



UNITED NATIONS DISPUTE TRIBUNAL

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Case No.: UNDT/NBI/2014/107

OrderNo.: 286 (NBI/2015)

Date: September 2015

Original: English

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Before: Judge Nkemdilim Izuako

Registry: Nairobi

Registrar: Abena Kwakye Berko

AHAMED

v.

SECRETARY GENERAL  
OF THE UNITED NATIONS

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ORDER STRIKING OUT THE  
APPLICATION

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Counsel for the Applicant:  
Abdalla Alfadni

Counsel for the Respondent:  
Kevin Browning ALS/OHRM  
Susan Maddox ALS/OHRM

## Introduction

1. The Applicant served as a Movement Control Assistant at the United Nations Mission in the Republic of South Sudan ("UNMISS"). By letter dated 24 September 2014, he was separated from service with compensation in lieu of notice and without termination indemnity for serious misconduct. By Application filed on his behalf by one Abdalla Alfadri of Counsel, dated 26 November 2014 he challenged the decision to separate him from service.
2. The Respondent filed Reply to the Application on 30 December 2014.
3. Vide Order No. 108 (NBI/2015), duly served on both Parties, the said Parties were required to attend a case management discussion for purposes of a fair and expeditious disposal of the case. Neither the Applicant nor his Counsel attended the case management discussion. No explanations were offered at that time or thereafter for their failure to put in a representation at the case management discussion.
4. On 20 April 2015, the Tribunal issued Order No. 121 (NBI/2015), scheduling the case for a hearing on the merits from 9 September 2015 from 1400 hours. In the said Order

8. The Tribunal convened to hear the case at 1400 hours Nairobi time on 8 September 2015 as scheduled. Between 1400 and 1500 hours, several attempts were made to contact the Applicant and his Counsel via telephone to participate in the hearing. The telephone connection was disconnected soon after initial contacts lasting several seconds.

9. At 1750 hours on 8 September 2015, the Applicant using the same email address that the Registry has been using to communicate with him, sent an email indicating a telephone number only as the contents

#### Considerations

10. Subsequent to the filing of his Application, the Applicant has consistently failed to respond to the Registry's communications in respect of the provisions of Article 5(1) and 197(c) of the Constitution of Kenya, 2010.

*(Signed)*

JudgeNkemdilim Izuako

Dated this10<sup>th</sup> day ofSeptembe2015

Entered in the Register on this10<sup>th</sup> day ofSeptembe2015

*(Signed)*

Abena KwakyeBerko, Registrar, Nairobi