



UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

Case No. 2024-1905

Milunka Tadic

(Appellant)

v.

Secretary-General of the United Nations

(Respondent)

ORDER No. 594 (2025)

1. On 28 December 2023, the United Nations Dispute Tribunal (UNDT or Dispute Tribunal) issued Judgment No. UNDT/2023/144 in the case of *Tadic v. Secretary-General of the United Nations* (impugned Judgment). The UNDT dismissed Ms. Tadic's challenge of the decision not to renew her fixed-term appointment with the United Nations Office for Project Services (UNOPS) due to the abolition of her post, finding that it had no merit.
2. On 22 March 2024, Ms. Tadic filed an appeal against the impugned Judgment with the United Nations Appeals Tribunal (UNAT or Appeals Tribunal), and on 24 May 2024, the Secretary-General filed an answer. The case is on the Appeals Tribunal's docket for the 2025 Spring Session scheduled to start on 10 March 2025 in Nairobi, Kenya.
3. On 5 February 2025,¹ Ms. Tadic filed a Motion for Additional Pleadings (Motion), and the Secretary-General filed his Response on 3 March 2025.
4. Ms. Tadic's Motion is two-fold. First, Ms. Tadic contends that she discovered that her appeal contains an arithmetic error which was repeated in the Secretary-General's answer. By virtue of her motion, she seeks to correct such error in her appeal and the Secretary-General's answer. Second, Ms. Tadic seeks to make additional arguments based on an exchange of e-mails between herself and the Head of the Sustainable Development Cluster (SDC), a unit that underwent the reorganization that resulted in the abolition of Ms. Tadic's post. This

¹ Ms. Tadic originally filed her Motion on 5 February 2025. She subsequently refiled her Motion on 20 February 2025 pursuant to the UNAT Registry's instruction to conform with the filing requirements.

exchange, she contends, reveals the view of the Head, SDC, on irregularities surrounding the restructuring and post abolishment as well as the incorrect selection of panel members for the selection of the interrelated IICA post which additionally showcases flaws in the process.

5. The Secretary-General does not object to Ms. Tadic's request for correction of the arithmetic error. Regarding her request for additional pleadings, he submits that Ms. Tadic is, in fact, seeking not only to submit additional pleadings, but also to adduce additional evidence. In this regard, he submits that Ms. Tadic has failed to provide any information that suggests that she had been unable to submit the information contained in the exchange of correspondence before the UNDT, where the contents of the correspondence could have been challenged and contrary evidence could have been submitted by the Secretary-General, to repudiate her arguments. In addition, Ms. Tadic has failed to demonstrate exceptional circumstances. The Secretary-General concludes that the Motion thus does not satisfy the requirements of Article 2(5) of the UNAT Statute and should be dismissed. Should the UNAT allow Ms. Tadic to enter the new evidence and to submit additional pleadings referring to this new evidence, the Secretary-General asks that he be provided with an opportunity to file contrary evidence into the record and respond to such additional pleadings on their merit.

6. In respect of the first request to correct the arithmetic error, Article 18*bis*(1) of the UNAT Rules of Procedure provides: "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." Pursuant to Article 18*bis*(4), "[t]he President may designate a judge or a panel of judges to issue any order within the purview of the present article".

7. Since the Secretary-General does not object to the correction of the arithmetic error in the submitted pleadings, I grant Ms. Tadic's request for such correction, that shall be taken into consideration when deliberating the appeal.

8. In respect of the second request, the Appeals Tribunal may admit additional evidence, in terms of Article 2(5) of the UNAT Statute and Article 10(1) of the Appeals Tribunal Rules of Procedure, where an applicant shows: i) exceptional circumstances; ii) that it will be in the interest of justice and the efficient and expeditious resolution of the proceedings to receive the additional evidence; and, iii) the evidence was not known to either party and should have been presented at the UNDT level.

9. In matters of additional pleadings, 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. In the present case, Ms. Tadic has not demonstrated that she could not have requested and submitted before the UNDT the evidence she is seeking to proffer now, which is tantamount to a witness statement. As a consequence, her (implied) request to proffer additional evidence on appeal must be dismissed. It follows, that Ms. Tadic’s Motion seeking leave to file additional pleadings also falls to be dismissed.

IT IS HEREBY ORDERED that Ms. Tadic’s request to correct the arithmetic error in the appeal and answer is **GRANTED** and Ms. Tadic’s request to submit additional evidence and pleadings is **DENIED**.

Original and Authoritative Version: English

Decision dated this 6th day of March 2025
in Beni Suef, Egypt.

(Signed)
Judge Abdelmohsen Sheha,
Presiding Judge

Order published and entered in the Register on this
6th day of March 2025 in New York, United States.

(Signed)
Juliet E. Johnson,
Registrar