



UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

Case Nos. 2017-1103 & 2017-1104

Nchimbi

(Applicant)

v.

Secretary-General of the United Nations

(Respondent)

Order No. 304 (2017)

1. On 16 June 2017, the United Nations Dispute Tribunal (UNDT or Dispute Tribunal) in New York issued Judgment No. UNDT/2017/042/Corr.1 in the case of *Nchimbi v. Secretary-General of the United Nations*.
2. On 16 August 2017, Mr. Optatus Henry Nchimbi appealed the Judgment to the United Nations Appeals Tribunal (Appeals Tribunal) and the Secretary-General filed his answer on 17 October 2017 (Case No. 2017-1103).¹
3. On 8 November 2017, Mr. Nchimbi filed a motion seeking leave to file additional pleadings in response to the Secretary-General's answer to his appeal. On 24 November 2017, the Secretary-General filed his response opposing the motion.
4. Under the Appeals Tribunal Statute, Mr. Nchimbi is not entitled to file a response to the answer to his appeal. Article 31(1) of the Rules of Procedure and Section II.A.3 of Practice Direction No. 1 allow the Appeals Tribunal to permit a party to file additional pleadings after the filing of the answer if there are exceptional circumstances

¹ On 14 August 2017, the Secretary-General also filed an appeal of the UNDT Judgment registered as Case No. 2017-1103. By Order No. 297 (2017) dated 20 October 2017, the Appeals Tribunal consolidated the two cases "for all purposes".

for doing so.² However, Mr. Nchimbi has not demonstrated the existence of exceptional circumstances; he merely seeks to express his disagreement with the statements made by the Secretary-General in his answer.³ Thus, Mr. Nchimbi's motion for leave to file additional pleadings is denied.

IT IS HEREBY ORDERED that Mr. Nchimbi's motion **IS DENIED**.

IT IS ALSO ORDERED that the Registrar shall not include the motion and annex thereto, as well as the Secretary-General's response thereto, in the case file.

Original and Authoritative Version: English

Dated this 4th day of December 2017
in Port of Spain, Trinidad & Tobago.

(Signed)
Deborah Thomas-Felix
President

Entered in the Register on this 4th day of
December 2017 in New York, United States.

(Signed)
Weicheng Lin, Registrar

² *Wu v. Secretary-General of the United Nations*, Order No. 225 (2015).

³ *Musleh v. Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, Order No. 226 (2015).