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

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Case No. 2012-368

**Akello**  
**(Applicant)**

**v.**

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

**ORDER No. 102 (2012)**

1. On 31 August 2012, the Secretary-General filed a request for an extension of the deadline to file an appeal against Judgment No. UNDT/2012/124 rendered by the United Nations Dispute Tribunal (UNDT) in Nairobi on 9 August 2012 in the case of *Akello v. Secretary-General of the United Nations*. In support of the motion, the Secretary-General submits that the exceptional circumstances of the present case warrant an extension of the deadline within which to file an appeal.

2. It appears from the case file that there was an established practice of the UNDT registries transmitting courtesy copies of the UNDT judgments to the Office of Legal Affairs (OLA), which represents the Secretary-General before the Appeals Tribunal in all appeals of UNDT judgments. In the present case, after it learnt that the *Akello* Judgment had been published on the website maintained by the Office of Administration of Justice (OAJ), OLA contacted OAJ several times reminding the latter of the need to transmit a copy of the *Akello* Judgment to OLA's email address specially set up for this purpose. It received no response. On 28 August 2012, OAJ informed OLA of the discontinuation of UNDT's past practice of transmitting courtesy copies of the UNDT judgments to OLA. OAJ also informed OLA that the UNDT would henceforth transmit copies of UNDT judgments only to the parties to the UNDT proceedings, which OLA was not.

3. The Secretary-General requests that the Appeals Tribunal exceptionally grant his request to calculate the 60-day time limit for appeal purpose in this case from 28 August 2012, i.e., to permit him to file an appeal by 29 October 2012. In his view, to require OLA to file an appeal by an earlier date “would be contrary to the principle of equality of arms”, because, as counsel for the Secretary-General before the Appeals Tribunal, OLA did not receive the *Akello* Judgment and was not aware of the discontinuation of the past practice, until 28 August 2012.

4. Article 7(1)(c) of the Statute of the Appeals Tribunal provides that an appeal must be filed within 60 calendar days of the receipt of the judgment. Pursuant to Article 7(3) of the Statute of the Appeals Tribunal, “[t]he Appeals 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”.

5. I believe that the circumstances surrounding the UNDT’s past practice, the delay in notifying OLA of its discontinuation and the lack of response to OLA’s queries are rather exceptional. Considering the limited nature of the extension request, I have decided to grant the present motion. The Secretary-General will have 60 days to file his appeal, if any, calculating from 28 August 2012.

Original and Authoritative Version: English

Dated 20<sup>th</sup> day of September 2012 in Buenos Aires,  
Argentina.

*(Signed)*  
Judge Inés Weinberg de Roca,  
Duty Judge

Entered in the Register on this 20<sup>th</sup> day of September  
2012 in New York, United States.

*(Signed)*  
Weicheng Lin, Registrar