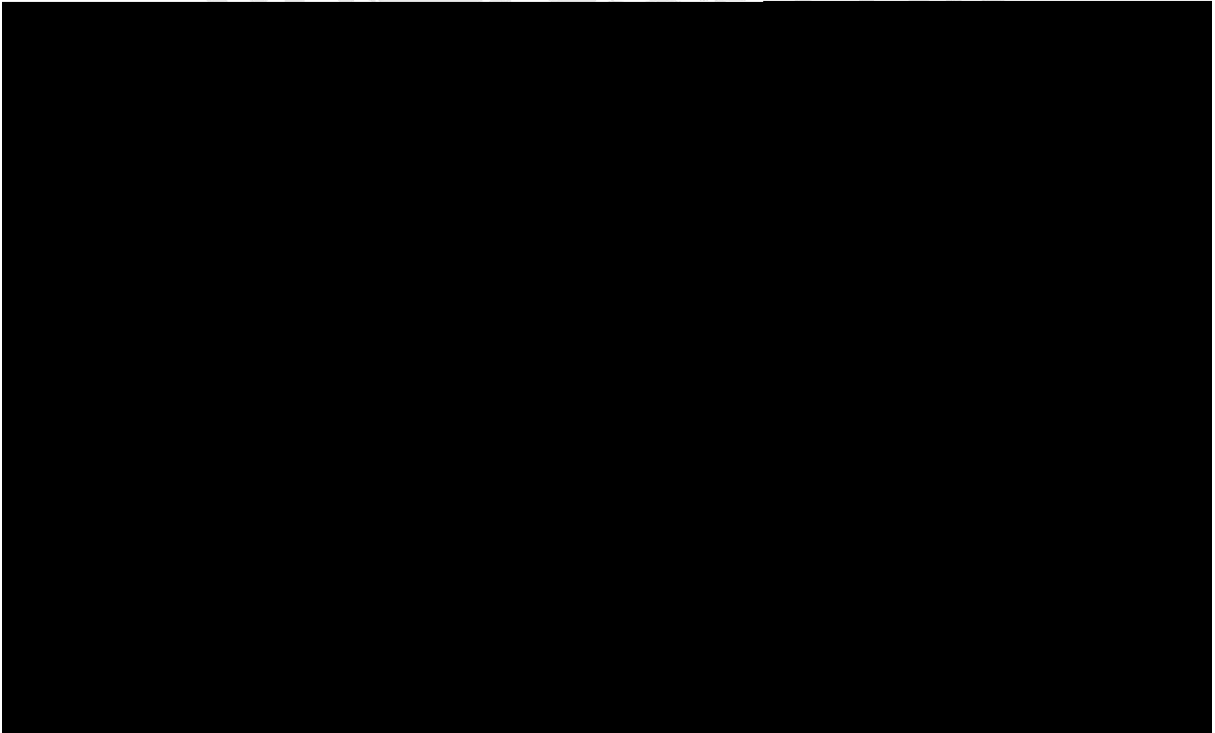


Case No. 2013-516

Terragnolo
(Appellant)

v.

Secretary-General of the United Nations



Pending Motion to Submit New Evidence

4. On 3 May 2014, Mr. Terragnolo filed a motion for submission of new documentary evidence, Annex Nos. 9-13, and on 14 May 2014, the Secretary-General filed his comments upon, or opposition to, the motion.

5. The documents Mr. Terragnolo seeks to submit into evidence are:

(Annex 9) an email dated 11 April 2014, from the President of the United Nations Staff Union to Secretariat staff, forwarding the four other annexes;

(Annex 10) an informational memorandum dated 8 April 2014 from the Chief Executive Officer (CEO) of the United Nations Joint Staff Pension Fund (Pension Fund) to the Secretaries of the Pension Committees;

(Annex 11) draft Pension Fund recruitment and selection policy, dated April 2014;

(Annex 12) draft Secretary-General's Bulletin entitled "Authority of the [Pension Fund] in matters relating to human resources management", dated 1 June 2014; and

(Annex 13) a letter from the Assistant Secretary-General, Office of Human Resources Management, dated April 2014, to Secretariat staff appointed to the Pension Fund.

6. Mr. Terragnolo contends that the new documents:

show that the Respondent [Secretary-General] has been agreeing with the Appellant's [sic] since way before he initiated formal proceedings on: (i) the autonomy of the Pension Fund from the Secretariat's internal policies, to the explicit exclusion of ST/AI/2010/3 from governing its staff selection system, and (ii) the correct specifications of vacancy announcements.

Mr. Terragnolo notes that the alternative to admitting the new evidence "would be to ... revise Judgment UNDT/2013/[0]98 under article 29 of its Rules of Procedure, however this might amount to abuse of process in presence of a parallel appeal". (Footnote omitted.)

7. The Secretary-General opposes Mr. Terragnolo's motion on several grounds. Initially, he argues that the documents submitted by Mr. Terragnolo are not likely to establish facts that are relevant to the pending appeal, which focuses on whether the Dispute Tribunal erred in applying ST/AI/2010/3 to the selection of a staff member for the Post in the Pension Fund, as these documents were newly created in 2014 and, thus,

do not pertain to the 2000 Memorandum of Understanding entered into between the Organization and the Pension Fund. Further, the Secretary-General notes that two of the documents are merely drafts that have not been finalized or signed. Finally, the Secretary-General argues that, contrary to Mr. Terragnolo's contention, these documents do not show that his counsel made dishonest comments to the Dispute Tribunal regarding the applicability of ST/AI/2010/3 to staff selection for the Pension Fund.

8. Article 2(5) of the Appeals Tribunal Statute provides that the Appeals Tribunal may receive additional evidence in exceptional circumstances, if it is in the interest of justice and the efficient and expeditious resolution of the proceedings. The documery to e8(e)3.n7[e8Jy t