



UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

Case No. 2023-1857

Mubashara Iram

(Applicant)

v.

Secretary-General of the United Nations

(Respondent)

Order No. 537 (2023)

1. On 8 May 2023, the United Nations Appeals Tribunal (Appeals Tribunal or UNAT) issued Judgment No. 2023-UNAT-1340 in the case of *Mubashara Iram v. Secretary-General of the United Nations* (Judgment), dismissing Ms. Iram's appeal and granting the Secretary-General's appeal. The Appeals Tribunal modified the impugned Judgment No. UNDT/2022/039 so that her application contesting a disciplinary measure for harassment was dismissed in its entirety, and the case was referred to the Secretary-General for possible action to enforce accountability.

2. On 9 October 2023, Ms. Iram filed a motion seeking an increase of the page limit for her application brief for revision of the Judgment. Section III (Grounds for application) of her application for revision annexed to the motion is 13 pages. She submits that presenting her case in detail is critically important due to additional facts and evidence involved.

3. First, Ms. Iram notes that the amount of additional evidence and facts is substantial and requires explanation of and reference to previous pleadings before the Appeals Tribunal. Secondly, she argues that increasing the page limit is justified by the fact that her arguments are related to no less than seven allegations raised against her. Thirdly, she states that the additional evidence now enables her to plead her case. Lastly, she submits that it should be taken into consideration that she has also detailed, in subsection C of the application, the basis for contending that the facts should be considered decisive warranting a revision of the Judgment.

4. On 19 October 2023, the Secretary-General filed his response requesting the Appeals Tribunal to dismiss the motion. The Secretary-General states that Ms. Iram has failed to demonstrate any circumstances warranting a waiver of the five-page limit for applications for revision of judgment in accordance with the UNAT Rules of Procedure (Rules). The Secretary-General notes that such motions have been granted by the UNAT only in a few cases involving lengthy UNDT Judgments under appeal, concerning complex issues and impacting claims of multiple staff members or copious amounts of evidence.¹ The Secretary-General submits that Ms. Iram appears to complain about the adjudication of her appeal.

5. Further to Article 11(2) of the UNAT Statute, a party may apply to the Appeals Tribunal for a revision of a judgment on the basis of the discovery of a decisive fact which was, at the time the judgment was rendered, unknown to the Appeals Tribunal and to the party applying for revision, always provided that such ignorance was not due to negligence.

6. Pursuant to paragraph 6 of the UNAT Practice Direction No. 1, “[p]arties must comply with the page limits, if any, prescribed by the standard forms issued by the Appeals Tribunal”. The standard form for applications for revision provides that Section III (Grounds for application) must not exceed five pages. The standard form for comments on an application for revision sets out the same page limit for a brief attached to the form. Under Article 14 of the Rules, the President of the Appeals Tribunal may waive the requirements of any article of the Rules dealing with written proceedings if the waiver does not affect the substance of the case before the it.

7. A review of Ms. Iram’s application seems to suggest that she is attempting to relitigate her arguments on the merits of the appeal rather than on the strict grounds of revision as set out in Article 11(2) of the Statute. This is not the purpose of the application for revision.

8. However, in the interest of justice and procedural fairness, we grant a limited increase to the page limit for the application from five pages to 10 pages. This will apply to both parties.

¹ The Secretary-General refers to UNAT Order No. 126 (2013) (*Tadonki*), UNAT Order No. 309 (2018) (*Lloret Alcaniz et al.*) and UNAT Order No. 404 (2021) (*Ade Mamonyane Beatrice Lekoetje*).

IT IS HEREBY ORDERED that Ms. Iram’s 9 October 2023 motion to increase the page limit of the application brief is **GRANTED** and the relevant page limits for the briefs are increased to ten pages for both parties.

Original and Authoritative Version: English

Decision dated this 23rd day of October in
New York, United States

(Signed)
Judge Kanwaldeep Sandhu,
President

Order entered and published in the Register on this
23rd day of October 2023 in New York, United States.

(Signed)
Juliet E. Johnson,
Registrar