



UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

Case No. 2011-250

Appellant

v.

Secretary-General of the United Nations (Respondent)

ORDER No. 64 (2011)

1. On 6 September 2011, the Appellant filed a request for a suspension, waiver or extension of time to file an appeal against Judgment No. UNDT/2011/131 on compensation. He submits that the Secretary-General filed an appeal against the judgment on the merits in this case, Judgment No. UNDT/2011/054, and that an appeal against Judgment No. UNDT/2011/131 would become moot, should the Appeals Tribunal quash the judgment on the merits. He contends that since August 2008, he has not held gainful employment on account of the summary dismissal which the United Nations Dispute Tribunal (UNDT or Dispute Tribunal) found illegal, and that he therefore is without adequate monetary resources to pay the legal fees of his private counsel.

2. The Appellant requests that the Appeals Tribunal suspend the time limit to file an appeal against Judgment No. UNDT/2011/131 until 45 days from the notice of the Appeals Tribunal's Judgment disposing of the Secretary-General's appeal against the judgment on the merits. In the alternative, the Appellant requests that the Appeals Tribunal grant him an additional 45 days from 12 September 2011, the day the time limit for filing an appeal expires, in order to allow him to find replacement counsel to file his appeal against Judgment No. UNDT/2011/131.

3. Article 7(2) of the Rules of Procedure of the Appeals Tribunal (Rules) provides that "[i]n exceptional cases, an appellant may submit a written request to the Appeals Tribunal seeking suspension, waiver or extension of the time limits referred to in article 7.1". The

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Appeals Tribunal has repeatedly held that it “has been strictly enforcing, and will continue to strictly enforce, the various time limits”.¹

4. Under Article 13 of the Rules, there are a range of options available to the Appellant to obtain free legal assistance. The fact that an appellant prefers to have private legal counsel does not constitute exceptional circumstances under our Statute and Rules.

5. I also note that, while the facts advanced by the Appellant in support of his motion were known to him the day that he received the UNDT Judgment, he waited until 6 September 2011, six days prior to the expiry of the time limit, to file his extension request.

6. In these circumstances, I find that the relief sought by the Appellant is excessive. However, with a view to ensuring that the Appellant has adequate time to file his appeal, I grant him an extension of time to 5 October 2011.

7. For the foregoing reasons, I grant the motion, in part, and order that the Appellant file his appeal, if any, no later than 5 October 2011.

Original and Authoritative Version: English

Dated this 15th day of September 2011 in Paris, France.

(Signed)

Judge Courtial, Duty Judge

Entered in the Register on this 15th day of September
2011 in New York, United States.

(Signed)

Weicheng Lin, Registrar

¹ See *Meron v. Secretary-General of the United Nations*, Order No. 42 (2011); *Islam v. Secretary-General of the United Nations*, Order No. 7 (2010); *Mezoui v. Secretary-General of the United Nations*, Judgment No. 2010-UNAT-043.