



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

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Case No. 2021-1533

**Ade Mamonyane Beatrice Lekoetje**  
**(Respondent/Applicant)**

v.

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

**Order No. 404 (2021)**

1. On 13 January 2021, the United Nations Dispute Tribunal (Dispute Tribunal) in Nairobi issued Judgment No. UNDT/2021/002 in the case of *Lekoetje v. Secretary-General of the United Nations*. Ms. Ade Mamonyane Beatrice Lekoetje contested the decision of the Administrator of the United Nations Development Programme to separate her from service with compensation *in lieu* of notice for serious misconduct of misappropriation of funds and misuse of resources. The Dispute Tribunal found for Ms. Lekoetje, ordered rescission of the contested decision or payment of in-lieu compensation totalling three years' salary in addition to moral damages in the amount of two years' net base salary.

2. On 8 March 2021, the Secretary-General filed with the United Nations Appeals Tribunal (Appeals Tribunal) a "Motion to extend page limit for appeal" seeking a page increase from 15 to 20 pages. He explains that, given the broad and complex set of facts which span over several years, and the Dispute Tribunal's holding that the evidence was not sufficient to support the disciplinary measure, he will need to discuss issues including the types of misappropriations of funds undertaken by Ms. Lekoetje and the question of a conflict of interest in his appeal brief. But it is not feasible to adequately and meaningfully address the relevant factual and legal issues within the 15-page limit.

3. On 10 March 2021, Ms. Lekoetje filed her response objecting to this belated motion. In her view, the Secretary-General appears to intend to refocus and reargue his case, despite an ample opportunity to do so during both the disciplinary process and the UNDT proceedings, and there is no clearly expressed justification for exceeding the statutory page limit.

4. Article 8(2)(a) of the Rules of Procedure of the Appeals Tribunal (Rules) limits the length of appellate briefs to 15 pages; Article 9(2)(a) sets out the same page limit for answers. Article 14 of the Rules stipulates that “provided that the waiver does not affect the substance of the case before the Appeals Tribunal, the President may waive the requirements of any article of the rules of procedure dealing with written proceedings”.

5. I have reviewed the motion and the response to it and I find that, given the scope of the evidence to be assessed and the challenge to show any error in the UNDT Judgment, which falls with the Secretary-General, the circumstances of the case justify a departure from the norm. While it is correct to say that the appeal is not an opportunity to reargue the case, it is also the last resort for a party to demonstrate any error in the UNDT Judgment. If the case record, as stated by the Secretary-General and not rebutted by Ms. Lekoetje, involves over 1,500 pages and includes more than 80 exhibits in addition to over six hours of oral testimony, a waiver of the page limit provided in Article 8(2)(a) of the Rules will be appropriate.

6. Thus, it will be in the interest of justice and procedural fairness to extend such a waiver to both parties, as requested by the Secretary-General.

**IT IS HEREBY ORDERED** that the Secretary-General’s motion is **GRANTED**, and the parties are permitted to file their respective briefs up to 20 pages.

Original and Authoritative Version: English

Dated this 12<sup>th</sup> day of March 2021  
in Juiz de Fora, Brazil.

*(Signed)*  
Judge Martha Halfeld,  
President

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

*(Signed)*  
Weicheng Lin, Registrar