



UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

Cases No. 2013-477 and No. 2013-493

Bastet
(Applicant)

v.

Secretary-General of the United Nations
(Respondent)

ORDER No. 154 (2013)

1. On 3 September 2012, Mr. Bruno Bastet filed an application with the United Nations Dispute Tribunal (Dispute Tribunal or UNDT) in New York, by which he contests the Secretary-General's decision to dismiss him from service on the ground that he had knowingly claimed and received rental subsidy allowance from the Organization to which he was not entitled. Mr. Bastet's case was subsequently transferred to the Dispute Tribunal in Geneva (Order No. 96 (NY/2013) of 12 April 2013).
2. By Order No. 58 (GVA/2013) of 16 May 2013, the UNDT in Geneva rejected earlier motions by Mr. Bastet requesting production of documents by the Secretary-General, a stay of proceedings as well as travel costs for him and his counsel. The UNDT also ruled that, for the time being, no witnesses would be convoked to the oral hearing, and directed that Mr. Bastet produce certain documentary evidence.
3. Mr. Bastet appealed both orders to the United Nations Appeals Tribunal (Appeals Tribunal) on 31 May 2013 and 6 June 2013. The Secretary-General filed his answers on 2 and 3 July 2013.
4. On 16 July 2013, Mr. Bastet filed a motion seeking leave to file additional pleadings (Motion). Mr. Bastet submits that the Secretary-General's answers to his appeals contain new evidence, in particular on matters of jurisdiction concerning New York real estate, and he requests that he be allowed to file additional pleadings on that issue. He also requests that the Appeals Tribunal order the disclosure of certain documents and strike from the record others which have not been properly and timely filed. He asks that the Appeals

Tribunal order costs against the Secretary-General for abuse of process, “falsified documents and misleading statements” before the Appeals Tribunal.

5. On 29 July 2013, the Secretary-General filed his observations on the Motion. The Secretary-General submits that Mr. Bastet has not demonstrated exceptional circumstances justifying the need to file additional pleadings. Should the Appeals Tribunal grant the Motion, he requests that he be granted a reasonable period of time to respond.

6. 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 to otherwise comment, the underlying rationale being that submissions could otherwise continue endlessly. The Appeals Tribunal has consistently ruled that the filing of additional pleadings will only be granted in “exceptional circumstances”.¹

7. Having reviewed the parties’ submissions and underlying filings, I find no exceptional circumstances justifying the need for an additional pleading. Mr. Bastet’s main argument, the need to address and further develop his argument on the issue of jurisdiction, has been raised in his appeal and accordingly addressed in the Secretary-General’s answer. His request for production of documents by the Secretary-General is the same as the request he already made in his appeals. Also, all the issues Mr. Bastet seeks to address in his additional pleadings go directly to the merits of the case and will not assist the Appeals Tribunal in its disposition of the interlocutory appeals.

8. For the foregoing reasons, Mr. Bastet’s Motion is dismissed.

Original and Authoritative Version: English

Dated 26th day of August 2013 in
London, United Kingdom.

(Signed)
Judge Richard Lussick
Duty Judge

Entered in the Register on this 26th day of
August 2013 in New York, United States.

(Signed)
Weicheng Lin, Registrar

¹ See e.g. *Sethia v. Secretary-General of the United Nations*, Judgment No. 2010-UNAT-079; *Dzuverovic v. Secretary-General of the United Nations*, Order No. 122 (2013).