



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

Case No. 2023-1770

Abdurrahman Turk

(Appellant)

v.

Secretary-General of the United Nations

(Respondent)

Order No. 516 (2023)

1. The United Nations Dispute Tribunal (UNDT or Dispute Tribunal) issued Judgment No. UNDT/2022/118 (impugned Judgment) on 2 November 2022 in the case of *Turk v. Secretary-General of the United Nations*, dismissing Mr. Abdurrahman Turk's application contesting the decision not to renew his fixed-term appointment with the United Nations Assistance Mission for Iraq (UNAMI) beyond its expiration date.
2. On 9 January 2023, Mr. Abdurrahman Turk filed an appeal of the impugned Judgment with the United Nations Appeals Tribunal (UNAT or Appeals Tribunal), which was registered as Case No. 2023-1770. On 17 April 2023, the Secretary-General filed his answer.
3. On 28 April 2023, Mr. Abdurrahman Turk filed a Motion for additional pleadings. He submits that the Secretary-General's answer is only based on repetitive answers from previous cases. He asks the Appeals Tribunal to order the Secretary-General to produce several documents related to the decision not to renew his fixed-term appointment beyond its expiration date as well as to explain why the Administration of UNAMI did not act in accordance with Administrative Instruction ST/AI/1998/9 (System for the classification of posts) and unlawfully decided not to renew his fixed-term appointment.
4. On 10 May 2023, the Secretary-General filed his comments on the Motion, requesting that the Appeals Tribunal dismiss it. The Secretary-General submits that the Motion should be rejected because it does not meet the legal requirement of exceptional

circumstances justifying the introduction of additional pleadings. The Secretary-General notes that Mr. Abdurrahman Turk merely reargues the legal and factual aspects of the case. The Secretary-General also notes that Mr. Abdurrahman Turk is not seeking permission to file additional pleadings, but that he is rather seeking reinstatement as a staff member.

5. Article 31(1) of the Appeals Tribunal Rules of Procedure and Section II.A.3 of the Appeals Tribunal Practice Direction No. 1 provides 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 Statute (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. In the Motion, Mr. Abdurrahman Turk does not explain if there are exceptional circumstances but rather requests “a copy of the alleged decision of approving the reclassification of P-4 positions [he] was incumbering”. He then makes arguments on his appeal and requests reinstatement.

8. I find the Applicant has not demonstrated "exceptional circumstances". The Appeals Tribunal 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”.¹

9. For these reasons, the Motion is denied.

IT IS HEREBY ORDERED that Mr. Abdurrahman Turk’s Motion for Additional Pleadings is **DENIED**.

¹ *Nastase v. Secretary-General of the United Nations*, UNAT Order No. 506 (2023), para. 7; *McCloskey v. Secretary-General of the United Nations*, UNAT Order No. 173 (2014), para. 6.

Original and Authoritative Version: English

Decision dated this 18th day of May 2023
in Vancouver, Canada.

(Signed)
Judge Kanwaldeep Sandhu,
President

Order published and entered in the Register on
this 18th day of May 2023 in New York, United States.

(Signed)
Juliet Johnson,
Registrar