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

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Case No. 2024-1909



**Hakam Mohammad Shahwan**

**(Appellant)**

**v.**

**Commissioner-General**

**of the United Nations Relief and Works Agency for**

**Palestine Refugees in the Near East**

**(Respondent)**

**ORDER No. 566 (2024)**

1. On 27 December 2023, the Dispute Tribunal of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA DT and UNRWA or Agency, respectively) issued Judgment No. UNRWA/DT/2023/050 in the case of *Shahwan v. Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East* (impugned Judgment).
2. In the impugned Judgment, the UNRWA DT dismissed Mr. Shahwan's application in which he had requested partial execution of an earlier Judgment in his case, Judgment No. UNRWA/DT/2023/018 (underlying Judgment) on grounds that it was on appeal to the United Nations Appeals Tribunal (UNAT).
3. On 21 March 2024, Mr. Hakam Mohammad Shahwan filed an appeal of the impugned Judgment with the Appeals Tribunal.
4. The following day, on 22 March 2024, the outcome of Mr. Shahwan's appeal of the underlying Judgment was pronounced orally by the Appeals Tribunal. The Registry transmitted the written Judgment No. 2024-UNAT-1429 (UNAT Judgment) to the parties on 2 May 2024.

5. On 24 May 2024, the Commissioner-General filed his answer to the appeal of the impugned Judgment. Due to the timing of the publication of the UNAT Judgment, the Commissioner-General included discussion and arguments related to the UNAT Judgment in his answer.

6. On 5 June 2024, Mr. Shahwan filed a motion for additional pleadings, requesting an opportunity to respond to matters presented for the first time in the Commissioner-General's answer.

7. On 18 June 2024, the Commissioner-General filed his comments, arguing that Mr. Shahwan had not provided compelling reasons to justify additional pleadings.

8. Article 2(5) of the Appeals Tribunal's 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. Under Section II.A.3 of UNAT Practice Direction No. 1, an appellant may make "[a] motion requesting the permission of the Appeals Tribunal to file a pleading after the answer to the appeal" and the Appeals Tribunal may grant such a motion "if there are exceptional circumstances justifying the motion".

10. We have held in the past that additional pleadings may be justified when the respondent raises issues in the answer to which the appellant was unable to respond.<sup>1</sup>

11. We have also permitted additional pleadings when a party seeks to address a UNAT Judgment of relevance to the party's case, which was issued after the party had submitted their appeal.<sup>2</sup>

12. Given that Mr. Shahwan filed his appeal before the UNAT Judgment was issued, whereas the Commissioner-General had an opportunity to address the UNAT Judgment before submitting his answer, I find that it is in the interest of procedural fairness to allow

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<sup>1</sup> *Webster v. Secretary-General of the International Seabed Authority*, Order No. 368 (2020), para. 10.

<sup>2</sup> *Flamur Kazazi v. Secretary-General of the United Nations*, Order No. 533 (2023), para. 10.

Mr. Shahwan to submit additional pleadings not to exceed five (5) pages, 20 days from the issuance of this Order.

13. The Commissioner-General may respond to the additional pleading of Mr. Shahwan in a submission of no more than five (5) pages. Such response must be filed within 20 days of receipt of Mr. Shahwan's additional pleading.

**IT IS HEREBY ORDERED** that Mr. Shahwan's Motion for Additional Pleadings is **GRANTED**.

Original and Authoritative Version: English

Decision dated this 28<sup>th</sup> day of June 2024  
in New York, United States.

*(Signed)*  
Judge Gao Xiaoli,  
President

Order published and entered in the Register on this  
28<sup>th</sup> day of June 2024 in New York, United States.

*(Signed)*  
Juliet E. Johnson,  
Registrar