



Before: Judge Vinod Boolell
Registry: Nairobi
Registrar: Abena Kwakye-Berko, Acting Registrar

NDOUR

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

JUDGMENT ON RECEIVABILITY

Counsel for Applicant:
Self-represented

Counsel for Respondent:
Elisabeth Brown, UNHCR

Introduction

1. The Applicant joined the United Nations High Commissioner for Refugees (UNHCR) in October 1992 as a Programme Officer in Kinshasa DRC at an L2 level.

6. On 22 March 2010, a charge~~er~~ was issued to the Applicant inviting her to answer the allegations, which she did on 21 May 2010.

7.

of the date and time of submission of he

the computation of the time limit would orrist and literal reading of article 7.1(a) of the Rules of Procedure and article 8.(1)(c) of the Statute would be 21 December 2010.

19. However this should not be the case as is per provision is made in art. 34 of the Tribunal's Rules of Procedure on the manner in which time should be calculated:

Calculation of time limits

The time limits prescribed in the rules of procedure:

- (a) Refer to calendar days and is not include the day of the event from which the period runs;
- (b) Shall include the next working day of the Registry when the last day of the period is not a working day;
- (c) Shall be deemed to have been if the documents in question were dispatched by reasonable means on the last day of the period.

20. In computing the time within which the Applicant should have filed her Application the date 21 December 2010 should be counted in view of the clear provisions of article 34 of the Rules of Procedure. The day of the event would be the day on which the response from MEU was received by the Applicant and should be ignored for the purposes of computing the time limit. The 90 day period should therefore start running from 22 December 2010. The Applicant should therefore have filed her Application at least on 21 March 2011 but it was filed on 22 March. The Applicant is consequently and obviously outside the required time limit by one calendar day.

21. Regarding the time limit for filing the United Nations Appeals Tribunal stated:

This Tribunal has repeatedly and consistently strictly enforced the time limits for filing applications and appeals. Strict adherence to filing deadlines assures one of the goals of our new system of administration of justice: the timely hearing of cases and rendering of judgments¹

¹ Cooke2012-UNAT-275 referring to Mezoui2010-UNAT-04U

Conclusion

22. In the light of the above quoted ~~and~~ provisions, the Application is not receivable *ratione temporis*.

Decision

23. In view of the foregoing ~~the~~ Tribunal dismisses the Application.

(Signed)

Judge Vinod Boolell

Dated this day of ~~21~~²² November 2013

Entered in the Register on this ~~21~~²² day of November 2013

(Signed)

Abena Kwakye-Berko, Acting Registrar, Nairobi