



UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

Case No. 2022-1746

Yassir Haroun

(Appellant)

v.

Secretary-General of the United Nations

(Respondent)

Order No. 501 (2023)

1. The United Nations Dispute Tribunal (UNDT) in Nairobi issued two orders, Order No. 157 (NBI/2022) on 1 November 2022 and Order No. 158 (NBI/2022) on 4 November 2022 in the case of *Haroun v. Secretary-General of the United Nations*, whereby, first, Mr. Haroun was granted a very short period of time to file amended pleadings after having engaged counsel to act for him and, second, declining an oral hearing on those pleadings (the “interim Orders”).
2. On 5 November 2022, Mr. Yassir Haroun (Appellant) filed an appeal of the interim Orders with the United Nations Appeals Tribunal (UNAT or Appeals Tribunal), which was registered as Case No. 2022-1746. On 15 December 2022, the Secretary-General (Respondent) filed his answer.
3. On 19 December 2022, Mr. Haroun filed a motion for leave to submit additional pleadings stating that there were new developments in UNDT Case No. UNDT/NBI/2022/018, namely, issuance on 17 November 2022 of Judgment No. UNDT/2022/124 (the “Judgment”). In the Judgment, the Dispute Tribunal held that his application was not receivable. Mr. Haroun says that he could not capture submissions on this Judgment in his interlocutory appeal because that appeal was filed prior to the Judgment’s issuance and he argues that there is a need to amend his interlocutory appeal to include submissions on the merits of the Judgment.

4. On 9 January 2023, the Secretary-General filed his comments on the motion and requests the motion be dismissed. The Secretary General submits that Mr. Haroun’s new submissions go directly to the merits of the Judgment and not the interim Orders and therefore, this appeal.

5. Article 31(1) of the Appeals Tribunal’s Rules of Procedure and Section II.A.3 of the Appeals Tribunal’s Practice Direction No. 1 provide that a motion to file an additional pleading may be granted if there are “exceptional circumstances justifying the motion”.

6. Article 2(5) of the Appeals Tribunal’s Statute (the “Statute”) reads: “In exceptional circumstances, and where the Appeals Tribunal determines that the facts are likely to be established with documentary evidence, including written testimony, it may receive such additional evidence if that is in the interest of justice and the efficient and expeditious resolution of the proceedings.”

7. I find there are no exceptional circumstances present in this case to justify receipt of the additional pleadings or submissions.¹ I find it is not in the interests of justice and of efficient and expeditious resolution of proceedings to receive the additional submissions provided by Mr. Haroun’s motion to file additional pleadings.

8. Mr. Haroun seeks to add submissions that go to the merits of the Judgment, which is not the subject of this appeal. Rather, this appeal is an appeal of the interim Orders in which he seeks rescission of the Dispute Tribunal’s Order 157 for an extension of time and Order 158 for an oral Dispute Tribunal hearing. The issue for the appeal therefore is whether the Dispute Tribunal has exceeded its jurisdiction or competence in the issuance of the interim Orders.² It is not an appeal of the Judgment. Mr. Haroun is seeking to incorporate an appeal of the Judgment through his application for additional pleadings, rather than file a separate appeal in the proper course. This is not an exceptional circumstance as contemplated by Article 2(5) of the Statute.

9. For these reasons, the motion is dismissed.

¹ See, e.g., *Leonid Dolgopolov v. Secretary-General of the United Nations*, Order No. 396 (2021), para. 5; *Nouinou v. Secretary-General of the United Nations*, Order No. 339 Corr. (2019), para. 6; *McCloskey v. Secretary-General of the United Nations*, Order No. 173 (2014), para. 6.

² See *Villamorán v. Secretary-General of the United Nations*, Judgment No. 2011-UNAT-160, para. 36 (internal citations omitted).

IT IS HEREBY ORDERED that Mr. Haroun’s “Motion for Additional Pleadings” is **DENIED**.

Original and Authoritative Version: English

Decision dated this 13th day of January 2023
in Vancouver, Canada.

(Signed)
Judge Kanwaldeep Sandhu,
President

Order published and entered in the Register on this
13th day of January 2023 in New York, United States.

(Signed)
Juliet Johnson,
Registrar