



Case No.: UNDT/NBI/2011/023
Order No.: 132 (NBI/2012)
Date: 16 October 2012

Introduction

1. The hearing in this case started in September 2011 and was adjourned for the Respondent to present his case. Counsel representing the Respondent at that time was Mr. Saidou N'Dow. The Tribunal heard evidence on both the merits of the case and the Application to Commit the Management of UN-Habitat for Contempt of the Tribunal and Disobedience of the Order of the Tribunal.

2. During the course of the proceedings on 26 September 2011, Mr. Saidou

decision of the Tribunal not to hear him from the Bar, and took the stand to testify.

9. Subsequently, after a perusal of the oral evidence in the case the Tribunal considered that it would be appropriate and fair to hear the Executive Director of UN-Habitat. Based on the availability of the Executive Director, a hearing was set down for 9 October 2012 to hear him. An order to this effect issued on 16 August 2012.

10. On 8 October 2012, the Tribunal issued Order No. 127 (NBI/2012) directing the Respondent to make appropriate arrangements to be represented by counsel other than Mr. Saidou N'Dow in the pending matters of *Igbinedion v. Secretary-General of the United Nations*.

11. Following this Order, the Respondent forwarded a request to the Tribunal moving for an adjournment to enable him to finalise arrangements for different legal representation and to properly brief Counsel.

12. The Respondent also pointed out that when Ms. Kariuki represented the Respondent on 8 October 2011, she was briefed in relation to the aspect of the proceedings relating to the testimonies of Mr. Saidou N'Dow and of Mr. Antoine King.

Considerations

13. While the order of 18 October 2011 directed the Respondent to make arrangements for a replacement counsel only during the testimonies of Mr. King and Mr. N'Dow, the Tribunal made it clear at the beginning of the hearing on 8 November 2011 that Mr. N'Dow no longer had any standing to address the Tribunal from the Bar on matters pertaining to the contempt application.

14. In any case, Mr. N'Dow should have realised that he should not and could

15. The Tribunal therefore DIRECTS the Respondent to inform the Registry by Monday Friday, **19 October 2012** as to who has carriage of this matter on his behalf.

16. The parties are hereby directed to attend a hearing on **25 October 2012** at **1400hrs (Nairobi time, GMT+3)**.

(Signed)

Judge Vinod Boolell

Dated this 16th day of October 2012

Entered in the Register on this 16th day of October 2012

(Signed)

Jean-Pelé Fomété, Registrar, Nairobi