



UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

Case No. 2022-1758

AAI¹

(Appellant)

v.

Secretary-General of the United Nations

(Respondent)

ORDER No. 498 (2022)

1. On 30 September 2022, the United Nations Dispute Tribunal (Dispute Tribunal or UNDT) in Nairobi issued Judgment No. UNDT/2022/097 in the matter of *Applicant v. Secretary-General of the United Nations*. The UNDT rejected his claim to compensation under Appendix D to the Staff Rules.

2. On 29 November 2022, AAI (the Applicant) filed a request for suspension, waiver or extension of time limit to file his appeal with the United Nations Appeals Tribunal (UNAT or Appeals Tribunal). This was on the grounds that, although he had been represented before the UNDT by counsel from the Office of Staff Legal Assistance (OSLA), after the Judgment was issued by the UNDT, the Applicant says that his counsel was uncontactable, and he was unable to give instructions to appeal against the Judgment. The Applicant wishes OSLA to continue to represent him, but it appears that his original counsel has left OSLA while the UNDT's Judgment was reserved. It may be, although I do not have sufficient information to so decide, that handover arrangements within OSLA may not have functioned ideally. Nevertheless, and within time, the Applicant filed a provisional appeal drafted by him personally which he wishes to advance should the time

¹ In the UNDT, the Applicant was anonymised as "Applicant". Although no application has been made to this effect in the UNAT, this motion has been filed urgently and there may still be grounds for continued anonymisation. In these circumstances and until this question is clarified, this Order will identify the Applicant only by a randomised three letter code.

not be extended to enable a professional OSLA-prepared appeal to be lodged. The Applicant's request was registered as Case No. 2022-1758.

3. Article 7(1)(c) of the Appeals Tribunal Statute (Statute) provides that an appeal must be filed within 60 calendar days of the receipt of the judgment of the Dispute Tribunal. However, under Article 7(3) of the Statute, the 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. In the same vein, Article 30 of the Appeals Tribunal Rules of Procedure (Rules) also allows this Tribunal to shorten or extend a time limit "when the interests of justice so require".

4. The circumstances disclosed amount to an extraordinary situation for which the Applicant cannot be held responsible. The steps he has taken in these circumstances are proper and prudent.

5. I am satisfied that, the Applicant having filed within time notice of his intention to appeal, albeit in less than complete form, and having put the Secretary-General on notice of this within time, the reasons for this situation having come about are extraordinary circumstances and it is in the interests of justice that the time for filing a fully compliant appeal document be extended by 7 days from receipt by the Applicant of this Order.

IT IS HEREBY ORDERED that AAI's request is **GRANTED and that the Appellant may have the period of 7 days following receipt by him of this Order to file full and compliant appeal documents.**

Original and Authoritative Version: English

Decision dated this 9th day of December 2022
in Auckland, New Zealand.

(Signed)
Judge Graeme Colgan,
President

Order published and entered in the Register on this
9th day December 2022 in New York, United States.

(Signed)
Juliet Johnson,
Registrar