



UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

Case No. 2022-1721

Enrico Muratore Apro시오

(Appellant)

v.

Secretary-General of the United Nations

(Respondent)

ORDER No. 477 (2022)

1. On 1 July 2022, the United Nations Dispute Tribunal (Dispute Tribunal or UNDT) in Geneva issued Judgment No. UNDT/2022/065 in the case of *Muratore against the Secretary-General of the United Nations* (the Judgment). In the Judgment, the UNDT rejected his application contesting the decision not to renew his fixed-term contract due to the abolition of his post with the Water Supply and Sanitation Collaborative Council (WSSCC), a now-closed hosted entity of the United Nations Office for Project Services (UNOPS). The UNDT found that Mr. Muratore had failed to demonstrate that the non-renewal decision was flawed by procedural irregularities or tainted by improper motives, and therefore it found no basis for the remedies pleaded for in the application.
2. On 18 August 2022, Mr. Muratore (Appellant) filed an appeal against the Judgment with the United Nations Appeals Tribunal (Appeals Tribunal).
3. On 15 September 2022, Mr. Muratore filed a motion for leave to have additional pleadings admitted before the Appeals Tribunal. He seeks to submit to the Appeals Tribunal “key excerpts” of an article by a Dutch daily newspaper NRC (as translated by him) informing the public about the way Dutch funding had been mismanaged and wasted by managers the UNOPS, WSSCC, the same people who formed the current leadership of its successor, the Sanitation and Hygiene Fund (SHF), along with “additional (online) research”. He says that he could not provide this with his appeal because he could not be aware of it as the article was published on 2 September 2022.

According to him, this article indicates corruption among these managers whose alleged behaviors undermine the United Nations' reputation.

4. On 23 September 2022, the Secretary-General filed his observations requesting the Appeals Tribunal to reject the motion. He submits that Mr. Muratore has not met the test required for filing of additional pleadings and the additional pleadings are a mere repetition of his prior submissions. In addition, such pleadings are irrelevant to the lawfulness of the non-renewal decision, as Mr. Muratore conflates issues before the Tribunals regarding the lawfulness of that decision with alleged corruption and/or procedural irregularities within WSSCC or UNOPS.

5. Article 31(1) of the Appeals Tribunal's Rules and Section II.A.3 of the Appeals Tribunal's Practice Direction No. 1 provide that a motion to file an additional pleading may be granted if there are "exceptional circumstances justifying the motion."

6. Article 2(5) of the Appeals Tribunal's Statute reads: "In exceptional circumstances, and where the Appeals Tribunal determines that the facts are likely to be established with documentary evidence, including written testimony, it may receive such additional evidence if that is in the interest of justice and the efficient and expeditious resolution of the proceedings.

7. Mr. Muratore has failed to demonstrate that that the "excerpts" from this article along with his "additional...research" are warranted by exceptional circumstances as required by the UNAT Statute. He has also failed to demonstrate that this additional evidence would likely establish facts in the instant case, and that is in the interest of justice and the efficient and expeditious resolution of the proceedings. The article as translated seems to be about alleged mismanagement of Dutch funds and procedural irregularities of the selection and background of the board within UNOPS. There is no indication that these allegations are relevant to the issue in the Judgment and this appeal, namely the lawfulness of the non-renewal of Mr. Muratore's fixed term appointment. Finally, the evidence Mr. Muratore seeks to submit is not reliable as it consists of only excerpts from media article(s) which are inherently hearsay and translated by Mr. Muratore himself.

8. For these reasons, the motion is denied.

IT IS HEREBY ORDERED that Mr. Muratore’s motion seeking leave to file additional pleadings **IS DENIED**.

Original and Authoritative Version: English

Decision dated this 3rd day of October 2022
in Vancouver, Canada.

(Signed)
Judge Kanwaldeep Sandhu,
Duty Judge

Order published and entered in the Register on this
3rd day of October 2022 in New York, United States.

(Signed)
Juliet Johnson,
Registrar