



**Before:** Judge Nkemdilim Izuako  
**Registry:** Nairobi  
**Registrar:** Eric Muli, Officer-in-Charge

MUNIR

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**ORDER ON THE RESPONDENT'S  
MOTION FOR ADJOURNMENT AND  
NOTICE OF HEARING**

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**Counsel for the Applicant:**  
George Irving, Esq.

**Counsel for the Respondent:**  
Fabrizio Mastrogirolamo, Legal Specialist, UNDP

## **Introduction**

1. The Applicant is a former staff member who previously served in the United Nations Development Programme (UNDP) in Khartoum, Sudan, as an Operations Manager at the P4 level until his separation from the Organization on 30 June 2012.
2. On 28 August 2012, he filed an Application contesting the alleged refusal by the Administration to extend a secondment contract in accordance with prior commitments and based on improper considerations.
3. The Respondent filed his Reply to the Application on 5 October 2012.
4. On 20 May 2013, the Tribunal held a case management hearing with the respective Counsel in this matter. In the course of the case management hearing, the Tribunal proposed the dates of 8 - 10 July 2013 for a hearing on the merits and both Counsel indicated their availability to attend the hearing on the proposed dates.
5. Accordingly, on 23 May 2013, the Tribunal issued a Notice of Hearing vide Order No. 121(NBI/2013) setting this matter down for hearing from 8 to 10 July 2013 at 1500 hours (Nairobi Time).
6. On 13 June 2013, the Tribunal issued a Witness Summons vide Order No. 133(NBI/2013) to Mr. Sayed Aqa, the UNDP Resident Representative in the United Arab Emirates, to appear as its own witness on 9 July 2013 at 1500 hours (Nairobi Time).
7. On 28 June 2013, the Respondent's Counsel emailed the Registry seeking direction as to whether further Orders would issue as to the particular day and time for each witness to appear. He further requested that his own witness appear on any day other than 9 July 2013.
8. The Registry responded to the Respondent's Counsel by an email dated 2 July 2013.

9. On 5 July 2013, the Respondent's Counsel filed a motion for adjournment of the hearing on grounds of a medical condition that precludes his participation at the trial commencing on 8 July 2013. Counsel offered to submit a medical note in support of his request for adjournment.

10. For the reason that the request for adjournment was made after the official working hours of the Nairobi Registry on Friday 5 July 2013, the Motion for adjournment was brought before the presiding Judge on Monday, 8 July 2013, the same day the hearing was scheduled to commence.

11. The Registry informed the parties that upon the Judge's review of the Respondent's Motion for adjournment, the hearing would be adjourned to a future date to be communicated to the parties.

### **Consideration**

12. Respondent's Counsel submitted, and the Tribunal accepts that he is indisposed; hence the adjournment of the hearing and the subsequent notification to the parties to that effect. The Tribunal nevertheless finds it necessary to examine the timeliness of the Respondent's application for adjournment.

13. Notwithstanding that the Tribunal's Rules of Procedure make no provision for the adjournment of hearings, it is incumbent upon parties and their legal representatives to inform the Tribunal with all haste as soon as any real prospect arises that the trial will not proceed as scheduled in order to enable the Tribunal to reallocate its resources. This is particularly the case bearing in mind the costs borne in setting this matter down both for the case management hearing conducted on 20 May 2013 as well as hearing on the merits in addition to all preparatory arrangements made by the Tribunal for the trial.

14. Counsel are advised that in the event of any indisposition or other occurrence, necessary action should be taken on their part to brief other Counsel to conduct the case in their stead.

**IT IS ACCORDINGLY ORDERED:**

15. This matter is set down for hearing on **Wednesday, 24 July 2013** and **Thursday 25 July 2013** at **1500 hours** (Nairobi Time UTC +3) in Conference Room 12 (CR-12).

16. Mr. Sayed Aqa, the United Nations Development Programme (UNDP) Resident Representative to the United Arab Emirates is to appear before the Tribunal as its witness for the hearing on **Thursday, 25 July 2013** at **1500 hours** (Nairobi Time UTC +3) at which time he should avail himself.

*(Signed)*

Judge Nkemdilim Izuako

Dated this 9<sup>th</sup> day of July 2013

Entered in the Register on this 9<sup>th</sup> day of July 2013

*(Signed)*

Eric Muli, Officer-in-Charge, Nairobi Registry