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

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Case No. 2018-1217

**Krioutchkov**

**(Movant)**

**v.**

**Secretary-General of the United Nations**

**(Respondent)**

**Order No. 345 (2019)**

1. On 17 October 2018, the United Nations Dispute Tribunal (UNDT) in Geneva issued Judgment No. UNDT/2018/103 in *Krioutchkov v. Secretary-General of the United Nations*. The Secretary-General appealed the Judgment on 17 December 2018 to the United Nations Appeals Tribunal (Appeals Tribunal). The appeal was transmitted to Mr. Krioutchkov on 18 December 2018. The time limit for filing an answer pursuant to Article 9(3) of the Appeals Tribunal's Rules of Procedure (Rules) is 60 days and the answer was, therefore, due on 17 February 2019.

2. On 5 April 2019, Mr. Mohamed Abdou, of the Office of Staff Legal Assistance (OSLA), as counsel for Mr. Krioutchkov, filed a motion requesting a waiver of the time limit and leave to file an answer to the appeal. Mr. Krioutchkov explains that no timely answer was filed due to a technical error in the electronic filing portal. He submits that on 17 October 2018, the UNDT had also issued a second judgment involving Mr. Krioutchkov, Judgment No. UNDT/2018/104, which the Secretary-General had also appealed, and which the Appeals Tribunal had assigned as Case No. 2018-1218. On 14 February 2019, counsel for Mr. Krioutchkov had attempted to electronically file an answer in both matters. The answer in Case 2018-1218 was filed electronically. On 22 March 2019, however, the Appeals Tribunal's Registry informed Mr. Krioutchkov's counsel that the answer in the instant matter was not filed.

3. On 5 April 2019, Mr. Krioutchkov’s counsel filed the instant motion wherein he requests the Appeals Tribunal to waive the time limit for filing an answer and consider the answer which he attached to the instant motion. In support of his request, Mr. Krioutchkov asserts that there is good cause to waive the deadline for submitting an answer as he and his counsel were under the impression that the answer had been properly filed and had no reason to believe his submission had not been received by the Appeals Tribunal. He indicates that there must have been a technical error in his attempted submission and the fact he was filing two answers at the same time may have contributed to the confusion. Mr. Krioutchkov further submits that the requested waiver would allow him a fair opportunity to be heard and have his arguments considered by the Appeals Tribunal.

4. Under Article 30 of the 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”.

5. Mr. Krioutchkov has not filed an answer within the time limit through no intention or fault of his own or that of his counsel. This Tribunal, therefore, finds that he has shown good cause to waive the time limit and find it in the interest of justice to hear his arguments set forth in his answer.

6. For the foregoing reasons, Mr. Krioutchkov’s request for waiver of time limit should be granted.

**IT IS HEREBY ORDERED** that Mr. Krioutchkov’s motion **IS GRANTED**.

Original and Authoritative Version: English

Dated this 3<sup>rd</sup> day of May 2019  
in Juiz de Fora, Brazil.

*(Signed)*  
Judge Martha Halfeld,  
Duty Judge

Entered in the Register on this 3<sup>rd</sup> day of  
May 2019 in New York, United States.

*(Signed)*  
Weicheng Lin, Registrar