



UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

Case No. 2020-1434

**Applicant
(Appellant)**

v.

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

Order No. 380 (2020)

1. On 22 June 2020, the United Nations Dispute Tribunal (UNDT or Dispute Tribunal) in New York issued Judgment No. UNDT/2020/094 in the case of *Applicant v. Secretary-General of the United Nations*.

2. In that Judgment, the Applicant contested the decision not to refer another staff member for accountability following her complaint of prohibited conduct. The Dispute Tribunal rescinded and remanded the case to the International Residual Mechanism for Criminal Tribunals (IRMCT), and ordered the Respondent to pay USD 12,500 as moral damages.

3. On 24 August 2020, the Office of Staff Legal Assistance (OSLA), on behalf of the Applicant, filed an appeal of the impugned judgment. The Applicant also filed a motion requesting this Tribunal to waive the 15-page limit for the appeal brief set forth in Article 8(2)(a) of our Rules of Procedure and extend that limit to 25 pages. The Applicant submits that, were she limited to the 15-page limit, she would not have an adequate and meaningful opportunity to brief the application of the Secretary-General's Bulletin ST/SGB/2008/05 as well as addressing the UNDT's numerous factual errors. Further, she submits that an extension of the page limit to 25 pages would serve the interests of justice.

4. On 8 September 2020, the Secretary-General filed his comments and indicated that the Applicant failed to demonstrate any circumstances warranting a waiver of the 15-page limit on appeal brief. He stated that should this Tribunal waive the 15-page limit with respect to the appeal brief, the Respondent requests an equivalent waiver of the page limit for the answer brief.

5. Article 8(2)(a) of the Rules of Procedure of the Appeals Tribunal limits the length of appellate briefs to 15 pages; Article 9(2)(a) sets out the same page limit for answers.

6. I have reviewed the Applicant's submissions, but am not persuaded that the present case is so complicated and exceptional as to justify a departure from the norm. The limits set out in our Rules of Procedure serve the interests of justice and the present case is not of such complexity or magnitude as to justify a waiver. Specifically, the impugned Judgment was partly decided in favour of the Applicant. While the Applicant requested a finding that the evidence rationally justified a referral for disciplinary action, the Dispute Tribunal remanded the case to the IRMCT specifying that it should review, in consultation with the Division of Healthcare Management and Occupational Safety and Health (DHMOSH), whether additional supervisory or other measures were required for the Medical Officer. Additionally, the UNDT partly granted the Applicant's claim for compensation. The UNDT Judgment is only 17 pages long. It is feasible to fully appeal the impugned Judgment within the statutorily prescribed 15 pages.

IT IS HEREBY ORDERED that the Applicant's motion for an increase of page limit is **DENIED**. She is directed to refile her appeal not to exceed the 15 page limit on or before 15 September 2020.

Original and Authoritative Version: English

Dated this 8th day of September 2020
in Hamburg, Germany

(Signed)
Judge Sabine Knierim
President

Entered in the Register on this 10th day of
September 2020 in New York, United States.

(Signed)
Weicheng Lin
Registrar