



TRIBUNAL D'APPEL DES NATIONS UNIES

Ade Mamonyane Beatrice Lekoetje
(Respondent/Applicant)

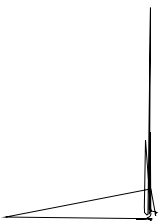
v.

Secretary-General of the United Nations
(Appellant/Respondent)

Order No. 404 (2021)

Lekoetje v. Secretary-General
of the United Nations

in lieu



3. On 10 March 2021, Ms. Lekoetjefiled her responseobjecting tothis belated motion. In her view, the Secretary General appears to intend to refocus and reargue his case, despite an ample opportunity to closing both the disciplinary procesand the UNDT proceedings, and there is no clearly expressed justification for exceeding the statutory page limit.

4. Article 8(2)(a) of the Rules of Procedure of the Appeals Tribunal (Roites)the length of appellate brief to 15 pages; Article 9(2)(a) sets out the sameimpairfor answer. Article 14 of the Rules stipulates that provided that the waiver does not affect the substance of the case before the Appeals Tribunal, the President may waive the requirements of any article of the rules of procedure dealing with written proceedings .

5. I have reviewed the motion and the response to it and I find that, given the scope of the evidence to be assessed and the challenge to show any error in the UNDT, which falls with the Secretary General, the circumstances of the case justify a departure from the norm. While it is correct to say that the appeal is not an opportunity to reargue the case, it is also the last resort for a party to demonstrate any error in the UNDT Judgment. If the case record, as stated by the Secretary General and not rebutted by Ms. Lekoetje, involves over 1,500 pages and includes more than 80 exhibits in addition to over six hours of oral testimony, a waiver of the page limit provided in Article 8(2)(a) of the Rules will be appropriate.

6. Thus, it will be in the interest of justice and procedural fairness to extend such a waiver to both parties, as requested by the Secretary General.

IT IS HEREBY ORDERED that the Secretary General smotion is **GRANTED**, and the parties are permitted to file their respective briefs up to 20 pages

Original and Authoritative Version: English

Dated this 12th day of March 2021
in Juiz de Fora, Brazil

(Signed)
Judge Martha Halfeld
President

Entered in the Register on the 12th day of
March 2021 in New York, United States.

(Signed)
Weicheng Lin Registrar