



UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

Case No. 2012-393

Ademagic et al.

(Appellant)

v.

Secretary-General of the United Nations

(Respondent)

ORDER No. 124 (2013)

1. On 3 October 2012, Ernesa Ademagic, ostensibly acting on behalf of 261 Appellants, filed an appeal against Judgment No. UNDT 2012/131, rendered by the United Nations Dispute Tribunal (UNDT) in Geneva on 29 August 2012 in the case of *Ademagic et al. v. Secretary-General of the United Nations*.
2. On 8 November 2012, the Registry of the United Nations Appeals Tribunal (UNAT or Appeals Tribunal) requested the filing of signed counsel authorization forms, pursuant to Article 13.1 of the UNAT Rules of Procedure, by 20 November 2012. Thereafter, 246 counsel authorizations were duly filed with the Appeals Tribunal.
3. On 4 February 2013, Ernesa Ademagic filed a motion to re-include fifteen additional Appellants. Of these fifteen individuals, counsel authorization forms were obtained for twelve after the 20 November 2012 deadline for various reasons, including illness or unavailability of the individuals. The motion requested that two individuals whom counsel had been unable to contact for updated counsel authorization be re-included on the basis of prior counsel authorization, or be permitted to submit counsel authorization during the pendency of the case. The fifteenth individual being seriously ill and counsel having been unable to find his legal representative, the motion sought his inclusion on the basis of prior counsel authorization.

4. On 26 February 2013, the Secretary-General responded to the motion, indicating that he did not object to the inclusion of the twelve individuals for whom counsel authorization had been belatedly obtained. With respect to the remaining three individuals, however, the Secretary-General asserted that there was no legal basis to support their inclusion, it being impossible to verify whether they consented to the pleadings filed by counsel on their behalf.

5. Article 13 of the UNAT Rules of Procedure provides as follows:

Representation

1. A party may present his or her case before the Appeals Tribunal in person or may designate counsel from the Office of Staff Legal Assistance or counsel authorized to practice law in a national jurisdiction.
2. A party may also be represented by a staff member or a former staff member of the United Nations or one of the specialized agencies.

The Appeals Tribunal requires that counsel be specifically designated to represent an individual before the Appeals Tribunal; counsel authorization at a lower instance does not suffice for these purposes. The Rules of Procedure do not specify when counsel should be designated but, in normal circumstances, it is expected that this is done concomitant with, or soon after, counsel makes contact with the Appeals Tribunal.

6. I have decided, in the interests of justice, to re-include the twelve individuals for whom counsel authorization has been obtained. Whilst, ideally, such authorization would have been submitted within the deadline established by the Registry, I am cognizant of the fact that current and former staff members of the United Nations are located across the globe, and timely contact can prove difficult. This decision should not be interpreted beyond the confines of this case, however, and certainly does not excuse belated filings in general.

7. I will not, however, permit counsel to represent individuals who have not, or cannot, consent to such representation. Accordingly, the motion is granted only with respect to twelve of the fifteen erstwhile Appellants.

8. For the foregoing reasons, I grant the motion in part and direct the Registrar to add the twelve Appellants for whom counsel authorization has been obtained to the case.

Original and Authoritative Version: English

Dated 6th day of March 2013 in Montevideo, Uruguay.

(Signed)
Judge Luis Maria Simón, President

Entered in the Register on this 7th day of March 2013
in New York, United States.

(Signed)
Weicheng Lin, Registrar