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# UNITED NATIONS APPEALS TRIBUNAL

# TRIBUNAL D'APPEL DES NATIONS UNIES

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Case No. 2011-280

**Gordon (Appellant)**

**v.**

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

## **ORDER No. 76 (2012)**

1. On 6 October 2011, the United Nations Dispute Tribunal (UNDT or Dispute Tribunal) issued Judgment No. UNDT/2011/173 in respect of an application of Mr. Clement Gordon. Mr. Gordon filed an appeal against the UNDT Judgment on 6 December 2011. The appeal was served on the Secretary-General on 7 December 2011. The time limit for filing an answer was therefore 23 January 2012.

2. On 23 December 2011 the General Assembly amended Article 7(1)(c) of the Statute of the United Nations Appeals Tribunal (Appeals Tribunal) thereby extending the deadline for filing appeals of Dispute Tribunal judgments from 45 days to 60 days. On 13 January 2012, the Secretary-General filed a "Request for an Extension of the Deadline to File an Answer to the Appeal of UNDT Judgment No.2011/173" (Motion). In support of his Motion he submits that, upon receipt of the General Assembly's amendment, he had interpreted that the "new 60-day deadline to file appeals would likewise apply to the filing of answers".

3. Following a request for clarification submitted to the Registry of the Appeals Tribunal regarding the deadline to file an answer to an appeal, the Secretary-General was informed that the deadline to respond to Mr. Gordon's appeal was not affected by the newly adopted General Assembly amendments. He therefore requests that he be granted two weeks from the date the original answer was due to file his answer.

4. Under Article 30 of the Rules of Procedure of the Appeals Tribunal (Rules), "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". While the Appeals Tribunal has consistently held that it strictly enforces the various time limits

under its Statute and Rules,<sup>1</sup> I find that in this particular case, it is in the interests of justice to extend the time limit for filing an answer to Mr. Gordon's appeal.

5. For the foregoing reason, I grant in part the Secretary-General's Motion and order that, under Article 30 of the Rules, he shall file an answer to Mr. Gordon's appeal, if any, by 30 January 2012.

Original and Authoritative Version: English

Dated this 16<sup>th</sup> day of January 2012 in Accra, Ghana.

(Signed)

Judge Adinyira, President

Entered in the Register on this 17<sup>th</sup> day of January  
2012 in New York, United States.

(Signed)

Weicheng Lin, Registrar

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<sup>1</sup> *Meron v. Secretary-General of the United Nations*, Order No. 42 (2011), 25 February 2011; *Islam v. Secretary-General of the United Nations*, Order No. 7 (2010), 8 September 2010; *Mezoui v. Secretary-General of the United Nations*, Judgment No. 2010-UNAT-043, 1 July 2010.