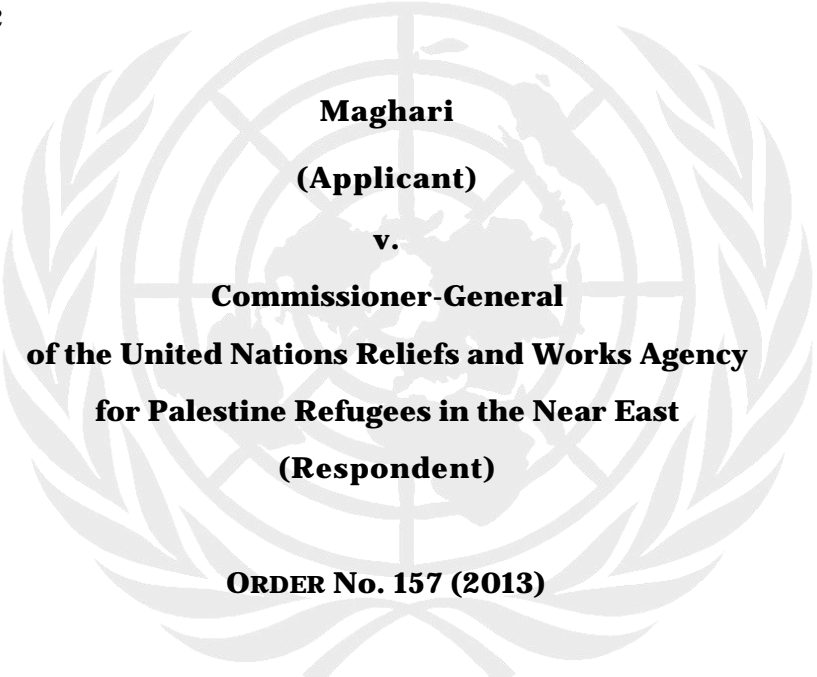




UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

Case No. 2013-462



Maghari
(Applicant)
v.
Commissioner-General
of the United Nations Reliefs and Works Agency
for Palestine Refugees in the Near East
(Respondent)

ORDER No. 157 (2013)

1. On 1 July 2010, the United Nations Appeals Tribunal (Appeals Tribunal) issued Judgment No. 2010-UNAT-039 in the case of *Maghari v. Commissioner-General of the United Nations Reliefs and Works Agency for Palestine Refugees in the Near East*.
2. On 21 July 2011, the Appeals Tribunal received an application for revision of the aforementioned Judgment from Mr. Abdel Rahman Maghari. The Appeals Tribunal requested an official translation from the United Nations, which took several months. Thereafter, Mr. Maghari was instructed to re-file his application, in accordance with the relevant page limits. The Registry and Mr. Maghari continued to communicate until, finally, a document dated 18 April 2013 was accepted as his application for revision.
3. The Commissioner-General replied to the application for revision on 24 May 2013, stating that it was time-barred or, in the alternative, beyond the scope of a revision.

4. On 8 July 2013, Mr. Maghari filed a motion seeking to introduce additional evidence with respect to the timeliness of his application for revision as well as additional pleadings concerning the merits of his case. The Commissioner-General responded on 7 August 2013.

5. Pursuant to Article 2(5) of the Statute of the Appeals Tribunal (Statute), the Appeals Tribunal may receive additional evidence in exceptional circumstances, if it is in the interest of justice and the efficient and expeditious resolution of the proceedings. Mr. Maghari seeks to introduce a postal receipt as evidence that his application was filed in a timely fashion. I note that the Commissioner-General does not oppose the introduction of this evidence and am persuaded that it is relevant to the Appeals Tribunal's review of his case. Thus, in the interest of justice, I admit it.

6. With respect to the additional pleadings Mr. Maghari seeks to enter, neither the Statute nor the Rules of Procedure of the Appeals Tribunal (Rules) provide for an appellant to submit any pleadings other than those set forth in the Rules. Articles 8 and 9 of the Rules provide for an appellant to file an appeal form and an accompanying appeals brief, and for a respondent to submit an answer form and an accompanying answer brief. These provisions apply to the instant case, *mutatis mutandis*. Whilst the Appeals Tribunal has ruled under Article 31(1) of the Rules that additional pleadings may be allowed in "exceptional circumstances",¹ Mr. Maghari has not demonstrated any such circumstances. Accordingly, I will not permit additional pleadings.

7. For the foregoing reasons, Mr. Maghari's motion is granted only to the extent it concerns the admission of evidence in respect of the timeliness of his application.

8. I hereby grant Mr. Maghari ten days to re-submit the evidence in question. In the interests of expeditious filing, I refer to the content of his communication dated 6 June 2013 to the Registry, with the exception of section 3(b) and point (2) of his Summary, together with the Annexes currently labelled "Ann 4A" and "Ann 4B".

¹ See *Crichlow v. Secretary-General of the United Nations*, Judgment No. 2010-UNAT-035, para. 27; *Dzuverovic v. Secretary-General of the United Nations*, Order No. 122 (2013).

Original and Authoritative Version: English

Dated 9th day of September 2013 in
Paris, France.

(Signed)
Judge Jean Courtial
Duty Judge

Entered in the Register on this 9th day of
September 2013 in New York, United States.

(Signed)
Weicheng Lin, Registrar