



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NB/2009/036
Order No.: UNDT/NBI/O/2010/015
Date: 10 February 2010
Original: English

Before: Judge Vinod Boolell
Registry: Nairobi
Registrar: Jean-Pelé Fomété

TADONKI

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER ON THE RESPONDENT'S LIST
OF POTENTIAL WITNESSES
SUBMITTED ON 10 FEBRUARY 2010**

Counsel for applicant:

Katya Melliush, Office of Staff Legal Assistance
Robert Amsterdam, Solicitor, Amsterdam & Peroff
Andrew Durkovic, Amsterdam & Peroff

Counsel for respondent:

Steven Dietrich, Administrative Law Unit (ALU)

Introduction

1. By email dated 10 February 2010, the Registry of the Tribunal received a list which is qualified as a “list of potential witnesses” from Counsel for the Respondent, with a note that this list may be changed or reduced as we move closer to the date of the hearing.
2. The Tribunal notes with concern that Counsel for the Respondent has not submitted a final list of witnesses as yet despite the strict deadlines given by the Tribunal.
3. To ensure a smooth preparation of the hearing, it is the duty of the parties to indicate in a clear and unambiguous manner the names of the witnesses they intend to call in advance and/or as per the deadlines for the purpose of issuing a hearing notice in accordance with Article 16.3 of its Rules of Procedure. In the absence of a clear indication on the witnesses, the Registrar cannot comply with the provisions of Article 16.3 above-cited.
4. Having taken note of the list of potential witnesses submitted to the Registry, the Tribunal notes that the names of John Holmes and Agostinho Zacarias do not appear on the list. With regards to the Assistant Secretary-General (ASG) for the Office of Humanitarian Affairs, Ms. Catherine Bragg, the Tribunal takes note of her request to participate in the hearing via video-link.
5. In the light of the foregoing, the Tribunal orders the Respondent to communicate to the Registry, by close of business **Friday, 12 February 2010 Nairobi time**, a final list of his witnesses and their particulars (telephone numbers) and to inform the Tribunal whether Ms. Bragg, Mtr. Zakarias and Mr. Holmes will be called by the Respondent.

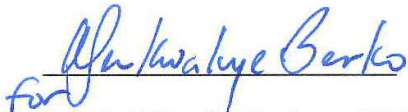
6. The Tribunal also orders the physical presence of Ms. Catherine Braggs, ASG for OCHA, Mr. John Holmes, Under Secretary-General for OCHA, and Mr Zakarias at the hearing scheduled to be held during the period 23 to 26 February 2010 pursuant to Article 9.2 of the UNDT Statute and Article 16.5 of the Tribunal's Rules of Procedure.



Judge Vinod Boolell

Dated this 10th day of February 2010

Entered in the Register on this 10th day of February 2010



Jean-Pelé Fomété, Registrar, UNDT, Nairobi