



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2009/035
Order No.: UNDT/NBI/O/2010/035
Date: 9 March 2010
Original: English

Before: Judge Nkemdilim Izuako

Registry: Nairobi

Registrar: Jean-Pelé Fomété

WALELE

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER STRIKING OUT THE
APPLICATION**

Counsel for Applicant:
Duke Danquah, OSLA.

Counsel for Respondent:
Stephen Margetts, ALS/OHRM, UN Secretariat.

Brief Facts

1.1 The Applicant entered the service of the International Criminal Tribunal for Rwanda (ICTR) on 19 July 2006 as a Driver and was assigned to the position of Dispatcher in 1997. The Applicant is appealing a decision dated 2 November 2007 by the Assistant-Secretary-General for Human Resource Management to summarily dismiss him.

1.2 On 13 November 2009, the Registrar of the Nairobi UNDT invited the Parties to a status conference scheduled to take place on 17 December 2009. On 1 February 2010, following the Status Conference, the Parties were served a Hearing Notice for 4 February 2010.

2. The Hearing

2.1 During the hearing, the Applicant's Counsel made the following oral submissions:

- (i) That he did not wish to prejudice the Applicant's case but that he had very limited instructions from the Applicant in respect to the conduct of his case.
- (ii) That he had last heard from the Applicant on 27 January 2010 when the Applicant informed him that he had been unsuccessful in contacting two witnesses.
- (iii) That he did not wish to compromise the Applicant's rights by proceeding with the case and that he would not be opposed to the striking out of the matter by the Tribunal for want of prosecution.

2.2 The Respondent's Counsel on his part submitted that striking out the Application was a suitable course as far as the Respondent was concerned but that the only issue was the question of a time limit too to be imposed on an Application by the Applicant to reinstate the matter.

3. ORDERS

3.1 In view of the foregoing, the Tribunal hereby makes the following Orders:

- (i) The present Application is struck out for want of prosecution.
- (ii) The Applicant, within two months from the date of publication of this Order, that is, by 9 May 2010, to provide written submissions to the Tribunal setting out the reasons justifying the reinstatement of this matter.

(Signed)

Judge Nkemdilim Izuako

Dated this 9th day of March 2010

Entered in the Register on this 9th day of March 2010

(Signed)

Jean-Pelé Fomété, Registrar, UNDT, Nairobi