

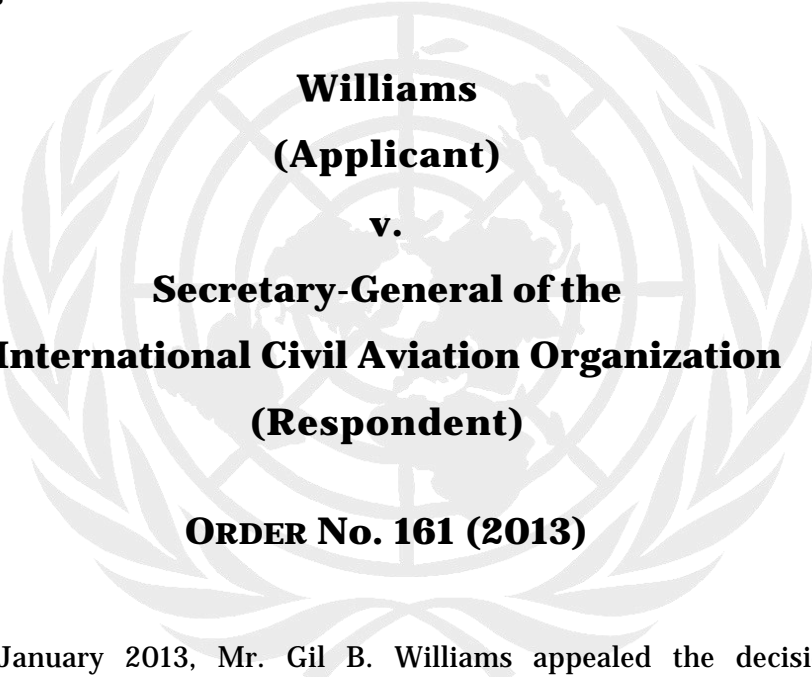


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# UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

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Case No. 2013-428



**Williams**  
**(Applicant)**  
**v.**  
**Secretary-General of the**  
**International Civil Aviation Organization**  
**(Respondent)**  
**ORDER No. 161 (2013)**

1. On 2 January 2013, Mr. Gil B. Williams appealed the decision of the Secretary-General of the International Civil Aviation Organization (Secretary-General and ICAO, respectively) dated 19 September 2012, to accept the recommendation of the Advisory Joint Appeals Board (AJAB) not to waive Mr. Williams's time limit to request administrative decision review. After obtaining an extension of time to file his appeals brief, Mr. Williams filed his brief on 13 February 2013. The Secretary-General filed his answer to the appeal on 5 July 2013.

2. On 10 August 2013, without first obtaining leave from the Appeals Tribunal, Mr. Williams attempted to file a response to the Secretary-General's answer. After being advised by the Registrar that he needed to request leave from the Appeals Tribunal, Mr. Williams filed a request for leave to file additional pleadings on 29 August 2013. The Secretary-General filed his response to the motion on 11 September 2013.

3. The Rules of Procedure of the Appeals Tribunal (Rules) provide for the parties to file appeals, answers, cross-appeals and answers to cross-appeals. They do not provide for an appellant to file a response to an answer. Nevertheless, other pleadings may be allowed under Article 31(1) of the Rules, as well as Practice Direction No. 1, which pertains to the filing of documents. Under Section II.A. 3 of Practice Direction No. 1, an

appellant may make “[a] motion requesting permission of the Appeals Tribunal to file a pleading after the answer to the appeal” and the Appeals Tribunal may grant the motion “if there are exceptional circumstances justifying the motion”.

4. In his motion for leave to file additional pleadings, Mr. Williams claims that his circumstances are “exceptional” because he would like to challenge the discriminatory practices by the AJAB toward him and other professionals of black/African heritage. To support his claim of exceptional circumstances, he cites Order No. 43 (2011) of *Dzintars v. Secretary-General of the United Nations*.

5. The Secretary-General objects to the motion claiming that no exceptional circumstances exist.

6. This Tribunal, having carefully reviewed the pleading Mr. Williams seeks leave to file in response to the Secretary-General’s answer, finds that document does not raise any claims of racial discriminatory practices by the AJAB; it merely repeats arguments made in the appeals brief. Thus, Mr. Williams’s reliance on Order No. 43 (2011) of *Dzintars* is misplaced. Not only does Mr. Williams’s proposed response to the Secretary-General’s answer not raise any claims of racial discriminatory practices by the AJAB, such claims also are not raised in the appeals brief filed by Mr. Williams. Thus, the motion to file additional pleadings should be denied.

IT IS HEREBY ORDERED that Mr. Williams’s motion for leave to file additional pleadings in response to the Secretary-General’s answer IS DENIED.

Original and Authoritative Version: English

Dated this 26<sup>th</sup> day of September 2013 in  
Los Angeles, United States.

(Signed)  
Judge Chapman  
Presiding Judge

Entered in the Register on this 26<sup>th</sup> day of  
September 2013 in New York, United States.

(Signed)  
Weicheng Lin, Registrar