



UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

Case No. 2020-1461

Pierre
(Applicant)

v.

Secretary-General of the United Nations
(Respondent)

ORDER No. 384 (2020)

1. On 24 July 2020, the United Nations Dispute Tribunal in Nairobi rendered Judgment No. UNDT/2020/126 in the case of *Pierre v. Secretary-General of the United Nations*, in which the Dispute Tribunal rejected Mr. Dourrho Pierre's challenge of the decision to extend his fixed-term appointment for one month until 31 July 2019. Mr. Pierre was working for the United Nations Multidimensional Stabilization Mission in Mali (MINUSMA). Under Article 7(1) of the Statute of the Appeals Tribunal (Statute), the parties had 60 days from receipt of the Judgment to file an appeal, i.e., by 22 September 2020.

2. On 23 September 2020, Mr. Pierre filed an appeal with the Appeals Tribunal. The Registry instructed Mr. Pierre to file a motion to request a suspension, waiver or extension of time limit to file, as the deadline to file an appeal had passed.

3. On 26 September 2020, Mr. Pierre filed a request for suspension, waiver or extension to file his appeal. In his submission, he stated that he had miscalculated the date of the deadline and that he did not have a counsel to consult on how to assess the timeline. He also mentioned other factors contributing to the delay including health challenges, the pandemic and the related stress, the current political situation in the host country as well as other daily challenges of all kinds of resources.

4. Article 7(1)(c) of the Statute provides that the appeal must be filed within 60 calendar days of the receipt of the judgment of the Dispute Tribunal, or where the Appeals Tribunal has decided to waive or suspend that deadline in accordance with paragraph 3 of Article 7, within the period specified by the Appeals Tribunal.

5. Paragraph 3 of Article 7 states that the 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. The Appeals Tribunal shall not suspend or waive the deadlines for management evaluation. While paragraph 4 of Article 7 stipulates that “notwithstanding paragraph 3 of the present article, an application shall not be receivable if it is filed more than one year after the judgement of the Dispute Tribunal”.

6. This Tribunal has repeatedly and consistently strictly enforced the time limits for filing applications and appeals. Strict adherence to filing deadlines assures one of the goals of the current system of administration of justice established in 2009: the timely hearing of cases and rendering of judgments. It is irrelevant whether a deadline is missed by several minutes, several hours or several days.¹

7. Under Article 7(4) of our Statute, the Appeals Tribunal can exercise its powers, upon written request by the appellant, to waive the time limit to file an appeal, up to one year after the contested UNDT Judgment.²

8. However, as we have stated:³

A day late (“just 14 hours”, ...) is by no means *de minimis*. More importantly, however, we take this opportunity to clarify that the degree of lateness has no relevance for the finding of exceptional circumstances. Whether a deadline is missed by several minutes, several hours or several days is irrelevant. A waiver of time can be justified under Article 8(3) of the UNDT Statute only if the applicant shows that exceptional circumstances beyond his or her control prevented him or her from acting within the statutory time limits.

¹ *Ali v. Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, Judgment No. 2017-UNAT-773, para. 13.

² *Comp. Gergo Gelsei v. Secretary-General of the United Nations*, Judgment No. 2020-UNAT-1035, para. 19; *Khan v. Secretary-General of the United Nations*, Judgment No. 2017-UNAT-727, para. 23.

³ *Rüger v. Secretary-General of the United Nations*, Judgment No. 2016-UNAT-693, para. 18.

9. Having reviewed the circumstances of the present case, I find that the reasons provided by Mr. Pierre do not represent an exceptional case to justify the grant of a waiver or extension of the already expired statutory time limit for filing his appeal against Judgment No. UNDT/2020/126. His claim that he had miscalculated the date of the deadline and that he had not had the advantage of having a counsel to consult on how to assess the timeline does not constitute a reason beyond his control that prevented him from acting within the statutory time limit. Mr. Pierre had ample time, following the issuance of the contested UNDT Judgment, to properly prepare and mount an attack on it, either on his own initiative or by turning to a legal counsel for help, i.e., the one who represented him before the UNDT or another.

10. Further, his other claims for waiving or extending the time limit, i.e., that he faced health challenges, the pandemic and related stress, the current political situation in the host country as well as other daily challenges with all kinds of resources all contributing to the delay in his filings, are extremely vague, speculative and not supported by evidence.

IT IS HEREBY ORDERED that Mr. Pierre's request is **DENIED**.

Original and Authoritative Version: English

Dated this 29th day of September 2020
in Athens, Greece.

(Signed)
Judge Dimitrios Raikos,
Duty Judge

Entered in the Register on this 1st day
of October 2020 in New York,
United States.

(Signed)
Weicheng Lin, Registrar