cases and rendering of judgments.

However, there may be exceptional cases where the deadlines need to be suspended or waived or extended.

A request for decision review (similar to a management evaluation) is a mandatory first step in the internal justice system because it provides the Agency with the

opportunity to reassess the situation and correct possible mistakes or errors with efficiency. The tribunals cannot waive deadlines for requests for decision review as set out in Article 8(3) of the UNRWA DT Statute.

Outcome

Appeal dismissed on merits

Full judgment

[Full judgment](#)

Applicants/Appellants

Qasem Abdelilah Mohammed Qasem

Entity

UNRWA

Case Number(s)

2023-1798

Tribunal

UNAT

Registry

New York

Date of Judgement

1 May 2024

President Judge

Judge Sandhu

Judge Ziadé

Judge Forbang

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

Subject matter (ratione materiae)

Temporal (ratione temporis)

Applicable Law

UNRWA Area Staff Rules

UNRWA DT Statute

- Article 8.1(d)
- Article 8.3

Related Judgments and Orders

2012-UNAT-275

2016-UNAT-699

2021-UNAT-1149