



UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

Cases No. 2012-383, No. 2012-384, No. 2012-385, No. 2012-393, No. 2012-394, No. 2012-395, No. 2012-396, No. 2012-397, No. 2012-398, No. 2012-399, No. 2012-400, No. 2012-401, No. 2012-402, No. 2012-403, No. 2012-404 and No. 2012-408.

**Ademagic et al., Baig, Malmstrom, Jarvis,
Longone, Goy, Nicholls, Marcussen, Reid,
Edgerton, Dygeus, Sutherland and McIlwraith
(Respondents/Appellants)**

v.

**Secretary-General of the United Nations
(Appellant/Respondent)**

ORDER NO. 160 (2013)

1. On 19 September 2013, the United Nations Appeals Tribunal (Appeals Tribunal) issued a Scheduling Order (Order No. 158 (2013)) in respect of oral proceedings to be conducted on 9 and 10 October 2013 in the above-referenced cases. These sixteen cases, which are related, shall be considered by the Appeals Tribunal as a whole pursuant to Article 10(2) of its Statute (see Order No. 139 (2013)).

2. The Appeals Tribunal, cognisant of the fact that some of the pleadings, including those of the Secretary-General in response to the individual appeals, are substantively identical in the cases, decided to allocate to the Secretary-General and each of the three “groups” of individual litigants (the “Malmstrom” group; Ademagic et al. and Longone; and Mr. McIlwraith) in each hearing twenty minutes for submissions and ten minutes for additional submissions.

3. On 20 September 2013, the Secretary-General filed a Consolidated Motion for Additional Time at Oral Hearings in the sixteen cases. He asserts that each group of individual litigants was granted thirty minutes for their submissions, plus ten minutes for additional submissions, whereas he was granted twenty minutes plus ten minutes, respectively. This is not the case: the Secretary-General and the three groups of individual litigants were granted the same amount of time (twenty minutes for submissions, plus ten minutes for additional submissions).

4. Substantively, the Secretary-General argues that, on the basis of equality before courts and tribunals, as protected by Article 14(1) of the International Covenant on Civil and Political Rights, he should be granted a total of twenty minutes for his additional submissions on each day, in order that he can properly respond to the arguments raised by the three groups of individual litigants.

5. A consolidated response to the motion was filed on 26 September 2013 by Counsel for Ademagic et al. and Mr. Longone, indicating that his clients did not object to the Secretary-General's motion but reserved the right to request additional time during the hearing, should the Secretary-General use such extended time to raise new arguments or argue matters beyond the scope of appeal. The Malmstrom group litigants responded similarly on the same date. In addition, the Malmstrom group took the opportunity to request a 15 minute recess prior to additional submissions on each day of hearings, to permit communication between the litigants attending the hearing in New York and those remaining in The Hague.

6. In view of these responses and of the complexity of this litigation, I have decided to allot the Secretary-General the additional ten minutes per hearing he requests. I note for the record, however, that the principle of equality before courts and tribunals permits each party in a judicial procedure to present its arguments and rebut those of the other party or parties: it does not require the Appeals Tribunal to preemptively extend the time allotted to one party.

7. I have also decided to grant the recess requested by the Malmstrom group, in recognition of the logistical issues presented by having litigants both in New York and The Hague. Accordingly, there will be a 15 minute recess at the conclusion of the parties'

initial submissions each morning. It is expected that this will occur at approximately 11:00 a.m., New York time.

8. In view of the foregoing, the timetable of the hearings is revised as follows, subject to adjustments where appropriate:

Wednesday, 9 October 2013: Secretary-General's appeals

9:30 - 9:40	Introductory statement by the President and appearances and identification of the parties (10 minutes)
9:40 – 10:00	Submissions by the Secretary-General in Cases No. 2012-383, <i>Malmstrom et al</i> , No. 2012-384, <i>Longone</i> and No. 2012-385, <i>Ademagic et al.</i> (20 minutes)
10:00 – 10:20	Submissions on behalf of Baig, Malmstrom, Jarvis, Goy, Nicholls, Marcussen, Reid, Edgerton, Dygeus and Sutherland (20 minutes)
10:20 – 10:40	Submissions on behalf of Ademagic et al. and Longone (20 minutes)
10:40 – 11:00	Submissions by McIlwraith (20 minutes)
11:00 – 11:15	RECESS
11:15 – 11:35	Additional submissions by the Secretary-General (optional) (20 minutes)
11:35 – 11:45	Additional submissions on behalf of Baig, Malmstrom, Jarvis, Goy, Nicholls, Marcussen, Reid, Edgerton, Dygeus and Sutherland (optional) (10 minutes)
11:45 – 11:55	Additional submissions on behalf of Ademagic et al. and Longone (optional) (10 minutes)
11:55 – 12:05	Additional submissions by McIlwraith (optional) (10 minutes)

Thursday, 10 October 2013: Individual appeals

- 9:30 - 9:40 Introductory statement by the President and appearances and identification of the parties (10 minutes)
- 9:40 – 10:00 Submissions on behalf of the appellants in
 Case No. 2012-394, Baig
 Case No. 2012-395, Malmstrom
 Case No. 2012-396, Jarvis
 Case No. 2012-398, Goy
 Case No. 2012-399, Nicholls
 Case No. 2012-400, Marcussen
 Case No. 2012-401, Reid
 Case No. 2012-402, Edgerton
 Case No. 2012-403, Dygeus
 Case No. 2012-404, Sutherland
(20 minutes)
- 10:00 – 10:20 Submissions on behalf of the appellants in Cases No. 2012-397, Longone and No. 2012-393, Ademagic et al. (20 minutes)
- 10:20 – 10:40 Submissions in Case No. 2012-408, McIlwraith (20 minutes)
- 10:40 – 11:00 Submissions by the Secretary-General in the “individual appeals” (20 minutes)
- 11:00 – 11:15 RECESS
- 11:15 – 11:25 Additional submissions on behalf of Baig, Malmstrom, Jarvis, Goy, Nicholls, Marcussen, Reid, Edgerton, Dygeus and Sutherland (optional) (10 minutes)
- 11:25 – 11:35 Additional submissions on behalf of the appellants Longone and Ademagic et al. (optional) (10 minutes)
- 11:35 – 11:45 Additional submissions by McIlwraith (optional) (10 minutes)
- 11:45 – 12:05 Additional submissions by the Secretary-General (optional) (20 minutes)

Original and Authoritative Version: English

Dated this 30th day of September 2013 in Dublin, Ireland.

(Signed)

Judge Faherty, President

Entered in the Register on this 30th day of September 2013 in New York, United States.

(Signed)

Weicheng Lin, Registrar