



Before: Judge Sean Wallace
Registry: Nairobi
Registrar: Wanda L. Carter

CHIMSORO

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER
ON
APPLICANT'S FORMAL REQUEST
FOR POSTPONEMENT OF TRIAL
DUE TO FACTORS BEYOND THE
APPLICANT'S CONTROL**

Counsel for Applicant:

Rodney Mkweza
Ron Mponda

Counsel for Respondent:

Elizabeth Brown, UNHCR
Louis-Phillipe Lapicerella, UNHCR

Introduction

1. On 28 June 2024, the Applicant filed an application challenging his separation from service with compensation in lieu of notice and without termination indemnity for sexual misconduct.
2. On 15 August 2024, the Respondent filed his reply.
3. On 10 October 2024, the Tribunal issued Order No. 142 (NBI/2024) informing the parties that it considered it appropriate to hold a hearing on the merits in this case, directing the parties to file their lists of witnesses and their expected testimony by 24 October 2024 and directing the parties to inform the Tribunal of their availability for a Case Management Discussion (“CMD”) on 7 November 2024.
4. On 24 October 2024, the parties filed their responses to Order No. 142. The Respondent filed his list of witnesses and confirmed participation in the CMD as proposed.
5. Late in the afternoon of 13 January 2025, Applicant’s counsel filed a “Formal request for postponement of Trial due to factors beyond the Applicant’s control.” Specifically, he alleges that the Applicant and one of his counsel (not his lead counsel) are in ill health. However, he asserts that “he remains committed to seeing the proceedings come to a speedy end as soon as his health allows.”
6. The Respondent replied that he does not object to continuance of the hearing.
7. The Tribunal notes that this is the first scheduled hearing date and acknowledges the representation of Applicant’s counsel that he is ill and that his client still wishes to pursue this matter.

Consideration and Conclusion

In view of the foregoing, the Tribunal DECIDES to:

- a. Grant the motion to postpone the hearing in this case from scheduled dates of 15-16 January 2025;

b. Order that a case management discussion shall be held remotely on **Monday, 3 February 2025** at 2:00 p.m. to reschedule the hearing in this case; and

c. Directs that counsel for the parties shall appear at the calendar management discussion with available dates for themselves, their parties, and the witnesses.

(Signed)
Judge Sean Wallace

Dated this 13th day of January 2025

Entered in the Register on this 13th day of January 2025

(Signed)

Wanda L. Carter, Registrar, Nairobi