



Before: Judge Teresa Bravo

Registry: Geneva

Registrar: René M. Vargas M.

PIAZZI

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER ON
SCHEDULING OF HEARING
AND TO CALL A WITNESS**

Counsel for Applicant:

Ana Giulia Stella, OSLA

Counsel for Respondent:

Bettina Gerber, LPAS, UNOG

Introduction

1. By Order No. 108 (GVA/2022) of 14 November 2022, the Tribunal convoked the parties to a case management discussion (“CMD”), which took place, as scheduled, on 21 November 2022, virtually through Microsoft Teams with Counsel for each party and the Applicant present. During the CMD, after hearing the parties’ views, the Tribunal decided to hold a hearing on the merits.
2. On 22 November 2022, the Applicant filed a motion for confidentiality, requesting that the hearing be closed to the public.
3. By Order No. 112 (GVA/2022) of 23 November 2022, the Tribunal, *inter alia*, instructed the Respondent to file his comments on the Applicant’s motion for confidentiality, which he did on 28 November 2022, and ordered the parties to file their respective list of witnesses, and to attend a hearing on the merits via Microsoft Teams on 12 December 2022, commencing at 9.30 a.m. (Geneva time).
4. By Order No. 117 (GVA/2022) of 29 November 2022, the Tribunal decided, *inter alia*, to reject the Applicant’s motion for confidentiality. Consequently, the hearing will be held in public.
5. On 30 November 2022, the Applicant filed his list of witnesses, and, on 1 December 2022, the Respondent filed his list of witnesses.

Consideration

6. The Tribunal notes that the Applicant would like to call himself only to testify. The Respondent would like to call Ms. Nataliya Myronenko, Chief, Human Resources Management Service (“HRMS”), United Nations Office at Geneva (“UNOG”), to testify on the issues related to the retirement of the Applicant and the separation procedure. Both parties confirmed the availability of their witnesses to attend the hearing on 12 December 2022.

7. Moreover, having reviewed the evidence on record, the Tribunal considers that the testimony of Ms. Yasuko Sawada, Human Resources Business Partner (“HRBP”), Office for the Coordination of Humanitarian Affairs (“OCHA”), is important for the determination of the present matter.

8. In this respect, the Tribunal recalls that art. 17 of its Rules of Procedure provides in its relevant part that:

1. The parties may call witnesses and experts to testify. The opposing party may cross-examine witnesses and experts. The Dispute Tribunal may examine witnesses and experts called by either party and may call other witnesses or experts it deems necessary. The Dispute Tribunal may make an order requiring the presence of any person or the production of any document.

...

6. The Dispute Tribunal shall decide whether the personal appearance of a witness or expert is required at oral proceedings and determine the appropriate means for satisfying the requirement for personal appearance. Evidence may be taken by video link, telephone or other electronic means.

9. Accordingly, the Tribunal decides to formally summon Ms. Yasuko Sawada to appear at the hearing on the merits pursuant to art. 17.1 of its Rules of Procedure.

10. Considering the circumstances of the present case, the Tribunal finds it appropriate to instruct the Respondent to use his best endeavours to ensure the availability of the above-summoned witness for the hearing. The Tribunal further wishes to point out that any difficulty for the witness to appear at the hearing may be alleviated by her participation through electronic means, as provided by art. 17.6 of the Tribunal’s Rules of Procedure.

Conclusion

11. In light of the foregoing, IT IS ORDERED THAT:

- a. Ms. Yasuko Sawada shall appear to give evidence at the hearing, which will be held through Microsoft Teams;

- b. The Respondent shall use his best endeavours to ensure the availability of the above-summoned witness for the hearing; and
- c. The Respondent shall inform the Tribunal about the availability of Ms. Yasuko Sawada to attend the hearing by **Tuesday, 6 December 2022**.
- d. Subject to Ms. Yasuko Sawada's availability, the parties are notified below of the tentative schedule of appearances at the hearing:

Monday, 12 December 2022

9.30 a.m.	Parties' opening statements.
10 a.m.	The Applicant's testimony.
11.15 a.m.	Ms. Nataliya Myronenko, Chief, HRMS, UNOG.
12 p.m.	Ms. Yasuko Sawada, HRBP, OCHA.
2 p.m.	Parties' oral closing submissions.

(Signed)

Judge Teresa Bravo

Dated this 2nd day of December 2022

Entered in the Register on this 2nd day of December 2022

(Signed)

René M. Vargas M., Registrar, Geneva