



UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

Case No. 2020-1443

Samir Amineddine

(Respondent/Appellant on Cross-Appeal)

v.

Secretary-General of the United Nations

(Appellant/Respondent on Cross-Appeal)

ORDER No. 401 (2021)

1. On 3 July 2020, the United Nations Dispute Tribunal (UNDT) in Nairobi issued Judgment No. UNDT/2020/110, in English, in the case of *Amineddine v. Secretary-General of the United Nations*, whereby it granted Mr. Samir Amineddine's application and ordered compensation in lieu of rescission of the challenged decision not to select him for an advertised post, together with compensation for harm for stress and the resulting medical ailments for which he was treated.
2. The Secretary-General appealed the UNDT Judgment to the United Nations Appeals Tribunal (Appeals Tribunal) on 1 September 2020, the Registry transmitted the appeal to Mr. Amineddine on 2 September 2020, and Mr. Amineddine filed his answer on 2 November 2020.
3. On this same date, 2 November 2020, Counsel for Mr. Amineddine filed a request for suspension, waiver or extension of time limit to appeal, in Arabic. It is clear from the subsequent English translation that Mr. Amineddine was requesting an extension of time limit to file a cross-appeal (to "appeal against the appeal of" the Secretary-General), but he did not use the correct term "cross-appeal" in his request, nor did he specify how much additional time he needed. As per Article 9(4) of our Rules of Procedure, the time limit for filing a cross-appeal was 2 November 2020.

4. Counsel explained that his client requested additional time, because both he and Mr. Amineddine wanted to understand the UNDT Judgment and the voluminous documentation attached to the Secretary-General's appeal, all in English, and also because his client was facing financial and family difficulties in the aftermath of the explosion at the port of Beirut on 4 August 2020 and in the midst of coronavirus pandemic and lockdown, and could not afford to retain an English-speaking counsel.

5. The ensuing exchanges between Mr. Amineddine and the Registry was confusing and non-responsive. In any event, without waiting for a decision on his extension request, on 9 November 2020, Mr. Amineddine filed a cross-appeal, in Arabic.

6. I have reviewed the procedural history of this case. I note the communication difficulties between Mr. Amineddine and the Registry, apparently due to language barrier. I also note that Mr. Amineddine did submit an extension request on 2 November 2020. Considering the exceptional and difficult circumstances that Mr. Amineddine has been facing, I have decided to suspend the deadline pursuant to Article 7(3) of the Appeals Tribunal Statute for seven days so that his cross-appeal may be considered as timely filed.

IT IS HEREBY ORDERED that Mr. Amineddine's request for extension of time to file his cross-appeal is **GRANTED**. His cross-appeal should be processed in accordance with the normal procedure of the Registry.

Original and Authoritative Version: English

Dated this 26th day of February 2021
in Juiz de Fora, Brazil.

(Signed)
Judge Martha Halfeld,
President

Entered in the Register on this 26th day
of February 2021 in New York, United States.

(Signed)
Weicheng Lin, Registrar