

566 (2024), Hakam Mohammad Shahwan

UNAT Held or UNDT Pronouncements

The UNAT noted that the staff member had filed his appeal of the UNRWA DT Judgment on his application for execution before the UNAT Judgment in the underlying case was issued and the Commissioner-General had an opportunity to address the UNAT Judgment before submitting the answer to the present appeal. The UNAT found that given these circumstances, it was in the interest of procedural fairness to allow the staff member to submit additional pleadings 20 days from the issuance of the Order and not exceeding five pages. The UNAT granted the motion for additional pleadings.

Decision Contested or Judgment/Order Appealed

The UNRWA DT issued Judgment No. UNRWA/DT/2023/050 in which it dismissed the former staff member's application in which he had requested partial execution of Judgment No. UNRWA/DT/2023/018 on grounds that it was on appeal to the UNAT. The staff member appealed. The staff member filed a motion for additional pleadings, requesting an opportunity to respond to matters presented for the first time in the Commissioner-General's answer.

Legal Principle(s)

Additional pleadings may be justified when the respondent raises issues in the answer to which the appellant was unable to respond. The UNAT has 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.

Outcome

Other motion granted

Full order

[Full order](#)

Individual Party

Hakam Mohammad Shahwan

Entity

UNRWA

Case Number(s)

2024-1909

Tribunal

UNAT

Registry

New York

Date of Order

28 Jun 2024

President Judge

Judge Gao

Language of Order

English

Appeal Status

Appealed

Issuance Type

Order

Categories/Subcategories

Additional pleadings

Applicable Law

UNAT Practice Direction No.1

UNAT Statute

- Article 2.5