





agree on a certain fact, then the Tribunal must accept it as is (see, for instance, the Appeals Tribunal in 2015-UNAT-549). A party must therefore be able to explicitly point to what disputed fact(s) each piece of evidence relates by making reference to the relevant paragraph number(s) in the joint consolidated list of disputed facts.

7. Consequently, the Tribunal will instruct the Applicant to indicate the disputed fact(s) concerning which each of the requested documents relate, including by making specific reference to paragraph number(s) in the joint consolidated list of disputed facts. The Respondent will then be offered the opportunity to comment thereon after which the Tribunal will make its decision.

8. The Applicant reiterated his request to call himself and MA, a former Security Coordination Officer of the OHCHR Yemen Office for direct examination, as well as NO, a former Administrative and Finance Associate of OHCHR Yemen, and MAL, the current OHCHR Yemen Office's Administrative and Finance Officer, for cross-examination (all names redacted for privacy reasons).

9. In the Respondent's 4 December 2024 submission, he indicates that he does not wish to call any witnesses. He also "recalls his earlier position that the evidentiary record is extensive and complete to enable the Tribunal to conduct a judicial review of the Administration's decision" and that i corl (ns)-1 (iva3 (i)-2 3 ( )c-(ha)-1 (to )5 (c)E

Tribunal will instruct the Applicant to propose dates for a hearing to be held as soon as possible. At the CMD, Counsel for the Applicant stated that he expected that his two witnesses could be available by mid-January but did not know about the Respondent's proposed witnesses. The Respondent will subsequently be able to provide his comments to the Applicant's submissions, also on the possible hearing dates and the availability of his potential witnesses.

11. In light of the above,

IT IS ORDERED THAT:

12. By **10:00 a.m. on Thursday, 12 December 2024**, the Applicant is to indicate what disputed facts in the consolidated list of disputed facts that (a) the documents, which he wishes the Respondent to disclose, and (b) his proposed witnesses are to either corroborate or refute, including by making specific reference to the relevant paragraph numbers in the list. In addition, the Applicant is to propose dates for a potential hearing in mid-January 2025.

13. By **10:00 a.m. on Monday, 16 December 2024**, the Respondent is to provide his comments to the Applicant's 12 December 2024 submissions, including on possible hearing dates and the availability of his potential witnesses.

Judge Francis Belle

Dated this 9<sup>th</sup> day of December 2024

Entered in the Register on this 9<sup>th</sup> day of December 2024

Isaac Endeley, Registrar, New York