

Case No. 2015-703

Ocokoru (Applicant)

v.

Secretary-General of the United Nations (Respondent)

ORDER No. 221 (2015)

1. On 15 January 2015, the United Nations Dispute Tribunal in Nairobi (UNDT) issued Judgment No. UNDT/2015/004, in the case of Ocokoru v. Secretary-General of the United Nations. The UNDT found in favour of Ms. Jane Patience Juma Ocokoru and ordered inter alia that the decision separating her from service with the United Nations Mission in South Sudan be rescinded and that she be reinstated or, in the alternative, be paid compensation in the sum of two years' net base salary.
2. On 15 March 2015, Ms. Ocokoru wrote to the Registry in Nairobi requesting execution of the UNDT Judgment, noting that the 60-day period for the Secretary-General to appeal the judgment had expired.
3. On 6 April 2015, the Secretary-General filed an appeal of the UNDT Judgment which the Registry of the United Nations Appeals Tribunal (Appeals Tribunal) transmitted on 7 April 2015 to Ms. Ocokoru via her private e-mail. The Registry advised Ms. Ocokoru that she had 60 days from 7 April 2015 to file an answer to the appeal. The deadline for her to file any answer therefore expired on 8 June 2015.
4. On 8 June 2015, Ms. Ocokoru filed a motion requesting an extension of time to file her answer to the Secretary-General's appeal. Ms. Ocokoru claims that she only learned that the Secretary-General had filed an appeal

5. Article 9(3) of the Appeals Tribunal's Rules of Procedure (Rules) provides that an answer to an appeal must be filed "within 60 days of the date on which the respondent received the appeal transmitted by the Registrar". Section C.11 of the Appeals Tribunal's Practice Direction No. 1 concerning the transmittal of documents by the Registry provides that a party will be treated as having received a document transmitted by the Registry on the date the document is sent to the party through the eFiling portal or by e-mail. Pursuant to Article 30 of the Rules, the President may shorten or extend a time limit fixed by the rules of procedure or waive any rule "when the interests of justice so require".

6. Ms. Ocokoru asserts that she had notified the UNDT Registry of an alternative contact e-mail address. In view of the fact that this Registry notified Ms. Ocokoru of the Secretary-General's appeal at the last e-mail address on record as provided by the UNDT and that Ms. Ocokoru has not submitted any evidence that she provided either the UNDT or this Tribunal's Registry with an alternative e-mail address for service of documents, I am satisfied that Ms. Ocokoru was properly notified of the Secretary-General's appeal on 7 April 2015 and therefore the deadline for her to file any answer expired on 8 June 2015. While the Appeals Tribunal "has consistently held that it strictly enforces the various time limits under its Statute and Rules",¹ I am satisfied that in this particular case, it is in the interests of justice to extend the time limit to file an answer to the appeal since receiving submissions from both parties in any given case will greatly assist the Appeals Tribunal in its deliberations.² Furthermore, the extension will not prejudice the Secretary-General's rights.

IT IS HEREBY ORDERED that Ms. Ocokoru's request for an extension of time of 14 days in which to file her answer to the Secretary-General's appeal is GRANTED, and the answer form and answer brief shall be filed no later than 25 June 2015.