



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

Case No. 2010-177

**Akyeampong
(Respondent/Appellant)**

v.

**Secretary-General of the United Nations
(Appellant/Respondent)**

ORDER ON WAIVER OF TIME LIMITS

Before:	Judge Kamaljit Singh Garewal, Presiding Judge Luis María Simón Judge Inés Weinberg de Roca
Order No.:	70 (2011)
Date:	21 October 2011
Registrar:	Weicheng Lin

Counsel for Respondent/Appellant: Anne-Marie Demmer

Counsel for Appellant/Respondent: Phyllis Hwang

JUDGE KAMALJIT SINGH GAREWAL, Presiding.

1. On 19 October 2010, the United Nations Dispute Tribunal in Geneva (Dispute Tribunal or UNDT) pronounced Judgment No. UNDT/2010/189 in French in the case of *Akyeampong v. Secretary-General of the United Nations*. Ms. Victoria Akyeampong's counsel Ms. Demmer received the English translation of the UNDT Judgment on 9 December 2010.

2. The Secretary-General filed an appeal of the UNDT Judgment on 3 December 2010. On 8 December 2010, the Registry of the United Nations Appeals Tribunal (Appeals Tribunal) transmitted a copy of the appeal to Ms. Akyeampong and her counsel. They were informed that an answer, if any, should be filed within 45 days.

3. Ms. Demmer posted a hard copy of her submission along with a cover letter dated 25 January 2011, which was received by the Registry of the Appeals Tribunal on 8 February 2011. This submission contained both her appeal and her answer to the Secretary-General's appeal dated 22 January 2011. In her cover letter, Ms. Demmer stated that she had encountered problems with her computer and scanner and that this prevented her from sending the appeal electronically. Ms. Demmer also attached a copy of her earlier e-mail to the Principal Registrar in which she stated that she had encountered problems with her computer and scanner and that "[she] hope[d] that this [would] not give rise to difficulties in relation to the 22 January deadline for the reply".

4. Since Ms. Akyeampong had received a copy of the appeal on 8 December 2011 and the English translation of the Judgment on 9 December 2011, the time limits of 45 days to file an answer to the Secretary-General's appeal and an appeal against the UNDT Judgment ended on 24 and 25 January 2011, respectively. It follows that Ms. Akyeampong's answer to the Secretary-General's appeal and her appeal did not comply with the time limits under Article 7(1)(c) of the Statute of the Appeals Tribunal and Article 7(1)(a) and Article 9(3) of the Rules of Procedure of the Appeals Tribunal (Rules).

5. Article 30 of the Rules provides that "[s]ubject to article 7.4 of the statute of the Appeals Tribunal, the President or the panel hearing a case may shorten or extend a time limit fixed by the rules of procedure or waive any rule when the interests of justice so require". We find that in this particular case, it is in the interests of justice to waive the

time limits for filing an appeal and answer to the Secretary-General's appeal. The English translation of the Judgment was received by Ms. Akyeampong on 9 December 2010 and her counsel attempted on 24 January 2011 to send by e-mail her appeal and answer dated 22 January 2011. However, this attempt failed on account of computer/scanner malfunctioning. This ground is established by Ms. Demmer's e-mail sent on 25 January 2011 (1:50 pm Geneva time) which states that this particular difficulty had occurred. We are satisfied that in this particular case, it is in the interests of justice to waive the time limits for filing Ms. Akyeampong's answer to the Secretary-General and her appeal.

6. For the foregoing reasons, we find that Ms. Akyeampong's submission is receivable. We instruct the Registrar to register her submission as an appeal against UNDT Judgment No. UNDT/2010/189. Noting that the Registrar has already forwarded Ms. Akyeampong's submission to the Secretary-General, we order that the Secretary-General file his answer to Ms. Akyeampong's appeal, if any, within 45 days upon receipt of the present Order.

Original and Authoritative Version: English

Dated this 21st day of October 2011 in New York, United States.

(Signed)

Judge Garewal, Presiding

(Signed)

Judge Simón

(Signed)

Judge Weinberg de Roca

Entered in the Register on this 21st day of October 2011 in New York, United States.

(Signed)

Weicheng Lin, Registrar
United Nations Appeals Tribunal