



UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

Case No. 2024-1908

Jacques Cramatte *et al.*

(Appellants)

v.

**Director General of the International Bureau
of the Universal Postal Union**

(Respondent)

Order No. 576 (2024)

1. On 18 March 2024, the Appellants in this case, Jacques Cramatte *et al.*, a group of former staff members of the Universal Postal Union (UPU or the Respondent) filed before the United Nations Appeals Tribunal (UNAT or Appeals Tribunal) a joint appeal against a decision of the UPU Appeals Committee dated 19 December 2023.
2. On 17 May 2024, UPU filed its answer to the appeal. In the answer form, UPU provided as “[a]ddress for service of documents” the e-mail address of the Director of Legal Affairs of the UPU.
3. On 23 July 2024, the Appellants filed a Motion for Additional Pleadings.
4. On 25 July 2024, the UNAT Registry served a copy of the Motion for Additional Pleadings on the Respondent, using the e-mail address provided by the Respondent in his answer form. The e-mail advised that the Respondent had ten days to file a response to the latter Motion.
5. The Respondent’s response was due on 5 August 2024, but none was submitted.
6. On 14 August 2024, the Respondent filed a Motion for Extension of Time to file a response to the Motion for Additional Pleadings. The Respondent advises that during the entire period covered by the time limit, the only person with access to the e-mail box provided

by the Respondent was away from the office. The Respondent states that it only became aware of the Motion for Additional Pleadings on 12 August 2024 when the owner of the e-mail box resumed work.

7. The Respondent submits that it did not appear necessary to make arrangements for the designated e-mail box to be monitored because the standard pleadings (appeal and answer) had already been exchanged between the parties. The Respondent states he was not expecting to receive a motion for additional pleadings that would require a prompt response.

8. The Respondent submits that in view of exceptional circumstance, including seasonal absences of other legal staff, that it be allowed additional time to respond to the Motion for Additional Pleadings, preferably, until 22 August 2024.

9. Under Article 7(3) of the Appeals Tribunal Statute (Statute), “[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”.

10. Article 30 of the Appeals Tribunal Rules of Procedure (Rules) allows this Tribunal to shorten or extend a time limit “when the interests of justice so require”.

11. The Appeals Tribunal has repeatedly held that it “has been strictly enforcing, and will continue to strictly enforce, the various time limits”.¹

12. As we discussed in *Jafar Hilmi Wakid*, the term “exceptional” means “something out of the ordinary, quite unusual, special or uncommon”.² For a reason or circumstance to be exceptional, it “need[s] not be unique (...) but it cannot be one which is regular or routinely or normally encountered”.³

13. The Appeals Tribunal does not consider the seasonal absences of legal staff to be an exceptional circumstance. To the contrary, it is routinely expected that staff will take annual leave in the summer months.

¹ *Harding v. Secretary-General of the United Nations*, Order No. 44 (2011), para. 5.

² *Jafar Hilmi Wakid v. Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, Judgment No. 2024-UNAT-1417, para. 62.

³ *Ibid.*

14. The Appeals Tribunal has previously denied requests for extensions of time that were premised on the absence of an Organization's legal officer due to vacation,⁴ or travel by the parties.⁵

15. In this case, it is undisputed that the Registry served the Motion for Additional Pleadings on the e-mail address provided by the Respondent. The fact that the Respondent failed to view any e-mail to this address for a period of 19 days (25 July to 12 August) is an error for which the consequences must be borne by the Respondent.

16. Accordingly, the Respondent's Motion for an Extension of Time is denied.

IT IS HEREBY ORDERED that the UPU's Motion for an Extension of Time to file a response to the Appellants' Motion for Additional Pleadings is **DENIED**.

Original and Authoritative Version: English

Decision dated this 15th day of August 2024
in Beijing, China.

(signed)
Judge Gao Xiaoli,
President

Order published and entered in the Register on this
15th day of August 2024 in New York, United States.

(signed)
Juliet E. Johnson,
Registrar

⁴ *Reem Khaled Matahen v. Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, Order No. 422 (2021); *Harding* Order, *op. cit.*, para. 7.

⁵ *O'Donnell v. Secretary-General of the United Nations*, Order No. 200 (2014).