



UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

Case No. 2018-1176

Khisa

(Applicant)

v.

Secretary General of the United Nations

(Respondent)

Order No. 329 (2018)

1. On 4 April 2018, the United Nations Dispute Tribunal (Dispute Tribunal) issued Judgment on Receivability No. UNDT/2018/047 in the case of *Khisa v. Secretary-General of the United Nations*, in which it dismissed Ms. Janet Khisa's application as not receivable. On 1 May 2018, Ms. Khisa filed an appeal against the above-referenced Judgment before the United Nations Appeals Tribunal (Appeals Tribunal). The Secretary General of the United Nations filed an answer to Ms. Khisa's appeal on 6 July 2018.

2. On 12 July 2018, Ms. Khisa filed a motion for leave to file additional pleadings. Ms. Khisa claims that the Dispute Tribunal denied her justice and a fair hearing by dismissing her application as irreceivable, when she was incapable of submitting a timeous application due to her prolonged hospitalization as a result of labor complications. She questions the manner in which the Administration delivered the separation letter to her in the hospital. She also questions the scope of the investigative authority of the Office of the Internal Oversight Services and the conduct of the investigation. In addition, Ms. Khisa alleges bias, abuse of office and authority and influence peddling on the part of the Assistant Secretary-General of the Office of Legal Affairs, who serves as the Representative of the Secretary-General in the Appeals Tribunal proceedings. In the motion, Ms. Khisa seeks immediate and unconditional release of her unspecified "savings and properties".

3. On 23 July 2018, the Secretary-General of the United Nations filed a response, requesting that the Appeals Tribunal dismiss Ms. Khisa’s motion, or alternatively that the Appeals Tribunal permit him to file a written submission in response to Ms. Khisa’s additional pleadings. In his view, Ms. Khisa’s motion for additional pleadings fails to satisfy the requirements of the Statute and Rules of Procedure (Rules) of the Appeals Tribunal, as it consists almost entirely of supplementary arguments to her appeal before the Appeals Tribunal and the Dispute Tribunal.

4. The 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 comments on an answer. Nevertheless, other pleadings may be allowed under Article 31(1) of the Rules as well as Practice Direction No. 1. 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”.

5. In the present case, this Tribunal finds that there are no “exceptional circumstances” justifying the granting of Ms. Khisa’s motion, which essentially amounts to a request for leave to file comments on the Respondent’s answer. Ms. Khisa, in essence, reiterates or supplements the arguments already made in her appeal, without demonstrating in her motion the existence of said exceptional circumstances. Thus, her motion should be denied.

IT IS HEREBY ORDERED that Ms. Khisa’s motion for leave to file additional pleadings **IS DENIED**.

Original and Authoritative Version: English

Dated this 31th day of July 2018
in Port of Spain, Trinidad & Tobago.

(Signed)
Judge Deborah Thomas-Felix
Duty Judge

Entered in the Register on this 1st day of
August 2018 in New York, United States.

(Signed)
Weicheng Lin, Registrar