



UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

Case No. 2011-282

Ben Omar (Appellant)

v.

Secretary-General of the United Nations (Respondent)

ORDER No. 86 (2012)

1. On 14 March 2012, Mr. Mohamed Seddik Ben Omar filed a motion for leave to file additional pleadings and adduce new evidence in relation to his appeal against Judgment No. UNDT/2011/182 dated 26 October 2011 and the Secretary-General's answer dated 30 January 2012.
2. Articles 8 and 9 of the Rules of Procedure of the United Nations Appeals Tribunal (Rules and Appeals Tribunal, respectively) 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.
3. Under Article 31(1) of the Rules and under Section II.A.3 of Practice Direction No. 1 of the Appeals Tribunal, the Appeals Tribunal may allow a motion requesting leave to file a pleading or to adduce evidence after the filing of the answer to the appeal if there are exceptional circumstances justifying the motion.
4. Mr. Ben Omar's additional pleading repeats arguments that were either provided for or that should have been provided for as part of his original appeal and also serves as a replica to the Secretary-General's answer. The matters that Mr. Ben Omar seeks to address in his motion do not demonstrate any exceptional circumstances justifying the need to file additional pleadings or to adduce new evidence.
5. Mr. Ben Omar's application is denied and his additional pleading and evidence will not be included as part of the case file.

Original and Authoritative Version: English

Dated this 29th day of March 2012 in Montevideo,
Uruguay.

Entered in the Register on this 29th day of March
2012 in New York, United States.

(Signed)
Judge Simón, Duty Judge

(Signed)
Weicheng Lin, Registrar