



UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

Case No. 2021-1553

Purificación Tola Satué

(Appellant)

v.

President of

the International Fund for Agricultural Development

(Respondent)

ORDER No. 415 (2021)

1. On 7 December 2020, Ms. Purificación Tola Satué (Appellant) submitted an appeal to the Joint Appeals Board (JAB) of the International Fund for Agricultural Development (IFAD) (Respondent) contesting the decision to adopt a Performance Improvement Plan (PIP) in light of her 2020 Performance Evaluation.
2. On 4 February 2021, the JAB granted the IFAD's motion and declared the appeal not receivable.
3. On 4 May 2021, Ms. Tola Satué filed an appeal of the JAB decision with the United Nations Appeals Tribunal. Her appeal was registered as Case No. UNAT-2021-1553. On 6 May 2021, the appeal was transmitted to the Respondent for an answer, due within 60 days, i.e. by close of business on 5 July 2021.
4. On 18 June 2021, the Respondent filed a motion for extension of time limit to file his answer on grounds that the parties were engaged in settlement negotiations for 31 days and would request an extension of time for 31 days to file an answer.
5. The Respondent argued that both parties had been engaged in negotiations which included the Appellant's claims in this case for a period of 31 days, pursuant to a negotiation agreement that became effective on 12 May 2021, until 11 June 2021, when the Respondent received an e-mail from counsel for the Appellant communicating the termination of the agreement.

6. However, the Appeals Tribunal noted that the Respondent did not produce any piece of evidence of such an agreement, but said that it is “available at the Tribunal’s request”, nor did the Respondent present the email of 11 June 2021, which could serve as sufficient proof of the period of negotiations. Likewise, from the Appellant’s brief, there was no indication of such an agreement.

7. Since there was no certainty about the existence of such an agreement or about how long the negotiations took place, on 23 June 2021, the Appeals Tribunal issued Order No. 414 (2021) noting that the Appellant should have an opportunity to comment on whether she agrees with the Respondent’s request for time limit extension and therefore invited the Appellant to file comments by 28 June 2021.

8. On 27 June 2021, the Appellant filed her comments objecting to the Respondent’s request. The Appellant argued that the Respondent’s request was a pretext to further delay the resolution of her case and that by 5 July 2021, the Respondent will have had a full month to prepare an answer.

9. 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 30 of our Rules of Procedure allows this Tribunal to shorten or extend a time limit “when the interests of justice so require”.

10. Having reviewed the submissions of the parties, this Tribunal notes that the Appellant acknowledges the existence of the negotiations and does not deny its duration of 31 days. Moreover, the negotiations took place during the time limit to file an answer to the appeal, having started and finished after the appeal had been filed. Although there is no provision in the Appeals Tribunal Statute or Rules of Procedure to support the Respondent’s claim, the analogous interpretation of Article 8(1)(d)(iv) of the Statute of the Dispute Tribunal allows for the extension of time limits to file the answer to the appeal, where the parties have sought mediation of their dispute within the deadlines for the filing of the answer to the appeal but did not reach an agreement. Lastly, the extension will not have any bearing on the disposal of the case since it has not been yet included on the docket for determination by the Appeals Tribunal.

IT IS HEREBY ORDERED that the Respondent's motion for extension of time limits to file the answer to the appeal is **GRANTED** and the answer to the appeal shall be filed no later than 5 August 2021 by 11:59 p.m., New York time.

Original and Authoritative Version: English

Dated this 30th day of June 2021
in Juiz de Fora, Brazil.

(Signed)
Judge Martha Halfeld,
President

Entered in the Register on this 30th day
of June 2021 in New York, United States.

(Signed)
Weicheng Lin, Registrar