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# UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

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Case No. 2017-1114

**He**  
**(Appellant)**

**v.**

**Secretary-General of the United Nations**  
**(Respondent)**

**Order No. 312 (2018)**

1. On 31 August 2017, the United Nations Dispute Tribunal in Geneva issued Judgment No. UNDT/2017/071 in the case of *He v. Secretary-General of the United Nations*. On 15 September 2017, Ms. Rui He appealed the Judgment to the United Nations Appeals Tribunal (Appeals Tribunal) and on 8 January 2018, the Secretary-General filed his answer.

2. On 16 January 2018, Ms. He filed a motion for leave to present comments on the Respondent's answer. Attached to the motion are numerous annexes. On 29 January 2018, the Secretary-General filed his response requesting that the Appeals Tribunal dismiss the motion.

3. The Rules of Procedure of the Appeals Tribunal ("Rules") provide for the parties to file appeals, answers, cross-appeals and answers to cross-appeals. They do not provide for an appellant to file a response to an answer. Nevertheless, other pleadings may be allowed under Article 31(1) of the Rules as well as Practice Direction No. 1, which pertains to the filing of documents. Under Section II.A.3 of Practice Direction No. 1, an appellant may make "[a] motion requesting the permission of the Appeals Tribunal to file a pleading after the answer to the appeal ..." and the Appeals Tribunal may grant such a motion "if there are exceptional circumstances justifying the motion".

4. This Tribunal finds that there are no “exceptional circumstances” justifying the granting of Ms. He’s motion for leave to file comments on the Respondent’s answer. Ms. He in essence merely reiterates or supplements the basis of the arguments raised in her appeal, without demonstrating in her motion the existence of said exceptional circumstances. Thus, Ms. He’s motion for leave to comment on the answer should be denied.

**IT IS HEREBY ORDERED** that Ms. He’s motion for leave to comment on the answer **IS DENIED**.

Original and Authoritative Version: English

Dated this 28<sup>th</sup> day of February 2018  
in Athens, Greece.

*(Signed)*  
Dimitrios Raikos  
Presiding Judge

Entered in the Register on this 1<sup>st</sup> day of  
March 2018 in New York, United States.

*(Signed)*  
Weicheng Lin, Registrar