

Case No.: UNDT/NBI/2024/018
Order No.: 39 (NBI/2024)
Date: 22 March 2024

Introduction

1. On 21 March 2024, the Applicant, a staff member at the Office of the United Nations High Commissioner for Refugees (“UNHCR”), filed a motion for extension of time to file an application in respect of the decision to discontinue the position he encumbers.

2. According to a response to the Applicant’s management evaluation requests, the deadline for filing his application falls on 22 March 2024. The Applicant requests a two to three-week extension of time.

Consideration

3. Art. 8.3 of the Dispute Tribunal’s Statute stipulates that the 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 cases.

4. Art. 7.5 of the Dispute Tribunal’s Rules of Procedure also provides that, in exceptional cases, an applicant may submit a written request to the Tribunal seeking suspension, waiver or extension of the time limits for filing an application. Art. 7.5 further states that any such request shall succinctly set out the exceptional circumstances that, in the view of the applicant, justify the request.

5. Art. 19.1 of the UNDT Rules of Procedure provides that the Tribunal may at any time, either on an application of a party or on its own initiative, issue any order or give any direction which appears to a judge to be appropriate for the fair and expeditious disposal of the case and to do justice to the parties.

6. If an applicant requests a suspension, waiver or extension of the time limits, then the applicant bears the burden of proof to establish any circumstances beyond his/her control that would have the effect of preventing him/her from acting within the statutory time limits. While the circumstances of the request should meet “the test of untypicality or unusualness”, the Dispute Tribunal, in the exercise of its discretion, may not deny the request at the onset without compelling reasons,

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