



UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

Case No. 2013-541

**Skourikhine
(Applicant)**

v.

**Secretary-General of the United Nations
(Respondent)**

ORDER No. 174 (2014)

1. On 4 November 2013, the Secretary-General of the United Nations filed an appeal against Judgment No. UNDT/2013/113 rendered by the United Nations Dispute Tribunal in Geneva on 4 September 2013 in the case of *Skourikhine v. Secretary-General of the United Nations*. On 6 January 2014, Mr. Alexandre Skourikhine filed an answer and a cross-appeal.

2. On 6 January 2014, Mr. Skourikhine also filed a “Motion For Leave To Present Additional Evidence” (Motion) seeking leave to submit six annexes, pursuant to Article 10(1) of the Appeals Tribunal’s Rules of Procedure. One of the annexes was his Application to the UNDT, which is already on record. The other five annexes were dated between 12 November 2013 and 2 December 2013, that is, after the UNDT had rendered its Judgment now under appeal. In support of his Motion, Mr. Skourikhine states that the proffered evidence shows that, after he had filed an appeal against the UNDT Judgment, his Hiring Manager subjected him to public humiliation, verbal abuse and intimidation and it supports his claim of moral injury.

3. On 20 January 2014, the Secretary-General filed observations opposing Mr. Skourikhine’s motion on the ground that these annexes are not relevant to assessing the findings and conclusions made by the Dispute Tribunal.

4. Article 2(5) of the Statute of the Appeals Tribunal (Statute), provides for the admission of new documentary evidence “[i]n exceptional circumstances, and where the

Appeals Tribunal determines that the facts are likely to be established with documentary evidence, including written testimony” and if it is “in the interest of justice and the efficient and expeditious resolution of the proceedings”.

5. Having reviewed the documents sought to be admitted, I find that they are not relevant to the specific UNDT decisions which are under appeal. On the contrary, such documents amount to self-serving evidence in the form of new claims which Mr. Skourikhine seeks to put before this Tribunal without following the proper procedure.

6. I find that the Motion fails to meet any of the requirements of Article 2(5) of the Statute.

ACCORDINGLY, IT IS HEREBY ORDERED THAT

Mr. Skourikhine’s Motion is denied.

Original and Authoritative Version: English

Dated this 24th day of February 2014 in
London, United Kingdom

(Signed)
Richard Lussick,
Duty Judge

Entered in the Register on this 25th day of
February 2014 in New York, United States.

(Signed)
Weicheng Lin, Registrar