



UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

Case No. 2025-2013

Martin Akerman

(Appellant)

v.

Secretary-General of the United Nations

(Respondent)

Order No. 603 (2025)

1. On 21 March 2025, the United Nations Dispute Tribunal (UNDT or Dispute Tribunal) issued Judgment on Receivability No. UNDT/2025/013 (impugned Judgment) in the case of *Akerman v. Secretary-General of the United Nations*, in which it dismissed the application of Mr. Martin Akerman, a former staff member of the United Nations Population Fund (UNFPA), as not receivable *ratione temporis*. Mr. Akerman had filed an application in which he sought to reopen a prior UNDT case which was closed by the Dispute Tribunal on 20 March 2018.

2. On 4 April 2025, Mr. Martin Akerman filed an appeal¹ of the impugned Judgment with the United Nations Appeals Tribunal (UNAT or Appeals Tribunal), which was registered as Case No. 2025-2013. On 11 June 2025, the Secretary-General filed his answer.

3. On 25 June 2025, Mr. Akerman filed a Motion for Additional Pleadings (the Motion), requesting permission to file a reply to the Secretary-General's answer. Mr. Akerman asserts that the answer: i) introduces legally erroneous arguments regarding the applicable regulatory framework and oversimplified a complex case of continuing whistleblower retaliation; and (2) mischaracterizes the parties' dispute as a simple, time-barred action to enforce a Settlement Agreement, ignoring that a breach of the

¹ The appeal was refiled on 11 April 2025 on instruction from UNAT Registry, to conform with filing requirements.

Agreement is a continuum of retaliation for protected whistleblowing activity. Mr. Akerman further argues that a reply is necessary for him to fully brief the Appeals Tribunal on essential legal doctrines such as the continuing violation doctrine and the discovery rule.

4. On 7 July 2025, the Secretary-General filed his Response to the Motion. He contended that Mr. Akerman failed to demonstrate any “exceptional circumstance” justifying the filing of a reply to the answer. The Secretary-General submits that UNAT jurisprudence has established that mere disagreement with statements in an answer is not sufficient justification for the filing of a reply. He further points out that Mr. Akerman seeks to file an additional eight annexes, including five UNAT judgments, contrary to Appeals Tribunal Practice Direction No. 1, paragraph 12.

5. There is no provision in the Appeals Tribunal Statute for the submission of additional pleadings in response to an answer.

6. Section II.A.3 of the Appeals Tribunal’s Practice Direction No. 1, which is promulgated pursuant to Article 31 of the Appeals Tribunal Rules of Procedure, provides that the Appeals Tribunal may allow leave to file additional pleadings after the submission of the answer if there are exceptional circumstances for doing so.

7. It is well-settled that “there are no exceptional circumstances where an additional pleading would merely intend to express disagreement with the statements made by the party in its answer or reiterate the arguments already contained in the appeal”.²

8. In the present case, Mr. Akerman seeks to repeat and expand upon arguments that he made in his appeal, such as whether he should have sought intervention by the Ombudsman to resolve certain issues,³ and that the alleged breach of the parties’ Settlement Agreement was a continuous pattern of retaliation for protected

² *Mohamed v. Secretary-General of the United Nations*, Judgment No. 2020-UNAT-985, para. 18 (internal citation omitted); *Utkina v. Secretary-General of the United Nations*, Judgment No. 2015-UNAT-524, para. 16.

³ *Compare* Appeal, pt. II, para. 3 *with* Motion, para. 3.

whistleblowing activity.⁴ Moreover, several of the UNAT Judgments that Mr. Akerman has annexed to his proposed reply were already cited in his appeal.⁵

9. The Appeals Tribunal further notes that it is fully capable of considering the applicability of the legal doctrines of continuing violation and the discovery rule without further assistance from the parties.

10. Mr. Akerman's wish to reiterate or supplement his appeal arguments is not an exceptional reason to permit the filing of a reply. Accordingly, the Motion is denied.

IT IS HEREBY ORDERED that Mr. Akerman's Motion is **DENIED**.

Original and Authoritative Version: English

Decision dated this 17th day of July 2025
in Cape Town, South Africa.

(Signed)
Judge Katherine Mary Savage,
Presiding

Order published and entered in the Register on this
17th day of July 2025 in New York, United States.

(Signed)
Juliet E. Johnson,
Registrar

⁴ Compare Appeal, pt. II, para. 1 with Motion, para. 4.

⁵ See, e.g., *Moise Alain Nkoyock (Fils) v. Secretary-General of the United Nations*, Judgment No. 2023-UNAT-1401, *Delaunay v. Registrar of the International Court of Justice*, Judgment No. 2019-UNAT-939.