



UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

Case No. 2013-429

Balinge
(Appellant)

v.

Secretary-General of the United Nations
(Respondent)

ORDER No. 142 (2013)

1. On 3 January 2013, Mr. Idrissa Balinge filed an appeal against Judgment No. UNDT/2012/180 rendered by the United Nations Dispute Tribunal in Nairobi in the case of *Balinge v. Secretary-General of the United Nations*. On 8 March 2013, the Secretary-General filed his answer.
2. On 29 April 2013, Mr. Balinge filed a motion with the United Nations Appeals Tribunal (Appeals Tribunal) for leave to file a reply to the Respondent's answer. On 15 May 2013, the Secretary-General filed his response requesting that the Appeals Tribunal deny 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. There is no provision under the Rules for the parties to submit additional pleadings or comments, the underlying rationale being that submissions could otherwise continue endlessly. If the Appeals Tribunal requires additional information or clarification, it will so order or decide to hold an oral hearing.

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. In the instant matter, the motion does not demonstrate the existence of exceptional circumstances justifying the need to reply to, or comment on, the Secretary-General's answer.

5. For the foregoing reasons, I reject Mr. Balinge's motion.

Original and Authoritative Version: English

Dated 27th day of June 2013 in New York, United States

(Signed)
Judge Luis María Simón, President

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

(Signed)
Weicheng Lin, Registrar