



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. 540 (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 Ms. Iram's 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 the application for revision annexed to the motion consisted of 13 pages. She submitted that presenting her case in detail was critically important due to additional facts and evidence involved.

3. On 23 October 2023, the Appeals Tribunal issued Order No. 537 (2023), granting Ms. Iram's 9 October 2023 motion and increasing the relevant page limits for the briefs to ten pages for both parties. The Appeals Tribunal noted that a review of Ms. Iram's application seemed to suggest that she was 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 and that this was not the purpose of the application for revision. However, in the interest of justice and procedural fairness, the Appeals Tribunal granted a limited increase to the page limit.

4. On 24 October 2023, Ms. Iram filed a “Motion for Justification on Scope of Application for Revision of Judgment”. She submits that she would like to explain the justification for “the scope” of her application as there seems to be “some misunderstanding” about its “contents”. She discusses eight grounds for revision.

5. On 13 November 2023, the Secretary-General filed a response requesting the Appeals Tribunal to reject the motion, strike Ms. Iram’s submissions from the record and take appropriate measures against her abuse of process. The Secretary-General argues that the motion seeks no relief and constitutes an impermissible attempt to make additional arguments before the UNAT in an attempt to introduce additional pleadings and relitigate a final UNAT Judgment. The Secretary-General notes that Ms. Iram makes no effort to demonstrate any exceptional circumstances capable of justifying the submission of those pleadings but instead utilizes the opportunity to impermissibly exceed the increased page limit for the application.

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 UNAT Rules of Procedure (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. Article 31(1) of the Rules 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”.

8. Article 2(5) of the Appeals Tribunal’s 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.”

9. Article 18*bis*(1) of the Rules states that the “President may, at any time, either on a motion of a party or on his or her own volition, issue any order which appears to be appropriate for the fair and expeditious management of the case and to do justice to the parties”.

10. 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

11. Ms. Iram’s motion is an attempt to relitigate the previous motion to waive the page limits, which resulted in Order No. 537 (2023). This Order allowed Ms. Iram to submit a 10-page application for revision. She did not submit the application but instead improperly submitted this “Motion for Justification on Scope of Application for Revision of Judgment” which, in turn, reargues Order No. 537 (2023) but also provides submissions in support of an application for revision and does not identify or seek any relief or order from the Appeals Tribunal.

12. The motion is not valid and is denied. The submissions contained in this motion will not be considered further.

13. Ms. Iram is directed to file the appropriate application for revision pursuant to Article 11 of the Appeals Tribunal Statute and Order No. 537 (2023).

14. We note, for the avoidance of doubt, that Ms. Iram’s application submitted on 9 October 2023 does not conform to the formal requirements pursuant to Order No. 537 (2023) and that she has 10 days, i.e. until **November 27, 2023**, to make the correction by submitting the appropriate application for revision in conformity with the page limit set in the Order.

15. The Secretary-General seeks an award of costs against Ms. Iram for manifestly abusing the appeal process.

16. This request is denied as being premature. If Ms. Iram continues to file similar motions, the argument for manifestly abusing the appeal process may be justifiable.

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.

IT IS HEREBY ORDERED that Ms. Iram's 24 October 2023 motion is **DENIED**.

Original and Authoritative Version: English

Decision dated this 15th day of November 2023
in Vancouver, Canada

(Signed)
Judge Kanwaldeep Sandhu,
President

Order entered and published in the Register on this
15th day of November 2023 in New York, United
States.

(Signed)
Juliet E. Johnson,
Registrar