



**Before:** Judge Teresa Bravo

**Registry:** Geneva

**Registrar:** René M. Vargas M.

APPLICANT

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**ORDER ON  
CASE MANAGEMENT**

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**Counsel for Applicant:**

Self-represented

**Counsel for Respondent:**

Sandra Lando, UNHCR

Marisa MacLennan, UNHCR

## **Introduction**

1. By Order No. 88 (GVA/2022) of 5 October 2022, the Tribunal found it appropriate, for the fair and expeditious disposal of this case, to hold a hearing on the merits, and instructed the parties to call Dr. A. F. R. and Dr. L. H. to testify in the present case.
2. On 17 October 2022, the Respondent filed a motion seeking a “waiver of confidentiality of [the] Applicant’s medical file”, seeking access to the Applicant’s three additional medical reports from Dr. L. H., dated 7 September 2018, 19 October 2018, and 16 November 2018, then in possession of the Medical Section, in order to produce them in the current proceedings.
3. On 18 October 2022, the Tribunal instructed the Applicant to file his comments on the Respondent’s motion, if any, by 20 October 2022.
4. On 20 October 2022, the Applicant provided his waiver of confidentiality in relation to his three medical reports listed in para. 2 above and submitted additional medical reports from Dr. L. H. on an under-seal basis.
5. By Order No. 93 (GVA/2022) of 21 October 2022, the Tribunal granted the Respondent’s motion to seek a waiver of the confidentiality of the Applicant’s medical file, instructed the Respondent to file the Applicant’s additional medical reports listed in para. 2 by 24 October 2022, and admitted the additional medical reports from Dr. L. H. filed by the Applicant into the case record.
6. On 24 October 2022, the Respondent filed his submissions pursuant to Order No. 93 (GVA/2022), and on the same day, he filed a motion for leave to file a bundle of documents for the purposes of the hearing, annexing a document titled “Bundle of Documents for Hearing” (hereafter, “the Bundle”).

## **Consideration**

7. In support of his motion, the Respondent submits that he filed the Bundle containing the annexes filed by the parties in chronological order to “facilitate reference to documents during the hearing, and in line with past practice”.

8. Having reviewed the Respondent's submissions and considering the circumstances of the present case, the Tribunal finds it in the interest of justice to give the Applicant an opportunity to offer his comments on the Respondent's motion.

9. If the Applicant does not object to the motion, the Tribunal will admit the Bundle filed by the Respondent into the case record and rely upon it at the hearing.

10. In line with the principle of equality of arms, the Applicant may file his separate bundle only including the documents not included in the Bundle filed by the Respondent, if any, in chronological order, indexed and paginated.

11. In this connection, the Tribunal wishes to remind the Applicant of the scope of its hearing defined in Order No. 88 (GVA/2022), i.e., "testing the authenticity of certain evidence and to assessing the potential impact of the Applicant's health status at the time of the conduct at issue on his behaviour and his ability to control his emotions".

12. Pursuant to art. 19 of the Tribunal's Rules of Procedure,

IT IS ORDERED THAT:

13. By **Tuesday, 25 October 2022, COB Geneva time**, the Applicant:

- a. Responds to the Respondent's motion pursuant to paras. 8 and 10 above; and
- b. Files, if he so wishes, his separate bundle of documents pursuant to para. 10 above.

*(Signed)*

Judge Teresa Bravo

Dated this 24<sup>th</sup> day of October 2022

Entered in the Register on this 24<sup>th</sup> day of October 2022

*(Signed)*

René M. Vargas M., Registrar, Geneva