



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.

Order of the President

Order No. 176

I, JUDGE MARY FAHERTY, President of the United Nations Appeals Tribunal (Appeals Tribunal),

CONSIDERING that on 17 October 2013 the Appeals Tribunal rendered judgment in:

- *Malmstrom et al. v. Secretary-General of the United Nations*, Judgment No. 2013-UNAT-357;
- *Longone v. Secretary-General of the United Nations*, Judgment No. 2013-UNAT-358; and
- *Ademagic et al. v. Secretary-General of the United Nations*, Judgment No. 2013-UNAT-359;

CONSIDERING that in the said Judgments, which were published on 19 December 2013, the Appeals Tribunal held, *inter alia*,

... Because the Appeals Tribunal has legal authority to do so, and has sufficient factual information, the matter is hereby remanded to the decision maker, namely the [Assistant Secretary-General for Human Resources Management (ASG/OHRM)] (rather than to the [United Nations Dispute Tribunal]) for the ASG/OHRM to consider, in accordance with the relevant statutory provisions and the principles of substantive due process, whether the staff members' fixed-term contracts should be retroactively converted to permanent appointments. There is a statutory obligation on the Administration, in the context of the best interests of the United Nations, to give "every reasonable consideration" to those [International Criminal Tribunal for the former Yugoslavia (ICTY)] staff members demonstrating the proficiencies, competencies and transferrable skills which render them suitable for career positions within the Organization.

... The ASG/OHRM shall use a process that is fair, properly documented and completed in a timely manner. Given the duration of these proceedings, and mindful of the finite mandate of the ICTY and the stress uncertain contract situations imposes on staff, the Appeals Tribunal directs that the conversion process be completed within 90 days of the publication of this Judgment. Each

staff member is entitled to receive a written, reasoned, individual and timely decision, setting out the ASG/OHRM's determination on his or her suitability for retroactive conversion from fixed-term to permanent contract. This applies equally to any litigant staff members who were part of the original conversion exercise at issue but have since left the service of the ICTY.

NOTING that on 12 March 2014, the Secretary-General filed a "Consolidated Motion for Extension of Time to Execute the Order in the UNAT Judgments", in which he requested an extension of his deadline to complete the new consideration exercise, until 19 June 2014;

NOTING further that the Secretary-General made reference in paragraph 3 of said Motion to having "undertaken all possible steps to comply with the order contained in the UNAT Judgments to undertake a new conversion exercise", but did not detail such steps;

CONSIDERING that this information is essential for the Appeals Tribunal's review of the Secretary-General's Motion, in order to determine the good faith efforts made to meet the Appeals Tribunal's original deadline;

ORDERS the Secretary-General to submit a detailed list of all steps taken in execution of the said Judgments since their publication on 19 December 2013, to be received by the Registry of the Appeals Tribunal no later than noon on Monday 31 March 2014.

Original and Authoritative Version: English

Dated this 27th day of March 2014 in New York, United States.

(Signed)

Judge Faherty, President

Entered in the Register on this 27th day of March 2014 in New York, United States.

(Signed)

Weicheng Lin, Registrar