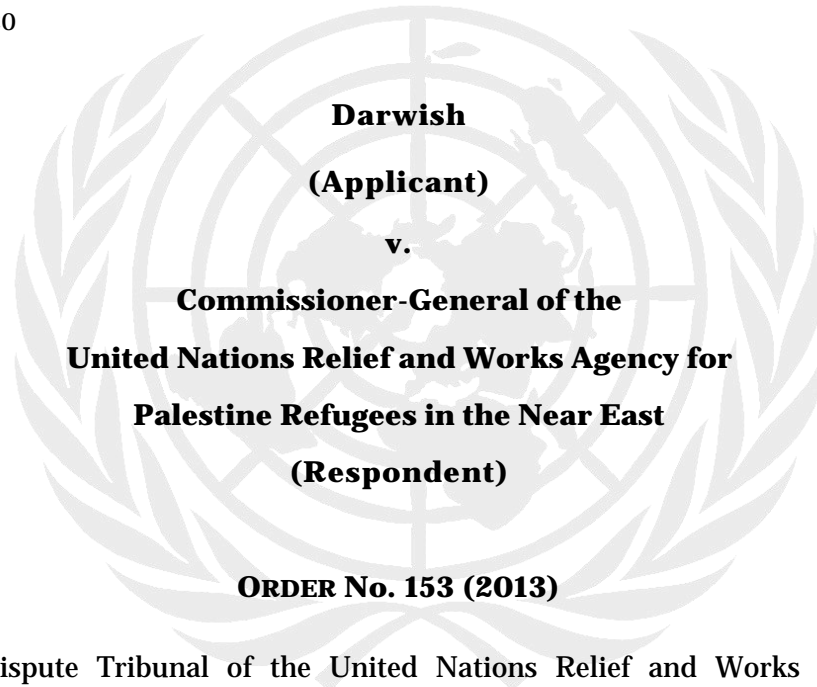




UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

Case No. 2012-420



**Darwish
(Applicant)**

v.

**Commissioner-General of the
United Nations Relief and Works Agency for
Palestine Refugees in the Near East
(Respondent)**

ORDER No. 153 (2013)

1. The Dispute Tribunal of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA DT and UNRWA, respectively) issued Judgment No. UNRWA/DT/2012/029 in the case of *Darwish v. Commissioner-General of UNRWA* on 28 June 2012. Mr. Awad Flaieh Darwish appealed this Judgment to the United Nations Appeals Tribunal (Appeals Tribunal) on 6 December 2012 and the Commissioner-General of UNRWA filed his answer on 19 April 2013.
2. On 18 July 2013, Mr. Darwish submitted a motion seeking leave to file additional pleadings. Mr. Darwish claims that he “inadvertently omitted from the [a]ppeal” “paragraphs and important information” and that after receiving the Commissioner-General’s answer, he discovered “substantive facts” which he needs to address.
3. The Commissioner-General filed his answer to the motion on 15 August 2013. He opposes the motion on the ground that Mr. Darwish has not established exceptional circumstances justifying the filing of additional pleadings.
4. Articles 8 and 9 of the Rules of Procedure of the Appeals Tribunal (Rules) provide for an appellant to submit an appeal form, accompanied by a brief, and for a respondent to submit an answer form accompanied by a brief. There is no provision under the Rules for the parties to submit additional pleadings or to otherwise comment, the underlying

rationale being that submissions could otherwise continue endlessly. The Appeals Tribunal has consistently ruled that the filing of additional pleadings will only be granted in “exceptional circumstances”.¹

5. Mr. Darwish makes merely vague reference to “important information” and “substantive facts” he seeks to submit or address. He neither specifies the information or facts nor does he attempt to demonstrate their relevance to the resolution of his appeal. I therefore find not exceptional circumstances justifying the need for an additional pleading.

6. For the foregoing reasons, Mr. Darwish’s motion is rejected.

Original and Authoritative Version: English

Dated 23rd day of August 2013 in
London, United Kingdom.

(Signed)
Judge Richard Lussick
Duty Judge

Entered in the Register on this 23rd day of
August 2013 in New York, United States.

(Signed)
Weicheng Lin, Registrar

¹ See e.g. *Sethia v. Secretary-General of the United Nations*, Judgment No. 2010-UNAT-079; *Dzuverovic v. Secretary-General of the United Nations*, Order No. 122 (2013).