



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2009/056

Order No.: 82 (NBI/2010)

Date: 17 May 2010

Original: English

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**Before:** Judge Nkemdilim Izuako

**Registry:** Nairobi

**Registrar:** Jean-Pelé Fomété

BEKELE

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**ORDER ON THE RESPONDENT'S  
MOTION FOR LEAVE TO ADD A  
DOCUMENT**

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**Counsel for Applicant:**

Adolph Bishanga

**Counsel for Respondent:**

Stephen Margetts, ALS/OHRM, UN Secretariat.

**1. Introduction**

1.1 On 10 March 2010, the Tribunal ordered the parties to confirm the witnesses they intended to call by or before 31 March 2010. On 26 April 2010, the Applicant filed his list of witnesses and summaries of evidence.

1.2 On 28 April 2010, the Tribunal ordered that the hearing of this case be adjourned until 12 May 2010.

1.3 On 3 May 2010, the Respondent filed a Motion requesting a further adjournment of the case to 19 May 2010 which the Tribunal granted on 7 May 2010.

1.4 On 13 May 2010, the Tribunal granted the Respondent's Motion requesting to add a witness to his witness list.

1.5 By this Motion, the Respondent requests to add a document, a copy of the security control room logbook at UNECA for the period 10 to 17 April 2006, ("the Logbook"), to his list of documents and to notify the Tribunal of other potential witnesses he may wish to call to testify in relation to the Logbook.

1.6 The Respondent avers that the Logbook records, inter alia, that: on 16 April 2006 the Applicant reported to the security control room that he was detained by the police; that he had been detained from 1530 hours on 15 April 2006; that a security officer attended the police station in the evening of 16 April 2006; and that he was told to return in the morning of 17 April 2006.

1.7 The Respondent submits that the entries in the Logbook are relevant to and probative of the issues in this proceeding, in particular, when UNECA security was first informed of the Applicant's detention and how UNECA security responded to this information.

**2. Considerations**

2.1 Pursuant to Article 18(1) of the UNDT Rules of Procedure, the Tribunal finds that this documentary evidence is admissible and,

**GRANTS** the Respondent's Motion to add the Logbook to his list of documents in this case.

*(Signed)*

Judge Nkemdilim Izuako

Dated this 17<sup>th</sup> of May 2010

Entered in the Register on this 17<sup>th</sup> of May 2010

*(Signed)*

Jean-Pelé Fomété, Registrar, UNDT, Nairobi