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

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Case No. 2020-1412

**Leonid Dolgopolov**  
**(Appellant)**

v.

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

**ORDER No. 396 (2021)**

1. On 9 July 2020, the United Nations Dispute Tribunal (UNDT) in New York issued Judgment No. UNDT/2020/113 in the case of *Dolgopolov v. Secretary-General of the United Nations*, dismissing as not receivable *ratione materiae* Mr. Leonid Dolgopolov's applications challenging the decisions not to lift his immunity so that he could sue a Ukrainian official for slander in a domestic court of law, and take legal action against the United States government for imposing restrictions on Russian citizens holding G-4 visas.
2. On 13 July 2020, Mr. Dolgopolov filed an appeal against the UNDT Judgment with the United Nations Appeals Tribunal (Appeals Tribunal). On 14 September 2020, the Secretary-General filed his answer. On 23 September 2020, Mr. Dolgopolov filed a motion for leave to file additional pleadings before the Appeals Tribunal in order to rebut the Respondent's statement point by point. On 5 October 2020, the Secretary-General filed his observations requesting the Appeals Tribunal to reject 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 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”.

4. The matters that Mr. Dolgoplov seeks to address in additional pleadings concern various issues already raised in his appeal brief, concerning, *inter alia*, the administrative nature of the refusal to waive his immunity, the professional purposes for which he claims to have requested the waiver of his immunity, and the alleged impact of that refusal on the terms and conditions of appointment. What he presents as new legal arguments or errors of fact or law in the Respondent’s Answer is merely a reiteration of the content of his appeal brief.

5. The UNAT has consistently held that, where an additional pleading merely consists of supplementary arguments to those already submitted in an appeal or answer, there are no “exceptional circumstances’ which would allow the admission of the additional argument”.<sup>1</sup> In his motion, the Appellant has failed to establish how the putative reply to the Respondent’s Answer that he is seeking to submit would not merely consist of supplementary arguments to his Appeal. Accordingly, the motion for additional pleadings is without merit.

**IT IS HEREBY ORDERED** that Mr. Dolgoplov’s motion seeking leave to file additional pleadings **IS DENIED**.

Original and Authoritative Version: English

Dated this 12<sup>th</sup> day of January 2021  
in Brussels, Belgium.

(Signed)  
Judge Jean-François Neven,  
Presiding

Entered in the Register on this 12<sup>th</sup> day  
of January 2021 in New York, United States.

(Signed)  
Weicheng Lin, Registrar

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<sup>1</sup> UNAT Order No. 173 (2014) (McCloskey), para. 6. See also UNAT Order No. 339 Corr. (2019) (Nouinou), para. 6.