



**Before:** Judge Teresa Bravo

**Registry:** Geneva

**Registrar:** René M. Vargas M.

PIAZZI

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**ORDER  
ON CASE MANAGEMENT**

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**Counsel for Applicant:**

Ana Giulia Stella, OSLA

**Counsel for Respondent:**

Bettina Gerber, LPAS, UNOG

## **Introduction**

1. On 14 June 2021, the Applicant, a former staff member of the United Nations Office for the Coordination of Humanitarian Affairs, filed an application with the Tribunal contesting the decision to separate him unilaterally due to retirement.
2. In his application, the Applicant requested permission to exceed the page-limit referred to in the Tribunal's Practice Direction No. 4.
3. On 15 June 2021, the application was transmitted to the Respondent who was instructed to file his reply by 15 July 2021.
4. On 30 June 2021, the Respondent filed a motion for extension of time to file his reply until 23 July 2021.
5. By Order No. 123 (GVA/2021) of 1 July 2021, the Tribunal granted the Respondent's motion.
6. On 23 July 2021, the Respondent filed his reply. Similarly, he requested permission to exceed the page-limit in his reply.
7. On 4 October 2021, the Applicant filed a motion requesting permission to adduce additional documents in support of his application and respond to certain portions of the reply. At the same time, he submitted his rejoinder responding to the reply.

## **Consideration**

### *Requests to exceed page-limit*

8. The Applicant requested permission to exceed the page-limit in his application on grounds of the factual complexity of the case.
9. The Respondent did not object to the Applicant's request to exceed the page-limit but similarly requested permission to also exceed it in his reply on grounds of the factual complexity of the case and the Applicant's misrepresentation of facts.

10. The Tribunal notes that under paras. 6 and 19 of its Practice Direction No. 4, both the application and the reply should not exceed 10 pages, in font Times New Roman, font size 12, line spacing of 1.5 lines. Nevertheless, para. 2 of Practice Direction No. 4 makes it clear that this Practice Direction is “subject to any direction given by a Judge in a particular case”.

11. Noting that both the application and the reply are 17 pages long and considering the circumstances of the case invoked by both parties, the Tribunal finds that it would not be in the interest of justice to be overly formalistic in this matter. Consequently, pursuant to art. 19 of its Rules of Procedure, the Tribunal will grant both parties’ requests.

*Applicant’s motion to adduce additional evidence*

12. The Applicant requested leave to introduce the following additional documents:

- a. A letter by the Parliamentary Assembly for the Mediterranean, dated 22 September 2021;
- b. A screenshot showing suspension of trains, dated 8 December 2020;
- c. A copy of an agreement to sell, dated 30 April 2021; and
- d. A copy of an offer from buyer dated April 2021.

13. In support of his request, the Applicant argues that the above-mentioned evidence can be relied upon to substantiate his comments on the new elements raised by the Respondent in his reply.

14. In this respect, the Tribunal recalls that pursuant to art. 18.1 of its Rules of Procedure, it shall determine the admissibility of any evidence and, under art. 18.5, it may exclude evidence it considers irrelevant, frivolous or lacking probative value.

15. Having reviewed the documents that the Applicant seeks to include in the record, the Tribunal finds that there are no grounds to exclude them and will admit them into the case record. However, the Tribunal will decide during its deliberation what weight to attach to each document.

16. Accordingly, the Tribunal finds it appropriate to grant the Applicant's motion to adduce additional evidence.

*Applicant's rejoinder*

17. In support of his request for leave to respond to certain portions of the reply, the Applicant submits that it is in the interest of justice to allow him to comment on the new elements raised by the Respondent. Specifically, he argues that the Respondent in his reply raised elements that were not contained in the management evaluation response and that he did not have knowledge of them when filing his application.

18. Having reviewed the Applicant's submissions, The Tribunal finds that it is in the interest of justice to grant leave to the Applicant to file comments on the Respondent's reply.

19. Noting that the Applicant filed his rejoinder together with the motion, the Tribunal finds it appropriate to admit it into the case record.

20. In accordance with the principle of equality of arms, the Tribunal will give the Respondent an equal opportunity to comment on the Applicant's rejoinder.

21. Pursuant to art. 19 of the Tribunal's Rules of Procedure,

IT IS ORDERED THAT

22. The parties' requests to exceed the page-limit are granted. Consequently, both the 17-page application and the 17-page reply are admitted into the case record.

23. The Applicant's motion to adduce additional evidence is granted. Accordingly, the documents listed in para. 12 above are admitted into the case record.

24. The Applicant's request for leave to respond to certain portions of the reply is granted. Consequently, the Applicant's rejoinder is admitted into the case record.

25. By **Thursday, 17 November 2022**, the Respondent may file his comments on the Applicant's rejoinder.

*(Signed)*

Judge Teresa Bravo

Dated this 7<sup>th</sup> day of November 2022

Entered in the Register on this 7<sup>th</sup> day of November 2022

*(Signed)*

René M. Vargas M., Registrar, Geneva