



Before: Judge Vinod Boolell

Registry: Nairobi

Registrar: Jean-Pelé Fomété

STOYKOV

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER ON APPLICANT'S MOTION FOR
APPROPRIATE MEASURES TO BE
TAKEN TO ENSURE A FAIR TRIAL**

Counsel for applicant:

Miles Hastie, OSLA

Counsel for respondent:

Melissa Bullen, ALS/OHRM, UN Secretariat

Case No. UNDT/NBI/2010/052

Order No.: 002 (NBI/2011)

witnesses reside in Addis Ababa, to the extent that the Respondent will also call witnesses on his behalf;

- The case involves allegations of particular gravity (resulting in summary dismissal);
- The case involves extensive documentation, that may need to be put to the witnesses, in direct examination or cross-examination;
- Finally, lengthy video-conferencing sessions between Addis Ababa and Nairobi are beyond the means of the Applicant and the office of his counsel (being more expensive than travel to Nairobi)¹.

4. Alternatively, should the Tribunal decide to conduct the hearing in Nairobi, the Applicant respectfully requests the Tribunal to order the physical presence of the Applicant and his counsel, and possibly one further witness for the Applicant, in Nairobi.

5. In a reply on behalf of the Respondent dated 21 December 2010, the Respondent objects to the Applicant's motion, arguing that the Applicant has failed to demonstrate any compelling reason justifying the physical presence of his counsel at the hearing, in Addis Ababa or in Nairobi, at the Organization's expenses or why the hearing cannot properly be conducted through the use of appropriate technological means. Referring to the *Ogé* UNDT/2010/209, the Respondent submits that the Applicant has not demonstrated how a hearing, whereby he will be able to participate fully through appropriate technological means, would fail to adhere to the requirements of due process, fairness and the rule of law. For the above

¹ According to the Applicant, the standard costing for Addis Ababa-Nairobi videoconferencing is \$10800 for a full four-day hearing (\$600/hr 9-10AM each day and \$300/hr for the balance of each day, or \$2700 per court day). Standard costing for travel to Nairobi for one counsel for a five-day mission for a four-day hearing would cost \$2032 (DSA: 5x\$281=\$1405; airfare \$475; terminal \$152).

