



Introduction and Procedural History

1. The Applicant joined the Office for Coordination of Humanitarian Affairs (OCHA) as a National Professional Officer Zimbabwe in 2007. On 11 July 2010, OCHA deployed him to Afghanistan on a one-year fixed-term appointment as a Humanitarian Affairs Officer at the P3 level.

9. On 15 January 2014, the Tribunal issued Order No. 005 (NBI/2014) allowing the Applicant to amend his Application and adjusting the timeline for the Respondent to file his reply.
10. The Applicant filed his amended Application on 16 January 2014.
11. The Respondent replied to the amended Application on 26 February 2014.
12. On 4 November 2014, the Tribunal issued Order No. 244 (NBI/2014) directing counsel for both Parties to agree and file joint submissions on the facts and issues in this case, and to indicate their position on the need for an oral hearing.
13. On 2 December 2014, the Parties filed their joint submissions.
14. Both Parties indicated that an oral hearing is necessary in this case.
15. Three hearing days were scheduled covering 2-5 February 2015, and trial commenced as scheduled.
16. It became apparent the three afternoons scheduled for the matter to be heard was insufficient and that a further six hearing days was necessary for the testimony of the Respondent's three remaining witnesses.
17. On 6 February 2015, the Registry wrote to the Parties setting the continuation of this trial down for 14-16 April and 21-23 April 2015.
18. On 8 April 2015, counsel for the Respondent filed a motion seeking a rescheduling of the continuation of this trial because of the absence of his "spouse from New York" and the "consequent change in the allocation of family responsibilities."

27. The hearing commenced as scheduled at 1400hrs that afternoon, and the witness remained uncontactable.

28. Later that afternoon, the Respondent filed the subject Motion of the present decision seeking to withdraw the witness's case given the "oral testimony presented to the Tribunal and the written evidence on record".

DELIBERATIONS

29. The Tribunal urges the Parties to treat the Court's time and resources with the required care and respect.

30. The Tribunal has in previous orders expressed its concern as to the conduct of counsel for the Respondent in this matter, the levity with which he has conducted

Case No. UNDT/NBI/2013/074

Order No.: 122(NBI/2015)

(Signed)

Judge Vinod Boolell

Dated this 24th day of April 2015

Entered in the Register on this 24th day of April 2015

(Signed)

Abena Kwakye-Berko, Registrar, Nairobi