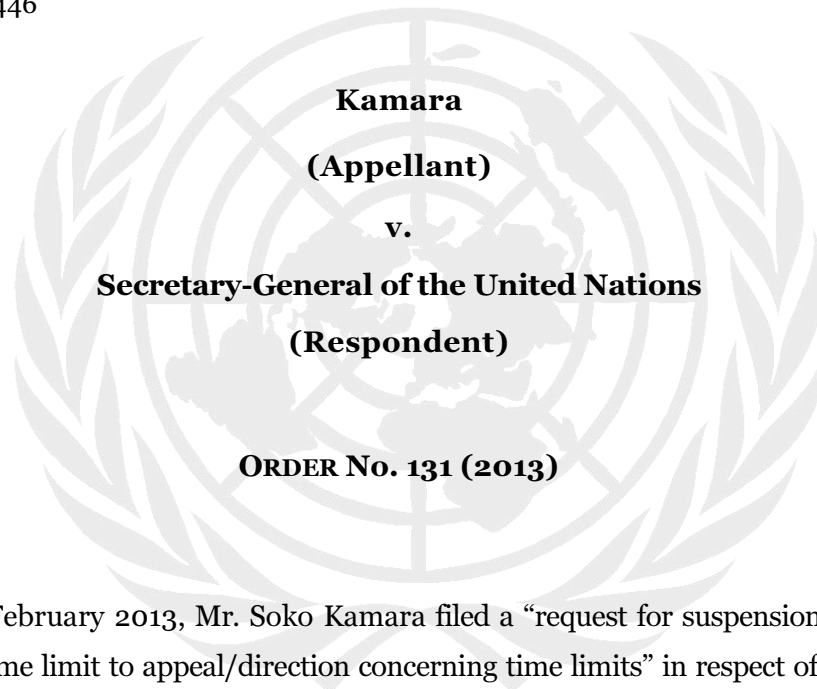




UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

Case No. 2013-446



**Kamara
(Appellant)**

v.

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

ORDER No. 131 (2013)

1. On 8 February 2013, Mr. Soko Kamara filed a “request for suspension, waiver or extension of time limit to appeal/direction concerning time limits” in respect of Judgment No. UNDT/2012/169, rendered by the United Nations Dispute Tribunal (Dispute Tribunal) in Nairobi on 7 November 2012 in the case of *Kamara v. Secretary-General of the United Nations*. On 28 February 2013, the Secretary-General filed his answer.

2. Article 7(1)(c) of the Statute of the Appeals Tribunal provides that an appeal must be filed within 60 calendar days of receipt of the Dispute Tribunal judgment. Article 7(3) empowers the Appeals Tribunal to “suspend or waive the deadlines for a limited period of time ... in exceptional circumstances”.

3. In the instant matter, the Dispute Tribunal rendered its judgment on 7 November 2012 and it was transmitted to the Office of Staff Legal Assistance (OSLA), as counsel for Mr. Kamara, by e-mail that day. According to the motion currently before us, Mr. Kamara did not receive the judgment himself, however, until 23 January 2013, after the statutory time limit for filing an appeal had expired. This delay was apparently due to problems in email communication between OSLA, in Addis Ababa, and Mr. Kamara, in Liberia, aggravated by the fact that Mr. Kamara did not have an official email address as well as by a change in OSLA personnel.

4. Counsel for Mr. Kamara asks the Appeals Tribunal to find that the relevant deadline for an appeal to be filed ran not from the date of OSLA receipt of the Dispute Tribunal judgment, but from the date of Mr. Kamara's personal receipt. We have considered the request and find that the issue is not one of service, however. Rather, the question is whether there exist "exceptional circumstances" justifying waiver of the time limit pursuant to Article 7(3) of the Statute.

5. The Appeals Tribunal expects parties to diligently protect their interests and takes time limits and other statutory procedures seriously. It does, however, have the power to waive the time limit for filing an appeal when "exceptional circumstances" so justify. We are satisfied that this case presents such an exception. It appears as though a perfect storm of events was created through the use of email as the sole method of communication; the respective locations of the parties and Mr. Kamara's inability to reliably check his email; and, the changeover of OSLA personnel.

6. In view of the foregoing, and in the interests of protecting access to justice, we have decided to waive the time limit for filing an appeal and to grant Mr. Kamara seven days from the date of this Order to appeal Judgment No. UNDT/2012/169. His appeal must, therefore, be filed by 5 p.m., E.S.T., on Tuesday 2 April 2013.

Original and Authoritative Version: English

Dated this 26th day of March 2013 in New York, United States.

(Signed)

Judge Luis María Simón,
Presiding

(Signed)

Judge Inés Weinberg de Roca

(Signed)

Judge Sophia Adinyira

Entered in the Register on this 26th day of March
2013 in New York, United States.

(Signed)
Weicheng Lin, Registrar