

Case No.: UNDT/NBI/2023/010
Order No.: 29 (NBI/2024)
Date: 28 February 2024

6. The Applicant also proposes to call both the investigator of the Office of Internal Oversight Services (“OIOS”) assigned to this case and the Director of OIOS to testify that the investigator was biased. The Applicant may call the investigator, but the testimony from the Director of OIOS is not necessary.

7. The Applicant also seeks to call two witnesses, including the Chief of Human Resources of UNISFA, to testify about a fact that he admits is established by the documents on record. Again, this testimony is unnecessary.

8. Some witnesses were interviewed during the investigation. In the interest of fairly and expeditiously disposing of the case, the interview records of most of the proposed witnesses will suffice. The Tribunal finds that eight of the 14 proposed witnesses will assist it in the determination of all the issues in the case.

9. The Tribunal also notes that the Applicant proposes to call his prior attorney, Mr. Robbie Leighton, from the Office of Staff Legal Assistance, to testify regarding their interaction with respect to settlement negotiations in a prior case. He may call Mr. Leighton but doing so will be deemed a waiver of any attorney-client privilege.

Conclusion

10. In view of the foregoing, the Tribunal determines that only the following witnesses will testify:

- a. The Applicant;
- b. The World Health Organization official, on condition that the Applicant will name that official and what he or she will testify about;
- c. Mr. Joseph Brown;
- d. Mr. Jackson Nambadi;
- e. Mr. Felix Ogwang;
- f. Mr. Seaman Ambaki;

g. Mr. Robbie Leighton; and

h. Mr. Mark Waine.

Judge Sean Wallace

Dated this 28th day of February 2024

Entered in the Register on this 28th day of February 2024

René M. Vargas M., Officer-in-Charge, Nairobi