



## **Introduction**

1. On 27 January 2010, the New York Registry informed the parties that the trial was set for 16 February 2010. The following day, counsel for the respondent filed a submission entitled “Request to set an alternative trial date”, requesting that the trial date be vacated and that an alternative date be set for some time after 8 March 2010. Counsel submitted that he was scheduled to appear before the Tribunal in Nairobi between 2 and 26 February 2010, followed by a brief period of annual leave, and, because of the complexity of the case and the workload currently borne by the legal officers in the Administrative Law Unit, it would not be possible for another legal officer to take over the conduct of this case.

2. The applicant informed the Registry on 29 January 2010 that he had no objections to the respondent’s request for an alternative hearing date.

3. The Tribunal relies on counsel for both parties to deal with the matter before it expeditiously, fairly, and in the best interests of justice. Regrettably, the Tribunal is frequently faced with requests for postponement of hearings, not to mention applications for extension of time that are regularly filed by counsel for both parties. This is most unfortunate since it directly affects the Tribunal’s caseload and its ability to decide cases in a timely manner.

4. No doubt, the resources of the Tribunal, the Office of Staff Legal Assistance, the Administrative Law Unit and other offices involved in the administration of justice are stretched, particularly with the influx of new cases from the now defunct United Nations Administrative Tribunal. It is the responsibility of the Administration to ensure that the new system of administration of justice has the necessary resources required for its proper functioning.

5. Having considered the reasons provided by the respondent, I decided, reluctantly, to set a new date for this trial. However, it is most unlikely that any other adjustments will be made.

IT IS ORDERED THAT –

6. The respondent's request of 28 January 2010 for a postponement of the hearing is granted.
7. Trial is set for Tuesday, 9 March 2010.

*(Signed)*

Judge Adams

Dated this 29th day of January 2010