

# 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: Pelé Fomété

WALELE

SECRETAR TNERAL OF THE UNITE. TIONS

#### ORDER STRIKING OUT TO 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

## 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 9<sup>th</sup> day of March 2010

Entered in the Register on this 9<sup>th</sup> day of March 2010

(Signed)

Jean-Pelé Fomété, Registrar, UNDT, Nairobi