



UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

Case No. 2016-951

Cohen (Appellant)

v.

Registrar of the International Court of Justice (Respondent)

ORDER No. 268 (2016)

1. On 14 July 2016, Ms. Phyllis Rachel Cohen, a former staff member of the International Court of Justice (ICJ) filed an appeal against the ICJ Registrar. On 15 July 2016, the Registry of the Appeals Tribunal (Registry) notified the ICJ Registrar of Ms. Cohen's appeal and informed him that he had 30 days to file an answer.

2. On 19 August 2016, the ICJ Registrar filed a Motion for waiver and extension of the time limit to file an answer. The ICJ Registrar explains that, within the ICJ Registry, his Deputy is the responsible officer with access rights to the e-mail account through which ICJ communicates with Appeals Tribunal. The Deputy Registrar was on annual leave when the Registry's e-mail of 15 July 2016 reached the ICJ e-mail system and he did not open or read the e-mail until 17 August 2016 and did not have access to the annexes attached to Ms. Cohen's appeal until 18 August 2016. The ICJ Registrar requests that he be given 60 days to file an answer, as in previous ICJ cases (until 13 September 2016). He further requests an extension of the time limit for another 15 days to 28 September 2016 to file an answer. He states that he needs additional time to prepare his submissions in view of the voluminous materials (300 pages) that Ms. Cohen filed and technical issues (medical and other) raised by the case.

3. Article 7(3) of the Appeals Tribunal Statute provides that "[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".

4. I note that the Agreement in the form of an exchange of letters between the ICJ President dated 20 April 2011 and the Secretary-General of the United Nations dated 10 June 2011 specifies 30 days for an ICJ staff member to file an appeal, but is silent on how many days that the ICJ Registrar has to file an answer. Equality of treatment before the law requires that the Respondent be accorded the same time limit, i.e., 30 days. Whatever the

Registry's past practices in dealing with ICJ cases, I direct the Registry to henceforth apply the 30-day time limit equally to the parties.

5. I am satisfied that in this particular case, based on the ICJ Registrar's representations, it is in the interests of justice to waive and extend the time limit to file an answer to the appeal since receiving submissions from both parties in any given case will greatly assist the Appeals Tribunal in its deliberations.¹ However, I am prepared to grant the ICJ Registrar an extension of time of only 30 days, inclusive of 18 August 2016, by which to file an answer. I note that this limited extension will not prejudice Ms. Cohen's rights. The ICJ's answer to Ms. Cohen's appeal is now due by 5:00 p.m., 16 September 2016 (New York time).

IT IS HEREBY ORDERED that the ICJ Registrar's Motion for waiver and extension of time limit is **GRANTED**, in part, and he shall file his answer **no later than 5:00 p.m., 16 September 2016 (New York time)**.

Original and Authoritative Version: English

Dated this 24th day of August 2016
in Port of Spain, Trinidad & Tobago.

Entered in the Register on this 24th day
of August 2016 in New York, United States.

(Signed)
Judge Deborah Thomas-Felix,
President

(Signed)
Weicheng Lin, Registrar

¹ *Dannan v. Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, Order No. 118 (2012), 7 December 2012.