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

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Case No. 2018-1194

**Nouinou**  
**(Appellant)**

**v.**

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

**ORDER No. 339 Corr. (2019)**

1. On 26 June 2018, the United Nations Dispute Tribunal (UNDT or Dispute Tribunal) in New York issued Judgment No. UNDT/2018/070 in the case of *Nouinou v. Secretary-General of the United Nations*. The UNDT granted Ms. Fátimazöhra Nouinou's application in part, ordering *inter alia* the rescission of the decisions to abolish her post, not to renew her fixed-term appointment and to refuse to reassign her. In the alternative to rescission, the UNDT awarded compensation in the amount of USD 10,000. In addition, the UNDT ordered further compensation, taking into account periods of Ms. Nouinou's unemployment and potential unemployment from 1 September 2017 to 28 October 2018. Finally, the UNDT awarded compensation for moral damages in the amount of three months' net base salary.

2. On 27 August 2018, the Secretary-General appealed the UNDT Judgment and on 29 October 2018, Ms. Nouinou filed her answer. On 14 January 2019, Ms. Nouinou filed a motion for leave to file additional pleadings and on 25 January 2019, the Secretary-General filed his response to the motion.

3. In her motion, Ms. Nouinou claims that she has in the meantime, since the beginning of the proceedings, lost her short-term assignment in the Office of Counter-Terrorism and she is facing a "difficult risky dangerous situation" in regard to her application for asylum. She further alleges a "collision" between the Office of Internal Oversight Services and the Administrative Law Section and makes submissions regarding financial hardship.

*This Order has been corrected on 4 February 2019 in analogous application of Article 26 of the Appeals Tribunal Rules of Procedure.*

4. The Secretary-General requests that the Appeals Tribunal dismiss Ms. Nouinou’s motion. In his view, Ms. Nouinou’s motion fails to satisfy the requirements of the Statute and the Rules of Procedure (Rules) of the Appeals Tribunal, as it constitutes a repetition of her answer. The Secretary-General also argues that Ms. Nouinou’s claims regarding the non-renewal of her short-term appointment in the Office of Counter-Terrorism are the subject of a second case that is currently before the UNDT. Addressing these claims in the present case could prejudice the rights of the parties in the second case.

5. The Rules provide for the parties to file appeals, answers, cross-appeals and answers to cross-appeals. Other pleadings may be allowed under Article 31(1) of the Rules as well as under Section II.A.3 of 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”.

6. In the present case, this Tribunal finds that Ms. Nouinou has not demonstrated any exceptional circumstances for filing additional pleadings. She simply reiterates the arguments already contained in her answer. She also seeks to provide additional details in response to the Secretary-General’s appeal and to address matters outside the scope of the present appeal. As to the former, all relevant information should have been part of the answer; the latter raises irrelevant matters. Thus, Ms. Nouinou’s motion for leave to file additional pleadings is denied.

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

Original and Authoritative Version: English

Dated this 30<sup>th</sup> day of January 2019  
in Athens, Greece.

Entered in the Register on this 31<sup>st</sup> day  
of January 2019 in New York, United States.

*(Signed)*  
Judge Dimitrios Raikos,  
President

*(Signed)*  
Weicheng Lin, Registrar