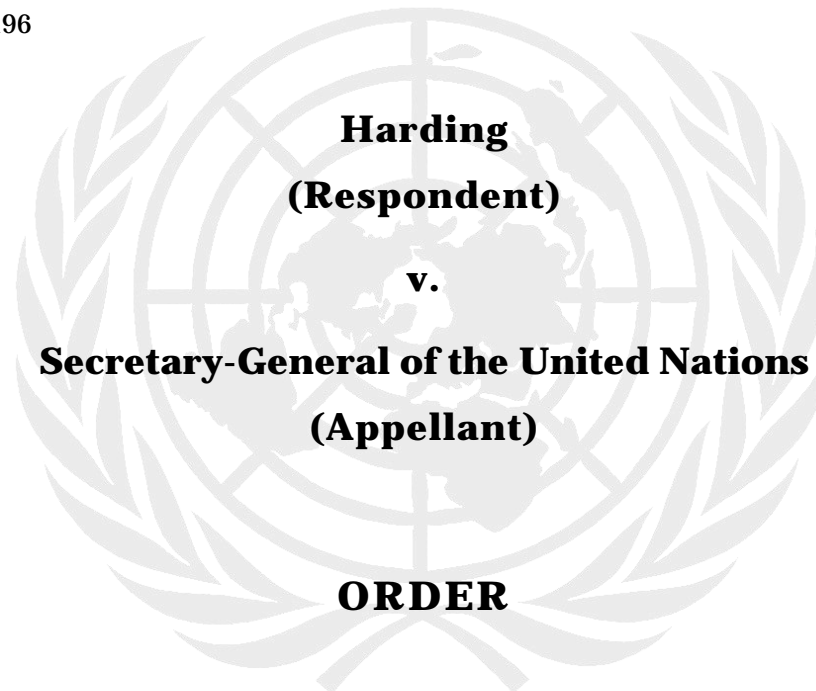




**UNITED NATIONS APPEALS TRIBUNAL
TRIBUNAL D'APPEL DES NATIONS UNIES**

Case No. 2011-196



**Harding
(Respondent)**

v.

**Secretary-General of the United Nations
(Appellant)**

ORDER

Before: Judge Jean Courtial, President

Order No.: 44 (2011)

Date: 2 March 2011

Registrar: Weicheng Lin

Counsel for Appellant: Antigoni Axenidou

**SECRETARY-GENERAL'S REQUEST FOR AN EXTENSION OF TIME TO FILE APPEAL
AGAINST UNDT JUDGMENT**

1. On 20 January 2011, the United Nations Dispute Tribunal (UNDT or Dispute Tribunal) issued Judgment No. 2011/017 Patricia Harding (Harding). The Secretary-General submits that he received the judgment on 24 January 2011.
2. Under Article 7(1)(c) of the Appeals Tribunal's Statute (Statute), an appeal must be filed within 45 days of the receipt of the judgment of the Dispute Tribunal. The time limit for filing an appeal against Judgment No. UNDT/2011/017 therefore expires on 10 March 2011.
3. On 18 February 2011, the Secretary-General filed a motion requesting that the time limit to file an appeal be extended for two weeks until 24 March 2011. He submits that he was recently informed of the decision of the Appeals Tribunal to hold an oral hearing during its forthcoming session; that the legal officer who is responsible for the hearing is also responsible for preparing the appeal in the present case; that she is out of the country and will only be returning to the office on 2 March 2011; and that she will therefore only have a brief period of time in which to prepare for the oral hearing and the appeal in this case.

CONSIDERATIONS

4. Article 7(2) of the Rules of Procedure of the Tribunal provides that "[i]n exceptional cases, an appellant may submit a written request to the Appeals Tribunal seeking suspension, waiver or extension of the time limits referred to in article 7.1".
5. The Appeals Tribunal has repeatedly held that it "has been strictly enforcing, and will continue to strictly enforce, the various time limits".¹
6. Having carefully considered the Secretary-General's reasoning, I find no merits in his motion. The Office of Legal Affairs representing the Secretary-General is composed

¹ See *Meron v. Secretary-General of the United Nations*, Order No. 42 (2011); *Islam v. Secretary-General of the United Nations*, Order No. 7 (2010); *Mezoui v. Secretary-General of the United Nations*, Judgment No. 2010-UNAT-043.

of several legal officers and is expected to reasonably manage its workload and staff in order to comply with the time limits under Statute of the Appeals Tribunal.

7. Neither the travel of legal officers nor the scheduling of an oral hearing by the Appeals Tribunal constitutes exceptional circumstances for extending a party's statutory time limits. In this regard, the present case differs from previous cases, where the absence of a legal officer was extensive and work-related² or where the absence was unforeseen due to a family emergency.³

8. The Secretary-General has provided no valid reason warranting an extension of time.

² UNAT Case No. 2010-102, *Chen v. Secretary-General of the United Nations*, communication from the Registry to counsel from OSLA, dated 8 July 2010: The Appeals Tribunal granted an extension of solely five days from the day counsel for the staff member returned from extensive travel on behalf of the Office of Staff Legal Assistance (OSLA), to file an answer to an appeal

³ *Appellant v. Secretary-General of the United Nations*, Order No. 25 (2010): The Appeals Tribunal granted a 15-day extension for filing an answer to an appeal, on the grounds that the legal officer representing the case had to unexpectedly return to her home country to attend to a family emergency.

ORDER

9. For the foregoing reasons, I, Judge Jean Courtial, President of the Appeals Tribunal, reject the Secretary-General's request for an extension of time to file an appeal.

Dated this 2nd day of March 2011 in New York, United States.

Original: English

(Signed)

Judge Jean Courtial,
President

Entered in the Register on this 2nd day of March 2011 in New York, United States.

(Signed)

Weicheng Lin, Registrar