



UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

Case No. 2023-1792

Hydar Daniel Mlouk Majook

(Appellant)

v.

Secretary-General of the United Nations

(Respondent)

Order No. 529 (2023)

1. On 11 January 2023, the United Nations Dispute Tribunal (UNDT) in Nairobi issued Judgment No. UNDT/2023/002 in the case of *Majook v. the Secretary-General of the United Nations* (the Judgment), dismissing Mr. Majook's application as not receivable *ratione temporis* pursuant to Article 8(4) of the Dispute Tribunal Statute because it was filed more than three years after the receipt of the contested decisions.
2. On 10 March 2023, Mr. Majook filed an appeal of the Judgment with the United Nations Appeals Tribunal (UNAT or Appeals Tribunal), which was registered as Case No. 2023-1792. On 2 June 2023, the Secretary-General filed his answer.
3. On 25 July 2023, Mr. Majook filed a Motion for additional pleadings. He submits that the UNDT erred in relying on Article 8(4) of the Dispute Tribunal Statute for determining his application's receivability as there was no administrative decision taken and this Article only applies when there is an administrative decision that needs to be contested. Referring to Article 24 of the Appeals Tribunal Rules of Procedure (Rules), Mr. Majook requests the Appeals Tribunal to review Judgment No. UNDT/2023/002. He also requests the Appeals Tribunal to intervene in accordance with Article "11-2-3-4" of the Rules.
4. On 4 August 2023, the Secretary-General filed his comments on the Motion, requesting that it be dismissed because it does not meet the legal requirement of exceptional circumstances justifying the introduction of additional pleadings. Instead, the

Secretary-General notes that in his Motion, Mr. Majook merely expresses his dissatisfaction with the outcome of his case and seeks to make supplementary arguments to his appeal. The Secretary-General also submits that Mr. Majook's reference to Article 24 of the Rules and Article "11-2-3-4" of the Dispute Tribunal Statute is misguided. He contends that none of the requirements for an application for revision, set out in Article 11(1) of the Appeals Tribunal Statute (Statute) and Article 24 of the Rules, are met in the present case.

5. Article 31(1) of the Rules and Section II.A.3 of the Appeals Tribunal's 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 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. 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

8. I find that Mr. Majook has failed to identify any exceptional circumstances to support the granting of his application. The additional pleadings are simply new and additional arguments on the appeal. They consist of arguments that should have been made before the Dispute Tribunal and in his appeal to the Appeals Tribunal.

9. For these reasons, the motion is denied.

IT IS HEREBY ORDERED that Mr. Majook's 25 July 2023 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 16th day of August 2023
in Vancouver, Canada.

(Signed)
Judge Kanwaldeep Sandhu,
President

Order published and entered in the Register on this
16th day of August 2023 in New York, United States.

(Signed)
Juliet Johnson,
Registrar