



Before: Judge Joelle Adda

Registry: New York

Registrar: Nerea Suero Fontecha

SALEH

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER

ON CASE MANAGEMENT

Counsel for Applicant:

Marcos Zunino, OSLA
Endah Ayuningsih Indini, OSLA

Counsel for Respondent:

Sandra Lando, UNHCR
Marisa Maclellan, UNHCR

Introduction

1. By Order No. 18 (NY/2022) dated 7 February 2022, the Tribunal held that a hearing would be held during the week of 21 to 25 March 2022 from 8:30 a.m. to 12:30 p.m. and that Arabic/English interpretation would be available on 22 and 23 March 2022 from 8:30 to 10:30 a.m. It further held that the following proposed witnesses were to give testimony: the Applicant (1½ hour questioning per party), BK, BM, AD, TK, MY, HR and JZ (all ½ hour questioning per party). Whereas TK and MY would be the Applicant's witnesses, the remaining witnesses would be the Respondent's witnesses. The Tribunal instructed the parties to inform it by 10 February 2022 whether the witnesses would be available during the scheduled time periods and who would need interpretation. The Tribunal further instructed the Respondent to file certain written documentation by 16 February 2022.

2. On 10 February 2022, Counsel for the Applicant confirmed that the Applicant, TK and MY would be available and need Arabic/English interpretation. He further requested that HR would be considered his witness and that he would be able to do the examination-in-chief.

3. On the same date (10 February 2022), Counsel for the Respondent confirmed that BK, BM, AD, HR and JZ would be available for the hearing and that AD would require Arabic/English interpretation.

4. In subsequent telephone conversations between the Registry and both Counsel on 10 and 11 February 2022, it was confirmed that the Respondent would organize the logistics concerning the witnesses giving testimony remotely from the office of United Nations High Commissioner for Refugees ("UNHCR") in Zahle, Lebanon. In this regard, UNHCR would ensure that: (a) each witness would give testimony from a laptop/desktop connected to the United Nations internet connection with a dedicated microphone or, preferably, a headset; (b) no witness would be able to overhear the

other witnesses' testimonies, aside from the Applicant who would attend the entire hearing; and (c) the hearing would be conducted in a proper and non-intimidating environment. Also, UNHCR would ensure transportation for all the witnesses to and from the UNHCR office.

Consideration

5. The Tribunal thanks the parties for their helpful assistance with organizing the hearing and congratulate them on their constructive cooperation. This saves the Organization valuable time and resources.

6. Regarding the testimony of HR, the Tribunal notes that since he was already interviewed during the investigation, the examination-in-chief is to be based on this interview and can simply be undertaken by HR confirming under oath his previous statement. HR will therefore remain as the Respondent's witness and the Applicant will have the opportunity to cross-examine him.

7. In light of the above,

IT IS ORDERED THAT:

8. The witnesses are scheduled to give testimonies as follows:

a. Monday, 21 March 2022 (via Teams from the offices of the Dispute Tribunal in New York),

i. From 8:30 a.m. to 11:30 a.m.—the Applicant;

ii. From 11:30 a.m. to 12:30 p.m.—BK;

b. Tuesday, 22 March 2022,

i. From 8:30 a.m. to 9:30 a.m.—AD (via Zoom from Conference Room 8 in the Secretariat building);

- ii. From 9:30 a.m. to 10:30 a.m.—TK (via Zoom from Conference Room 8 in the Secretariat building);
 - iii. From 11:30 a.m. to 12:30 p.m.—BM (via Teams from the offices of the Dispute Tribunal in New York);
- c. Wednesday, 23 March 2022,
- i. From 8:30 a.m. to 9:30 a.m.—MY (via Zoom from Conference Room 8 in the Secretariat building);
 - ii. From 10:30 a.m. to 11:30 p.m.—HR (via Teams from the offices of the Dispute Tribunal in New York);
 - iii. From 11:30 a.m. to 12:30 p.m.—JZ (via Teams from the offices of the Dispute Tribunal in New York);
9. By **4:00 p.m. on Monday, 7 March 2022**, each party is to file a paginated bundle of the documents to which they seek to refer during the questioning of the witnesses.
10. Other practicalities will be handled by the Registry in communication with the parties.

(Signed)

Judge Joelle Adda

Dated this 24th day of February 2022