



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

Counsel for Respondent:
Sandra Lando, UNHCR
Marisa Maclellan, UNHCR

Introduction

1. By Order No. 104 (NY/2021) dated 3 November 2021, the Tribunal instructed the parties to file by 29 November 2021: (a) consolidated lists of agreed and disputed facts in a jointly-signed statement and (b) submissions on what additional evidence each one of them requested to be produced.

2. On 29 November 2021, the parties filed the jointly-signed statement and their individual submissions on additional evidence.

Consideration

3. In the Applicant's 29 November 2021 submission, he requested the following documents to be produced:

a. "INTEREOS internal investigation report, together with all supporting attachments";

b. "Any documents relating to [JZ's] meeting with INTEREOS regarding this investigation. In this sense, Annex R-2 indicates that there was a meeting between INTEREOS and [JZ] [reference to footnote omitted]";

c. "Any correspondence between [the Inspector General's Office, "IGO"] and [JZ] concerning this investigation. Annex R-2 indicates that [JZ] corresponded with the IGO in relation to this matter [reference to footnote omitted]";

d. "The full record of [BM's] WhatsApp exchange with the Applicant". The Applicant explained that he "unfortunately no longer has access to these messages as he has changed his phone".

4. In addition, the Applicant requests that 10 names witnesses, namely BM, BK, AD, HR, JZ, SG, PT, AK, MY and AS, be called to give testimony before the Tribunal and appends written statement for the three last mentioned persons.

5. In the Respondent's 29 November 2021 submission, he stated that he "does not intend to produce any additional documentation at this stage" and that "all necessary [witness] testimonies have already been provided to the Tribunal". The Respondent made no comments on the Applicant's requests for additional evidence.

6. Before deciding on the Applicant's request on additional evidence, the Tribunal will first allow the Respondent to comment thereon and the Applicant to provide his further comments, if any. In this regard, the Tribunal instructs the Respondent to advise whether he is in possession of the INTERSOS investigation report, and in the affirmative case, if this report could be, as relevant, produced in a redacted form to protect the privacy of any witnesses.

7. In light of the above,

IT IS ORDERED THAT:

8. By **4:00 p.m. on Tuesday, 25 January 2022**, the Respondent is to provide his comments on the Applicant's 29 November 2021 submission and the request for production of additional evidence included therein as directed by the Tribunal above;

9. By **4:00 p.m. on Friday, 28 January 2022**, the Applicant is to file his observation, if any, to the Respondent's 25 January 2022 submission.

(Signed)

Judge Joelle Adda

Dated this 14th day of January 2022