



UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

Case No. 2010-163

Yapa (Appellant)

v.

Secretary-General of the United Nations (Respondent)

ORDER No. 46 (2011)

1. By e-mail dated 18 February 2011, Rohita Yapa (Yapa) filed additional comments on the Secretary-General's answer to his appeal against Judgment No. UNDT/2010/169 dated 24 September 2010.

2. Articles 8 and 9 of the Rules of Procedure of the Appeals Tribunal (Rules) provide for an appellant to submit an appeal form, accompanied by a brief, and for a respondent to submit an answer form, accompanied by a brief. There is no provision under the Rules for the parties to submit additional pleadings.

3. Under Article 31(1) of the Rules, the Appeals Tribunal may allow additional pleadings in exceptional circumstances. The Appeals Tribunal has so far only admitted and considered additional submissions in one case where the additional pleading directly related to the receivability of the appeal and where the responding party challenged the receivability of the appeal.¹

4. The matters that Yapa seeks to address in his comments are merely supplementary to the submissions made in his appeal; and his filing demonstrates no exceptional circumstances justifying the need to file additional pleadings in response to the Secretary-General's answer.

5. Yapa's additional comments will not be included as part of the case file.

Original and Authoritative Version: English

Dated this 28th day of April 2011 in Accra, Ghana.

(Signed)

Judge Sophia Adinyira, Duty Judge

Entered in the Register on this 28th day of April 2011
in New York, United States.

(Signed)

Weicheng Lin, Registrar

¹ *Thiam v. Secretary-General of the United Nations*, Order No. 33 (2011), 12 January 2011.