



Before: Judge Francis Belle

Registry: New York

Registrar: Isaac Endeley

ELOBAID

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER ON CASE MANAGEMENT

Counsel for Applicant:

Martine E. Lamothe, OSLA
Aly Ahmed, OSLA

Counsel for Respondent:

Albert Angeles, DAS/ALD/OHR, UN Secretariat

Introduction

1. On 23 February 2024, the Applicant, a former Head of Office with the Office of the High Commissioner for Human Rights (“OHCHR”), filed an application in which he challenges the “Administration’s finding of misconduct and imposition of a disciplinary sanction” of termination of his fixed-term appointment and the recovery of the amount of USD86,000 through deduction of his final entitlements.
2. On 27 March 2024, the Respondent filed a reply in which he contends that the application is without merit.
3. On 22 May 2024, the Duty Judge issued Order No. 059 (NY/2024) by which the parties were ordered to file (a) a jointly signed submission in which they set out consolidated lists of agreed and disputed facts and (b) individual submissions on the need for adducing additional evidence by 17 July 2024.
4. After being granted a request for extension of time, on 22 July 2024, the parties filed a joint statement of agreed and disputed facts.
5. On 24 July 2024, the parties filed their individual submissions on the need for adducing additional evidence.
6. On 25 October 2024, the case was assigned to the undersigned Judge.

Consideration

Additional written documentation

7. The Applicant requests that the following information be disclosed:
 - a. “[T]he current status of the OHCHR Yemen Office’s procured works by Dar Al-Amer and Lebna Architect company”;
 - b. “[T]he status of Dar Al-Amer company with the [United Nations Development Programme, “UNDP”];

c. “[T]he starting date of the lease contract with the Yemeni landlord for the premises for the Yemen [country office], and if the value of the rent increased since the starting date or not”.

8. The Respondent requests no further written documentation to be adduced in evidence.

9. To resolve any potential disagreement, the Tribunal will call the parties to a Case Management Discussion (“CMD”) to discuss the Applicant’s disclosure requests.

Oral evidence (witnesses)

10. The Applicant requests to call himself and MA, a former Security Coordination Officer of the OHCHR Yemen Office (name redacted for privacy reasons) for direct examination. He further requests to cross-examine NO, a former Administrative and Finance Associate of OHCHR Yemen, and MAL, the current OHCHR Yemen Office’s Administrative and Finance Officer (names redacted for privacy reasons).

11. The Respondent submits that there is no need to hear any witnesses, referring to art. 9.4 of the Statute of the Dispute Tribunal, but he “reserves the right to amend his current position not to adduce additional evidence depending on whether the Applicant intends to eventually call witnesses”. If the Tribunal decides to hold a hearing, he mentions seven specific witnesses that “provided relevant evidence in relation to the facts disputed by the Applicant in the Joint Statement”, but it is not clear if he wishes to call all of them, or some of them, as witnesses.

12. At the CMD, the parties shall also discuss the possibility of holding a hearing, including date(s), and potential witnesses to be called. Prior to the CMD, the Respondent is therefore to present the witnesses who he may wish to call and state the disputed facts that the proposed witnesses are to corroborate and/or refute, including by specific reference to the consolidated list of disputed facts.

13. In light of the above,

IT IS ORDERED THAT:

14. By **4:00 p.m. on Wednesday, 4 December 2024**, the Respondent is to present the list of witnesses whom he would like to call in case a hearing is to be held and state the disputed facts that his witnesses are to corroborate and/or refute, including by specific reference to the consolidated list of disputed facts.

15. At **11:00 a.m. on Friday, 6 December 2024**, the parties are to attend a CMD to discuss (a) the Applicant's disclosure requests and (b) the possibility of calling a hearing, including possible witnesses and date(s). The CMD will be held virtually via MS Teams, and the Registry will provide the parties with the relevant link.

(Signed)

Judge Francis Belle

Dated this 27th day of November 2024

Entered in the Register on this 27th day of November 2024

(Signed)

Isaac Endeley, Registrar, New York