



Before: Judge Teresa Bravo

Registry: Geneva

Registrar: René M. Vargas M.

PIAZZI

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER ON
CASE MANAGEMENT**

Counsel for Applicant:

Ana Giulia Stella, OSLA

Counsel for Respondent:

Bettina Gerber, LPAS, UNOG

Introduction

1. By Order No. 112 (GVA/2022) of 23 November 2022, the Tribunal, *inter alia*, ordered the parties to attend a hearing on the merits via Microsoft Teams on 12 December 2022, commencing at 9.30 a.m. (Geneva time).
2. On 12 December 2022, the hearing on the merits took place as scheduled.
3. By Order No. 124 (GVA/2022) of 13 December 2022, the Tribunal instructed the parties to file their respective written closing submission, which they did on 23 December 2022.
4. On 6 January 2023, the Respondent filed a motion requesting the Tribunal to order that the new evidence introduced in the Applicant's closing submission be stricken from the record.

Consideration

5. In his closing submission, the Applicant requested permission to file the following documentary evidence:
 - a. A written statement dated 14 December 2022, showing, *inter alia*, that he accepted the assignment “on the condition that he would retain his status of UN Officer with a permanent appointment, as well as the right to resume his functions at OCHA upon the completion of his PAM assignment”;
 - b. A Concept Note, titled “Proposed establishment of a United Nations Special Representative for Parliamentary Relations – Terms of Reference”; and
 - c. A letter from the Swiss Embassy dated 13 July 2013, confirming that the Swiss Minister of Foreign Affairs granted to the PAM office in Geneva full diplomatic status in 2013.

6. To support his motion to strike, the Respondent submits that the Applicant has provided no grounds that warrant the introduction of new evidence at the stage of the closing submissions, and that the documentary evidence at issue is not relevant to determine the matters at issue.

7. Having carefully reviewed the Applicant's submission, the Tribunal notes that the documentary evidence at issue was relied upon to rebut certain arguments raised by the Respondent or to clarify a factual issue raised by the Respondent's witness during the hearing. As such, it may be relevant for the fair and expeditious disposal of the case.

8. Moreover, pursuant to art. 18.1 of its Rules of Procedure, the Tribunal shall determine the admissibility of any evidence and, under art. 18.2, it may order the production of evidence for either party *at any time* (emphasis added).

9. Accordingly, the Tribunal finds it in the interest of justice to grant the Applicant's request and deny the Respondent's motion.

10. However, in line with the principle of equality of arms, the Tribunal finds it appropriate and in the interest of justice to grant the Respondent an opportunity to comment on the newly admitted evidence.

Conclusion

11. Pursuant to art. 19 of the Tribunal's Rules of Procedure, for a fair and expeditious disposal of the case, and to do justice to the parties, it is ORDERED THAT:

- a. The Applicant's request is granted. The documentary evidence listed in para. 5 above is admitted into the case record;
- b. The Respondent's motion to strike is denied; and

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c. By **Tuesday, 17 January 2023**, the Respondent may file, if any, his comments on the newly admitted evidence.

(Signed)

Judge Teresa Bravo

Dated this 10th day of January 2023

Entered in the Register on this 10th day of January 2023

(Signed)

René M. Vargas M., Registrar, Geneva