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

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Case Nos. 2019-1279 & 2019-1304

**Nouinou**  
**(Applicant)**

**v.**

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

**ORDER No. 353 (2019)**

1. On 1 May 2019, the United Nations Dispute Tribunal (UNDT or Dispute Tribunal) in New York issued Judgment No. UNDT/2019/073 in the case of *Nouinou v. Secretary-General of the United Nations*. On 27 June 2019, Ms. Fátimazöhra Nouinou filed an appeal before the United Nations Appeals Tribunal (Appeals Tribunal) against that UNDT Judgment. The case was registered as Case No. 2019-1279. On 19 July 2019, Ms. Nouinou filed a motion for confidentiality and correction of orthographic errors in her appeal.

2. In an earlier case of *Nouinou v. Secretary-General of the United Nations*, the Secretary-General had appealed against Judgment No. UNDT/2018/070 issued by the Dispute Tribunal on 26 June 2018. On 29 March 2019, the Appeals Tribunal orally pronounced at a public hearing that the appeal was granted and that Judgment No. UNDT/2018/070 was vacated. That decision was to be subsequently released in Judgment No. 2019-UNAT-902. Following the oral pronouncement, in April 2019, Ms. Nouinou filed two motions: “Motion to Overcome Judicial Bias and Withhold Case for Independent Oversight” and “Motion for Clarification, Dissuasion and Reconsideration”. By Order No. 344 (2019) dated 1 May 2019, the Appeals Tribunal denied Ms. Nouinou’s motions.

3. A day after the issuance of Order No. 344 (2019), Ms. Nouinou filed a submission stating her disagreement with the Order and requesting its annulment. A day after the issuance of Judgment No. 2019-UNAT-902 on 29 May 2019, Ms. Nouinou filed another motion entitled “Appellee’s Follow-up on Motion of 2 May 2019 and Question about

Judgment 2019/UNAT/902”. In Order No. 348 (2019) issued on 20 June 2019, the Appeals Tribunal denied Ms. Nouinou’s motions, finding that those motions were “clearly without merit, frivolous and constitute[d] an abuse of process”. The Appeals Tribunal warned Ms. Nouinou that if she kept abusing the process, it would have no choice but to award costs against her pursuant to Article 9(2) of the Appeals Tribunal Statute.

4. On 1 August 2019, Ms. Nouinou filed an application for revision of Judgment No. 2019-UNAT-902. The case was registered as Case No. 2019-1304. On 6 August 2019, she filed a motion for confidentiality requesting that the Appeals Tribunal not publish any private information related to her personal status. In the motion, Ms. Nouinou alleged that the Appeals Tribunal Judges had subjected her to “harassment, intimidation, threat, and exposure to danger ... crucifying her online and remotely, dealing with her as if she [was] a digit that need[ed] to be deleted by pressing a key through UNAT Joke System”. She also alleged that her status as a woman “mean[t] nothing to” the Appeals Tribunal.

5. This Order disposes of both Ms. Nouinou’s motion in Case No. 2019-1279 and her motion in Case No. 2019-1304.

6. In respect of Ms. Nouinou’s request for confidentiality and for leave to correct orthographic errors in her appeal for Case No. 2019-1279, I have decided to instruct the Registrar to include the motion for confidentiality in the case file to be reviewed and decided upon by the Panel that will be seized of the case. I have also decided to grant Ms. Nouinou’s request in order to give her an opportunity to refile a corrected appeal exactly incorporating the corrections to the errors she has identified in her motion. She should do so within five calendar days as from the date of the present Order.

7. Regarding Ms. Nouinou’s motion of 6 August 2019 for Case No. 2019-1304, I find that she has raised serious accusations against the Judges of this Tribunal without providing any evidence in their support. Her statements are derogatory, baseless, and abusive, in clear violation of Articles 4 and 8 of the Code of Conduct for Legal Representatives and Litigants in Person, which require a party to “maintain the highest standards of integrity and ... at all times act honestly, candidly, fairly, courteously, in good faith” and “assist the Tribunals in maintaining the dignity and decorum of proceedings”. This unacceptable conduct on the part of Ms. Nouinou was all the more troubling, especially after she had been warned of the

consequences if she continued to conduct herself abusively. For her abusive behavior, we will award cost against Ms. Nouinou, pursuant to Article 9(2) of our Statute.

**IT IS HEREBY ORDERED:**

- i) That, for Case No. 2019-1279, Ms. Nouinou’s motion for confidentiality shall be included in the case file to be reviewed and decided upon by the Panel that will be seized of the case. Ms. Nouinou shall refile a corrected appeal exactly incorporating the corrections to the errors she has identified in her motion. She shall do so within five calendar days as from the date of the present Order; and
- ii) That, for Case No. 2019-1304, Ms. Nouinou’s motion is denied. She is ordered to pay USD 600 in a cheque in favor of “The United Nations”, within 15 calendar days of the issuance of this Order. The cheque should be mailed to “Registry of the United Nations Appeals Tribunal, DC2-2401, 2 United Nations Plaza, New York, NY 10017”. Ms. Nouinou will be refused access to prosecute any case before the Appeals Tribunal if she fails to timely comply with this Order.

Original and Authoritative Version: English

Dated this 6<sup>th</sup> day of September 2019  
in Juiz de Fora, Brazil.

*(Signed)*  
Judge Martha Halfeld,  
Duty Judge

Entered in the Register on this 6<sup>th</sup> day  
of September 2019 in New York, United States.

*(Signed)*  
Weicheng Lin, Registrar