



UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

Case No. 2020-1370

Porras

(Appellant)

v.

Secretary-General of the United Nations

(Respondent)

Order No. 370 (2020)

1. On 16 December 2019, the United Nations Dispute Tribunal (UNDT) in Nairobi rendered Judgment No. UNDT/2019/178 in the case of *Porras v. Secretary-General of the United Nations*, in which Mr. Herminio Porras challenged the decision not to renew his fixed-term appointment. As per Article 7(1)(c) of the Statute of the United Nations Appeals Tribunal (Statute and Appeals Tribunal, respectively), Mr. Porras had 60 calendar days within which to appeal the UNDT Judgment, i.e., by 14 February 2020. However, Mr. Porras did not file any submission to the Appeals Tribunal by or on 14 February 2020.

2. On 26 February 2020, Mr. Porras' Counsel from the Office of Staff Legal Assistance (OSLA) filed a request for suspension, waiver or extension of the time limit to appeal. Counsel explains that, when his client was debating whether or not to appeal the UNDT Judgment at the end of 2019, he misinformed Mr. Porras that 15 March 2020 would be the deadline. He further explains that, on 27 December 2019, Mr. Porras suffered an illness that restricted his ability to communicate with the Counsel, that Mr. Porras was not able to communicate with the Counsel until 25 February 2020, and that only when Mr. Porras contacted OSLA to express his intention to appeal did Counsel realize his mistake about the appeal deadline. Counsel is of the view that his client missed the deadline through no fault of his own due to an unfortunate set of circumstances of procedural misinformation and illness. He therefore requests that the

Appeals Tribunal waive the appeal time limit in the interest of justice so that Mr. Porrás can submit his appeal that has already been finalized.

3. Article 7(3) of the Statute of the Appeals Tribunal 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”. Article 7(2) of the Appeals Tribunal Rules of Procedure (Rules) sets forth the manner in which an appellant should submit a written request for a waiver of a time limit, and Article 30 of the Rules allows this Tribunal to shorten or extend a time limit “when the interests of justice so require”.

4. On the basis of Mr. Porrás’ submissions regarding the circumstances preventing him from filing a timely appeal, this Tribunal finds that Mr. Porrás has presented an exceptional case and the interests of justice will be served if his request is granted so as to give him an opportunity to present his case.

IT IS HEREBY ORDERED that Mr. Porrás’ request is **GRANTED**, and the appeal form and appeal brief shall be filed no later than 15 April 2020 by 5:00 p.m. New York time.

Original and Authoritative Version: English

Dated this 27th day of March 2020
in Hamburg, Germany.

(Signed)
Judge Sabine Knierim,
President

Entered in the Register on this 28th day of
March 2020 in New York, United States.

(Signed)
Weicheng Lin,
Registrar