



UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

Case No. 2012-375

Dzuverovic
(Appellant/Respondent on Cross-Appeal)

v.

Secretary-General of the United Nations
(Respondent/Appellant on Cross-Appeal)

ORDER No. 122 (2013)

1. On 10 September 2012, Ms. Vesna Dzuverovic filed an appeal against Judgment No. UNDT/2012/105 rendered by the United Nations Dispute Tribunal (UNDT or Dispute Tribunal) in Nairobi on 12 July 2012 in the case of *Dzuverovic v. Secretary-General of the United Nations*. On 3 December 2012, the Secretary-General filed his answer and a cross-appeal and, on 25 January 2013, Ms. Dzuverovic answered the cross-appeal.
2. On 6 February 2013, Ms. Dzuverovic filed a motion for leave to file additional pleadings with the United Nations Appeals Tribunal (Appeals Tribunal). On 21 February 2013, the Secretary-General filed his response requesting that the Appeals Tribunal dismiss the motion, or grant him a reasonable period of time to respond to such a pleading should the Appeals Tribunal decide to accept it.
3. 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. In the event that the respondent files a cross-appeal, then an answer may be filed to that cross-appeal. There is no provision under the Rules for the parties to submit additional pleadings.

4. The Appeals Tribunal has previously held that, under Article 31(1) of the Rules, it may accept additional pleadings based on the existence of exceptional circumstances.

5. The additional pleadings that Ms. Dzuverovic seeks to file contain merely supplementary arguments to her appeal in response to the Secretary-General's answer thereto and, therefore, her motion does not demonstrate the existence of exceptional circumstances justifying the need to reply to the Secretary-General's answer. I note that she had, and exercised, an additional opportunity to file in the present case, as she answered the Secretary-General's cross-appeal.

6. For the foregoing reasons, I reject Ms. Dzuverovic's motion.

Original and Authoritative Version: English

Dated 26th day of February 2013 in Montevideo,
Uruguay.

(Signed)
Judge Luis Maria Simón, President

Entered in the Register on this 27th day of February
2013 in New York, United States.

(Signed)
Weicheng Lin, Registrar