

Case No. 2016-953

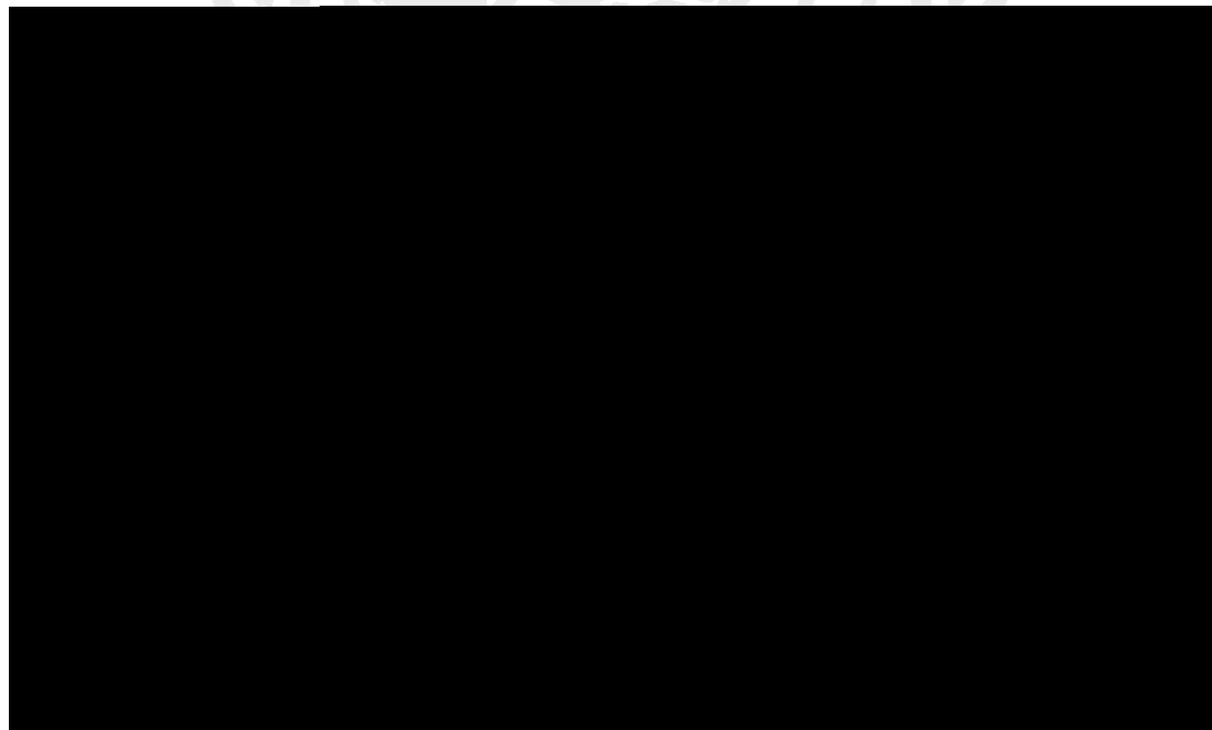
Bagot (Appellant)

v.

Commissioner-General
of the United Nations Relief and Works Agency
for Palestine Refugees in the Near East (Respondent)

ORDER No. 272 (2016)

1. On 18 July 2016, Mr. Christopher Bagot, a former staff member of the



5. On 4 November 2016, the Commissioner-General filed comments on Mr. Bagot's motion, seeking the leave of this Tribunal to "withdraw and/or strike off the record" paragraphs 30-39 of his answer. The Commissioner-General acknowledges that some of those paragraphs "are in the nature of a cross-appeal which could have the unintended consequences of depriving [Mr. Bagot of] an opportunity to reply".

6. Also on 4 November 2016, the Commissioner-General filed a motion for waiver of time limit and for leave to file a cross-appeal. He explains that, due to "an oversight on the part of counsel for the Respondent", the Respondent's answer included alternative arguments which should have been filed separately as a cross-appeal. The Commissioner-General maintains that to permit him now to file a cross-appeal would not occasion prejudice to Mr. Bagot as it would not unduly delay the disposition of the case, and it would be in the interest of justice for all the issues to be properly ventilated. The Commissioner-General requests that he "be granted seven days from the date of the Order granting such leave to file a formal cross-appeal".

7. Under Article 9(4) of the Rules of Procedure of the Appeals Tribunal, a respondent may file a cross-appeal "within 60 days of notification of the appeal". Article 7(3) of the Appeals Tribunal Statute provides that "[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".

8. I note that the Registry notified the Agency of Mr. Bagot's appeal on 25 July 2016. The Commissioner-General had thereafter 60 days, i.e., by 23 September 2016, to file a cross-appeal. On 16 September 2016, he filed a timeous answer, which was forwarded to Mr. Bagot on the same day. The parties agree that the Respondent's answer includes submissions in the nature of a cross-appeal. The Commissioner-General requests the waiver of the time limit so as to allow him to amend his answer by withdrawing paragraphs 30-39 therefrom and file these paragraphs in the form of a cross-appeal within seven days from the date of an order from this Tribunal.

9. I am satisfied that the exceptional circumstances in this case warrant the waiver of the time limit and the grant of a limited period of time as requested so that the Commissioner-General can correct an oversight, amend his answer and file a cross-appeal. This will ensure that all issues that the Commissioner-General wishes to address in respect of the impugned Judgment are adequately litigated in a proper format and that Mr. Bagot's

right to answer the cross-appeal is fully respected. I do not think that this waiver of the time limit will prejudice Mr. Bagot's rights or significantly delay the disposition of this case.

IT IS HEREBY ORDERED that the Commissioner-General's request to amend his answer and his motion for waiver of time limit and leave to file a cross-appeal are GRANTED. The Commissioner-General shall file his amended answer and cross-appeal by 18 November 2016 (New York time) . Mr. Bagot shall file an answer to the cross-appeal, if any, within 60 days of notification of the cross-appeal.

Original and Authoritative Version: English

Dated this 11th day of November 2016
in Port of Spain, Trinidad & Tobago.

Entered in the Register on this 11th day
of November 2016 in New York, United States.

(Signed)
Judge Deborah Thomas-Felix,
President

(Signed)
Weicheng Lin, Registrar