

NATIONS DISPUTE TRIBUNAL

Order No.: UNDT/NBI/2017/004  
Date: 110 (NBI/2017)  
16 June 2017  
Original: English

**Before:** Judge Nkemdilim Izuako

**Registry:** Nairobi

**Registrar:** Abena Kwakye-Berko

AZAM

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

---

**ORDER ON APPLICANT'S MOTION  
FOR CHANGE OF VENUE**

---

**Counsel for the Applicant:**  
Edward Patrick Flaherty

**Counsel for the Respondent:**  
Alexandre Tavadian, UNHCR



inconvenient for the Respondent's counsel who is based in Nairobi and not Geneva.

8. While the location of the Applicant's duty station at the time of the impugned decision is an important factor, it will not always be the sole factor that the Tribunal rests upon when considering a motion for change of venue. Such a motion should be reviewed on a case by case basis taking into account geographical proximity and other relevant circumstances.

9. The Tribunal is cognizant of the fact that the Applicant's duty station was Rwanda at the time of the impugned decision but this factor alone is not adequate grounds upon which to refuse the current motion. Additionally, the inconvenience to the Respondent's counsel in the event of a change of venue must be weighed against other concerns that exist.

10. The Tribunal is further persuaded that the geographical proximity of the Applicant and his counsel, the fact that UNHCR has a legal office in Geneva and the presence of the decision-maker also in Geneva will ensure that this matter is disposed of expeditiously and without the usual hitches that attend a hearing in which most of those participating can only be heard over the phone.

In light of the foregoing,

### **Orders**

11. The Applicant's motion for change of venue from Nairobi to Geneva is granted.

12. The UNDT Registry in Nairobi is to transfer the matter of *Azam v. the Secretary-General of the United Nations*, Case No. UNDT/NBI/2017/004, to the UNDT Registry in Geneva with immediate effect.

*(Signed)*

Judge Nkemdilim Izuako

Dated this 16<sup>th</sup> day of June 2017

Entered in the Register on this 16<sup>th</sup> day of June 2017

*(Signed)*

Abena Kwakye-Berko, Registrar, Nairobi