
UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2021/048/T

Order No.: 18 (NY/2022)

Date: 7 February 2022

Original: English

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. 6 (NY/2022) dated 14 January 2022, the Tribunal instructed,
(a) by 25 January 2022, the

3. 25 January 2022 response, he submits that (emphasis omitted):

a. The INTERSOS investigation report and relevant annexes can be shared with the information redacted for the two witnesses that are unknown to the Applicant that this confidential report which originates from a third party be kept under seal

b. Documents related to meeting with INTERSOS the Respondent has no objection to sharing the documents if they exist

c. Any correspondence between the IGO and [JZ]: The Respondent has no objection to sharing this correspondence

d. The full record of WhatsApp exchange with the Applicant: The Respondent

4. Accordingly, the Tribunal will written evidence to be produced by the Respondent and instruct the latter to file:

a. Under seal, the INTERSOS investigation with annexes in a redacted version;

b. Any investigation;

Witness testimonies

6. The Tribunal notes that, as already stated in Order No. 104 (NY/2021) dated 3 November 2022, the very purpose of producing evidence written or oral is to substantiate the specific relevant facts on which the parties disagree. Accordingly, there is, in essence, only a need for evidence if a fact is relevant and disputed.

7. After closely perusing the -signed statement of 29 November 2022 on agreed and disputed facts, the Tribunal notes that the basic factual disagreement hinges the veracity of the complaints made by BK, BM conduct.

The Applicant

8. The Applicant would like to give his testimony and the Respondent has not objected thereto. Accordingly, the Tribunal will allow the Applicant to do so.

BK, BM and AD

9. The Tribunal notes that in the contested decision of 4 June 2020, as background for the decision-maker (the High Commissioner of UNHCR) termination of the refers to the IGO investigation report and the accounts of some . When studying the IGO investigation report, it is evident that BK, BM and AD are the referred INTERSOS personnel, because they were the only INTERSOS employees who were interviewed as part of this investigation.

10. Accordingly, it would indeed be relevant to hear the testimony of BK, BM and AD, but as stated by the Respondent in his 25 January 2022, since they were all already interviewed by the IGO, there is no need for them to reiterate these statements before the Tribunal. Also, the Applicant submits in his 29 November 2021 submission that his primary interest is to cross-examine BK, BM and AD.

