



Before: Judge Francesco Buffa

Registry: Nairobi

Registrar: Wanda L. Carter

CASTELLI

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER
ON CASE MANAGEMENT**

Counsel for Applicant:

Manuel J. Ventura

Counsel for Respondent:

Nicole Wynn, AS/ALD/OHR, UN Secretariat
Charlene Ndirangu, AS/ALD/OHR, UN Secretariat

Introduction

1. The Applicant is a former Policy and Best Practices Officer working with the United Nations Interim Force in Lebanon (“UNIFIL”). On 19 May 2024, he filed an application contesting:
 - a. The decision to not disclose to him the investigation report of the fact-finding panel convened to assess his complaint against the Principal Coordinator Officer, UNIFIL (“first contested decision”); and
 - b. The decision to close his complaint against the Principal Coordinator Officer, UNIFIL, based on the findings of the Panel’s investigation report (“second contested decision”).
2. The Respondent filed his reply on 19 June 2024.
3. By Order No. 80 (NBI/2024), the Duty Judge instructed the Applicant to, *inter alia*, file a rejoinder.
4. The Applicant filed his rejoinder on 24 July 2024, in which he indicated that he had resigned from UNFIL effective 30 June 2024. He submits that he resigned due to workplace harassment that he experienced and UNIFIL’s lack of genuine interest in properly addressing the matter.
5. On 3 September 2024, the Respondent filed a motion for leave to file additional evidence and additional submissions in response to the Applicant’s rejoinder. The Respondent highlights that the Applicant did not resign due to the reasons stated in his rejoinder but rather because UNIFIL did not approve his request for outside activity to work for a Swiss Airport Authority while on special leave.
6. On 9 September 2024, the Applicant filed a response to the Respondent’s motion for leave to file additional evidence, which included a motion to strike the Respondent’s said motion and an urgent motion to vacate and reschedule the 13 September 2024 deadline for the parties to file their closing submissions.

Consideration

7. The Tribunal has reviewed the Respondent's motion and notes that his submissions are largely concerning the Applicant's resignation from UNIFIL. The Tribunal also observes that the reasons for the Applicant's resignation are outside the scope of the present case, which is about the specific challenged administrative decisions.

8. Therefore, in the interest of a fair and expeditious disposal of the case, the Respondent's motion for leave to file additional evidence is rejected and the additional documentation annexed to the said motion shall be struck out.

9. The Tribunal further rejects the Applicant's motion to vacate and reschedule the 13 September 2024 deadline for the parties to file their closing submissions.

Conclusion

10. In view of the foregoing, it is ORDERED THAT:

- a. The Respondent's motion for leave to file additional evidence and additional submissions in response to the Applicant's rejoinder is rejected;
- b. The Applicant's motion to strike the annexes to the Respondent's motion is granted. Annexes R/4 to R/15 shall be stricken from the record; and
- c. The Applicant's motion to vacate and reschedule the 13 September 2024 deadline for the parties to file their closing submissions is rejected. The parties shall file their closing submissions as per the deadline contained in Order No. 112 (NBI/2024).

(Signed)

Judge Francesco Buffa

Dated this 10th day of September 2024

Case No. UNDT/NBI/2024/035

Order No. 124 (NBI/2024)

Entered in the Register on this 10th day of September 2024

(Signed)

Wanda L. Carter, Registrar, Nairobi