



UNITED NATIONS APPEALS TRIBUNAL  
TRIBUNAL D 'APPEL DES NATIONS UNIES

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Judgment No. 2013-UNAT-359

Ademagic *et al.*  
(Respondents/Appellants)

and

Mcllwraith  
(Respondent/Applicant)

v.

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

Date: 17 October 2013

Registrar: Weicheng Lin

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Counsel for Ademagic et al.: Jeffrey C. Dahl  
Jonathan Goldin

Counsel for Mr. Mcllwraith : Self-represented

Counsel for Secretary-General: Phyllis Hwang  
Rupa Mitra  
Simon Thomas

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no such forms had been signed<sup>5</sup> As Article 13 of the Appeals Tribunal Rules of Procedure requires that counsel be specifically designated to represent an individual before the Appeals Tribunal, the Appeals Tribunal explained that counsel authorization before the UNDT would not suffice.

#### Facts and Procedure

5. The facts established by the Dispute Tribunal in Judgment No. UNDT/2012/131 (which are not disputed by the parties) read as follows:<sup>6</sup>

... On 25 May 1993, the Security Council by [R]esolution 827 (1993) decided to establish [the International Criminal Tribunal for the former Yugoslavia (ICTY)], an ad hoc international tribunal, for the sole purpose of prosecuting persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia as of 1 January 1991, and requested the Secretary-General to make practical arrangements for the effective functioning of the Tribunal.

... By memorandum dated 20 May 1994 addressed to the Acting Registrar of ICTY, the Under-Secretary-General for Admini

six ICTY staff members were considered and one of them was granted a permanent appointment.

... On 23 June 2009, the Secretary-General issued the Secretary-General's bulletin ST/SGB/2009/10 on "Consideration for conversion to permanent appointment of staff members of the Secretariat eligible to be considered by 30 June 2009".

... "Guidelines on consideration for conversion to permanent appointment of staff members of the Secretariat eligible to be considered as of 30 June 2009" were further approved by the Assistant Secretary-General for Human Resources Management [(ASG/OHRM)] on 29 January 2010, and transmitted by the Under-Secretary-General for Management on 16 February 2010 to all Heads of Department and Office, including at ICTY, requesting them to conduct a review of individual staff members in their department or office in order to make a preliminary determination on eligibility and subsequently, to submit recommendations to the Assistant Secretary-General for Human Resources Management on the suitability for conversion of eligible staff members.

... By letter dated 17 February 2010, the President of ICTY wrote to the Secretary-General ... to complain about the position taken by the Under-Secretary-General for Management, during a townhall meeting at ICTY two weeks earlier, that ICTY staff were not eligible for conversion because ICTY was an organization with a finite mandate.

... By letter dated 10 March 2010, the Under-Secretary-General for Management responded to the above-mentioned letter from the President of ICTY, clarifying that "[i]n accordance with the old staff rules 104.12(b)(iii) and 104.13, consideration for a permanent appointment involves 'taking into account all the interests of the Organization'". She further noted that in 1997, the General Assembly adopted [R]esolution 51/226, in which it decided that five years of continuing service did not confer an automatic right to conversion to a permanent appointment and that other considerations, such as the operational realities of the Organization and the core

... At the XXXIst Session of the Staff-Management Coordination Committee ("SMCC") held in Beirut from 10 to 16 June 2010, it was "agreed that management [would] consider eligible [ICTY] staff for conversion to a permanent appointment on a priority basis".

... On 12 July and 16 August 2010, the ICTY Registrar transmitted to the [ASG/OHRM] the names of 448 eligible staff members who had been found suitable for conversion by ICTY and who were therefore "jointly recommended by the Acting Chief of Human Resources Section" and the Registrar of ICTY.

... On 31 August 2010, the Deputy Secretary-General, on behalf of the Secretary-General, approved the recommendations contained in the Report of the SMCC XXXIst Session (...), including the recommendation that eligible ICTY staff would be considered for conversion to permanent appointments on a priority basis.

... Based on its review of the ICTY submissions of 12 July and 16 August 2010, OHRM disagreed with the ICTY recommendations and on 19 October 2010, it submitted the matter for review to the New York Central Review bodies ("CR bodies") — namely, the Central Review Board for P-5 and D-1 staff, the Central Review Committee for P-2 to P-4 staff, and the Central Review Panel for General Service staff - stating that "taking into consideration all the interests of the Organization and the operational reality of ICTY, OHRM [was] not in the position to endorse ICTY's recommendation for the granting of permanent appointment", as ICTY was "a downsizing entity and [was] expected to close by 2014 as set out in the latest report on the completion strategy of the Tribunal (A/65/5/Add.12) following the Security Council [R]esolution 1503 (2003)".

... In November and December 2010, the New York CR bodies reviewed the recommendations made for ICTY staff and concurred with the OHRM recommendation that the staff members not be granted permanent appointments.

... On 22 December 2010, in anticipation of the closure of ICTY, the Security Council adopted resolution 1966 (2010), establishing the International Residual Mechanisms for Criminal Tribunals, which is to start functioning on 1 July 2013 for ICTY, and should be "a small, temporary and efficient structure, whose functions and size will diminish over time, with a small number of staff commensurate with its reduced functions". The [R]esolution also requested ICTY to complete its remaining work no later than 31 December 2014.

... In February 2011, ICTY staff were informed that there had been no joint positive recommendation by OHRM and

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12. In Order No. 139 (2013), the Appeals Tribunal took note of the fact that, on 29 August 2012, the Dispute Tribunal in Geneva had rendered three similar Judgments: Judgment No. UNDT/2012/129, Malmström et al. v. Secretary-General of the United Nations , Judgment No. UNDT/2012/130, Longone v. Secretary-General of the United Nations , and the above-referenced Judgment No. UNDT/2012/131, Ademagic et al. v. Secretary-General of the United Nations , each of which had been appealed by the Secretary-General (Secretary-General's appeals) as well as by the affected individuals (individual appeals).<sup>8</sup>

13. The Appeals Tribunal further noted that all sixteen cases were related and that the panels assigned thereto had referred the cases to the full bench for consideration, having determined that they raised "a significant question of law" that warranted consideration by the Appeals Tribunal as a whole pursuant to Article 10(2) of the Statute of the Appeals Tribunal. Accordingly, the Appeals Tribunal decided to hold one oral hearing in all of the cases.

14. In Order No. 158 (2013), the Appeals Tribunal noted that as Judge Weinberg de Roca had recused herself from the cases and Judge Coutin would not attend the Fall session, the Appeals Tribunal "as a whole" would comprise five Judges for the purposes of these cases. In view of the time difference between New York and The Hague, the Appeals Tribunal scheduled

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<sup>7</sup> Cases No. 2012-383, Malmström et al. v. Secretary-General of the United Nations , No. 2012-384, Longone v. Secretary-General of the United Nations and No. 2012-385, Ademagic et al. v. Secretary-General of the United Nations.

<sup>8</sup> Against Judgment No. UNDT/2012/129, Malmström et al. v. Secretary-General of the United Nations :

Case No. 2012-394, Baig  
Case No. 2012-395, Malmström  
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

Against Judgment No. UNDT/2012/130, Longone v. Secretary-General of the United Nations :  
Case No. 2012-397, Longone

Against Judgment No. UNDT/2012/131, Ademagic et al. v. Secretary-General of the United Nations , the afore-mentioned:

Case No. 2012-393, Ademagic et al.  
Case No. 2012-408, McIlwraith



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Ademagic *et al.*'s Answer to the Secretary-General's Appeal

19. Ademagic et al. submit that the UNDT correctly found that the Registrar had the ongoing delegated authority to grant permanent appointments. They further submit that his delegated authority was not formally revoked by the 2004 amendments to the Staff Regulations and Rules or any other legislative provision and, indeed, ST/SGB/2006/9 and ST/SGB/2009/10 should be understood in the context of the delegation of authority as meaning the Registrar “steps into the shoes” of the ASG/OHRM.

20. They contend that the delegation of authority made no reference to the ICTY having a limited mandate. Moreover, they maintain that the Secretary-General's argument that it was common knowledge that the ICTY would have a limited mandate (with inherent implications for the Registrar's authority) was not made before the UNDT and is, thus, inadmissible before the Appeals Tribunal. In any event, they explain, it is not proven, the ICTY having been in operation for twenty years.

21. Ademagic et al. argue that the Secretary-General's submission that the “freeze” on granting permanent appointments proves the Registrar could not have had the authority to grant same was also not made before the UNDT and is, thus, inadmissible. Moreover, they aver that it is not the ICTY's role to determine the Registrar's authority to grant permanent appointments and is, therefore, inadmissible. Moreover, they aver that it is not the ICTY's role to determine the Registrar's authority to grant permanent appointments and is, therefore, inadmissible.

25. He avers that as the Dispute Tribunal did not enter into the merits of the case with respect to the consideration given to eligible staff members, it is a mischaracterisation of the Judgment for the Secretary-General to claim the UNDT found no flaws in the process.

26. Mr. McIlwraith asks the Appeals Tribunal to reject the Secretary-General's appeal in its entirety or, in the alternative, to remand the case to the UNDT for a decision on the merits.

Ademagic *et al.*'s Appeal

27. Ademagic et al. submit that the impugned decision was void, ab initio, the ASG/OHRM lacking the authority to decide. As such, their individual cases should be re-opened for consideration for conversion to permanent appointment.

28. They contend that the UNDT erred in law in Judgment No. UNDT/2012/131, when it determined that it was required to order alternative compensation to specific performance, pursuant to Article 10(5)(a) of the UNDT Statute. Relying upon Judgment No. UNDT/2012/121, *Rockcliffe v. Secretary-General of the United Nations*, they argue that cases of conversion to permanent appointment do not fall under Article 10(5)(a), which requires alternative compensation to be set where the impugned decision concerns "appointment, promotion or termination".

29. In the alternative, Ademagic et al. argue that the amount of compensation set was inadequate, given the injury suffered. They aver that the UNDT erred in fact and in law in compensating on the basis of procedural error (apparently accepting that they were not suitable for permanent appointments), rather than compensating them for breach of contract. The appropriate compensation would be equal to the amount of their respective termination indemnities under Annex III of the Staff Regulations and Rules, as the Registrar would have granted them each a permanent appointment.

30. Furthermore, Ademagic et al. submit that the UNDT erred in fact and in law in denying their request for compensation for non-pecuniary damages.



On the merits of the appeals

38. At this Fall 2013 session, the Appeals Tribunal issued *Malmström et al. v. Secretary-General of the United Nations*, Judgment No. 2013-UNAT-357. It applies, *mutatis mutandis*, to the instant cases and, as such, paragraphs 33 to 82 thereof are adopted hereunder in their entirety: <sup>9</sup>

The Secretary-General’s Appeal

... The question for determination is whether the UNDT erred in law in concluding that the authority to grant appointments that was delegated to the ICTY Registrar in 1994 included the authority to grant permanent appointments.

... For the purpose of determining this issue, it is necessary:

- i. to set out in some detail the evolution within the United Nations’ statutory framework of the entitlement of staff members on fixed-term contracts to be converted to permanent appointments; and
- ii. to conduct an analysis of the authority delegated to the ICTY Registrar in 1994.

The United Nations’ statutory framework

... In 1982, the General Assembly adopted Resolution 37/126 which provided that “staff members on fixed-term contracts upon completion of five years’ continuous good service shall be given every reasonable consideration for a career appointment”. <sup>10</sup>

... By Resolution 51/226 of 3 April 1997, the General Assembly modified the permanent appointment process by providing that “staff members on fixed-term contracts upon completion of five years’ continuous good service shall be given every reasonable consideration for a career appointment”. <sup>11</sup>

...

(ii) The fixed-term appointment does not carry any expectancy of renewal or of conversion to any other type of appointment;

(iii) Notwithstanding subparagraph (ii) above, upon completion of five years of continuing service on fixed-term appointments, a staff member who has fully met the criteria of staff regulation 4.2 and who is under the age of fifty-three years will be given every reasonable consideration for a permanent appointment, taking into account all the interests of the Organization.

... Former Staff Rule 104.13 provided in relevant part that:

(a) The permanent appointment may be granted, in accordance with the needs of the Organization, to staff members who, by their qualifications, performance and conduct, have fully demonstrated their suitability as international civil servants and have shown that they meet the high standards of efficiency, competence and integrity established in the Charter, provided that:

...

(iii) They have completed five years of continuous service under fixed-term appointments and have been favourably considered under the terms of rule 104.12 (b) (iii).

... Invariably, with regard to the [ICTY] staff members ..., their respective successive letters of appointment stated, inter alia: "You are hereby offered a Fixed-Term Appointment in the Secretariat of the United Nations, in accordance with the terms and conditions specified below and subject to the provisions of the Staff Regulations and Staff Rules, together with such amendments as may from time to time be made to such Staff Regulations and such Staff Rules."

... Having made provision in the Staff Rules following A/RES/37/126 for the conversion from fixed-term appointment to permanent appointment for eligible and suitable staff, the Secretary-General on 9 November 1995, through the issuance of ST/SGB/280, suspended the granting of permanent appointments "until further notice". This suspension or "freeze" applied to staff members appointed under the 100 Series, including ICTY staff members, apart from certain exceptions.<sup>11</sup>

... In June 2006, by ST/SGB/2006/9, the Secretary-General partially lifted the freeze on conversion to permanent appointments, and conducted an exercise to consider those staff members who were eligible for conversion as of 13 November 1995. Some

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<sup>11</sup>As explained by the Secretary-General, the only permanent appointments granted between 1999 and 2006 were to staff who had joined the United Nations through the competitive examination process and had successfully completed their probationary period. This exception was approved by the General Assembly.

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whether to grant a permanent appointment shall be submitted to the Assistant Secretary-General for Human Resources Management.

3.2 A similar review shall also be conducted by the Office of Human Resources Management or the local human resources office.

3.3 In order to facilitate the process of conversion to permanent appointment under the present bulletin, recommendations to grant a permanent appointment that have the joint support of the department or office concerned and of the Office of Human Resources Management or local human resources office shall be submitted to the Secretary-General for approval and decision in respect of D-2 staff, and to the Assistant Secretary-General for Human Resources Management for all other staff.

3.4 In the absence of joint support for conversion to permanent appointment, including cases where the department or office concerned and the Office of Human Resources Management or local human resources office both agree that the staff member should not be granted a permanent appointment, the matter shall be submitted for review to the appropriate advisory body designated under section 3.5 below. The purpose of the review shall be to determine whether the staff member concerned has fully met the criteria set out in section 2 of the present bulletin. The advisory body may recommend conversion to permanent appointment or continuation on a fixed-term appointment.

3.5 For the purpose of this section, the appropriate advisory body shall be:

- (a) For staff at the D-2 level, the Senior Review Group;
- (b) For staff at the P-5 and D-1 levels administered by offices located in New York, Geneva, Vienna and Nairobi, the advisory body shall be the Central Review Board established at the location. Staff members serving at other locations shall normally be considered by the Central Review Board in New York but may be referred to another Board in order to expedite the process;
- (c) For staff at the P-2 to P-4 levels administered by offices located in New York, Geneva, Vienna, Nairobi, Addis Ababa, Bangkok, Beirut and Santiago, the advisory body shall be the Central Review Committee established at the location. The Central Review Committee in New York shall also consider eligible staff in the Field Service category;
- (d) For staff in the General Service and related categories administered by offices located in New York, Geneva, Vienna, Nairobi,





... Among the documentation furnished by the Secretary-General was a memorandum dated 20 May 1994 (the delegation memorandum), addressed to the Acting Registrar of the ICTY from the Under Secretary-General for Administration and Management, the relevant provisions of which are:

1. Consistent with the desire of the Security Council to establish a fully independent judicial body, as a subsidiary organ of the Security Council, the Statute of [the ICTY] provides ... that the staff of the Registry shall be appointed by the Secretary-General on the recommendation of the Registrar, who is also responsible for the administration and servicing of [the ICTY]. The purpose of this memorandum is to establish practical and flexible personnel arrangements, compatible with United Nations rules and personnel policies, to give effect to the Statute.

7. For reasons of economy and practicality ... the Office of Human Resources Management at Headquarters will advise and assist you in such matters as ... interpretation of personnel policies, issuance of vacancy announcements should you so request ...

members] are also entitled to the procedural protections of the Staff Rules so it will be necessary for you to establish certain procedures, in matters such as promotion for example, which parallel those in effect elsewhere in the [United Nations] system”.

... The fact that the delegation memorandum, at paragraph 2 thereof, provides that the Staff Regulations and Rules, and other administrative issuances of the Secretary-General, “will apply to staff serving with the [ICTY] in the same manner as they do to the Staff of the Secretariat”, or that the Staff Rules in force as at 30 June 2009 encompass the criteria for conversion from fixed-term appointment to permanent appointment, does not, in the view of this Tribunal, militate against our finding that the ICTY Registrar was not conferred with the authority to grant permanent appointments. The purpose of former Staff Rule 104.12(b)(ii) and (iii) was to vest in staff members the opportunity of a permanent appointment, once eligibility and suitability criteria were met.

... While the Dispute Tribunal placed reliance on the provisions of former Staff Rule 104.13(c) and 104.14(a)(i) in that they “expressly provide for permanent appointments to be granted by heads of ‘subsidiary organs’” (and the ICTY is a subsidiary organ of the Security Council), the Appeals Tribunal nonetheless finds that even if it could be argued that as the “head” of a subsidiary organ, the ICTY Registrar could convert fixed-term contracts to permanent appointments, it remains the case that the authority delegated to the ICTY Registrar in 1994 was that “appointments should initially be on a short or fixed-term basis, not exceeding one year”. Whilst this time limit was extended to two years in 1999,<sup>15</sup> the authority of the Registrar was never extended beyond that two-year limit.

... Assuming a delegation of authority to the ICTY Registrar to convert did exist (and for the reasons set out above, we find it did not), the Appeals Tribunal is satisfied that such authority could not have survived the “freeze” imposed in 1995. Even when the “freeze” was lifted, it is abundantly clear that the conversion regime provided for in ST/SGB/2006/9 and ST/SGB/2009/10 became a radically different conversion exercise. Without any ambiguity, the ASG/OHRM became the decision-maker on the conversion exercises provided for in these Bulletins. The grantor of delegated authority always retains the inherent power to act or, of course, to alter, limit or revoke the delegated power. Thus, even had there been a delegated authority to convert in 1994, it was superseded by the provisions of the 2006 and 2009 Bulletins which had greater legal force than an inter-office memorandum.

... The Appeals Tribunal determines, therefore, that the UNDT erred in law in finding that the authority to grant permanent appointments to ICTY staff members vested in the ICTY Registrar and, accordingly, vacates the UNDT decision on that basis. The Secretary-General’s appeal on this issue is upheld.

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<sup>15</sup> ST/AI/1999/1, “Delegation of authority in the administration of the Staff Rules”, section 2.

The substance of the staff members' applications before the Dispute Tribunal

... The Dispute Tribunal rescinded the contested decisions "without prejudice to the merits or substance of these decisions", and opined that "[s]ince the decision to grant a permanent appointment clearly involves the exercise of a discretion, it is not for the [Dispute] Tribunal to substitute its own assessment for that of the Secretary-General". It went on to state: "The rescission of the decisions therefore does not mean that the Applicants should have been granted permanent appointments, but that a new conversion procedure should be carried out."

... Having determined that the ASG/OHRM (and not the ICTY Registrar) was the competent decision maker, the Appeals Tribunal considered whether the matter should be remanded to the UNDT on its merits, or whether the Appeals Tribunal itself should assess the merits of the impugned decision. Indeed, as an alternative to remanding the matter to the UNDT, both the Secretary-General (in his written and oral submissions) and the staff members (in their oral submissions) invite the Appeals Tribunal to deal with the merits.

... The Secretary-General requests that we find that the staff members had no foreseeable chance of obtaining permanent appointments and that, accordingly, the ASG/OHRM reasonably exercised her discretion in refusing their conversion. He asks the Appeals Tribunal to dismiss the staff members' claims in their entirety.

... The staff members argue that there is sufficient information before the Appeals Tribunal to make a determination in their favour, and order the granting of permanent appointments, given that their suitability has already been assessed by the ICTY Registrar. As we have reversed the UNDT on the issue of administrative authority, this particular argument must fail.

... The Appeals Tribunal refuses the requests of both sides to determine whether the staff members should be granted permanent appointments. It is not the function of this Tribunal to stand in the shoes of the ASG/OHRM and involve itself in the decision-making process reserved for the ASG/OHRM pursuant to ST/SGB/2009/10. In cases such as the present, the jurisdiction of the Appeals Tribunal is limited to a judicial review of the exercise of discretion by the competent decision maker.

... The Appeals Tribunal thus shall embark upon a review of the decision-making process undertaken by the ASG/OHRM, rather than remand this issue to the UNDT.

The ASG/OHRM's decision

... The ICTY Registrar's recommendation of the staff members for conversion, pursuant to ST/SGB/2009/10, followed the determinations of the ICTY Registrar, and the ICTY HR department, that they were both eligible and suitable. There can be no dispute that the ICTY staff members were permitted to be so considered, notwithstanding some dissent in this regard at an early stage of the process. The question before the Appeals Tribunal is not whether the ICTY staff members were eligible for conversion but,

rather, whether the determination of the ASG/OHRM that they were not suitable for conversion can withstand judicial scrutiny.

... Each of the staff members... received a letter, in identical terms, from the ICTY Registrar informing him or her of the decision taken by the ASG/OHRM to deny conversion. By way of example, the letter issued to Ms. Malmström on 6 October 2011 read as follows:

Dear Susanne MALMSTROM,

I wish to inform you that following the decision of the [ASG/OHRM] pursuant to ST/SGB/2009/10, you will not be granted a permanent appointment.

This decision was taken after a review of your case, taking into account all the interests of the Organization, and was based on the operational realities of the Organization, particularly the downsizing of ICTY following the Security Council [R]esolution 1503 (2003).

... ICTY staff members - like any other staffmember – are entitled to individual, “full and fair” (in the lexicon of promotion cases) consideration of their suitability for conversion to permanent appointment. The established procedures, as well as the principles of international administrative law, require no less. This principle has been recognized in the jurisprudence of the Appeals Tribunal.<sup>16</sup>

... We are not persuaded by the Secretary-General’s argument that the staff members received the appropriate individual consideration in the “suitability” exercise. The ASG/OHRM’s decision, as communicated to the staff members, provides no hint that their candidature for permanent appointment was reviewed by OHRM against their qualifications, performance or conduct; their proven, or not proven, as the case may be, suitability as international civil servants; or the highest standards of efficiency, competence and integrity, as established in the United Nations Charter. Each candidate for permanent appointment was lawfully entitled to an individual and a considered assessment on the above basis before a permanent appointment could be granted or denied. This was their statutory entitlement and cannot be overridden or disregarded merely because they are employed by the ICTY.

... It is patently obvious that a blanket policy of denial of permanent appointments to ICTY staff members was adopted by the ASG/OHRM simply because the ICTY was a downsizing entity. The ASG/OHRM was not entitled to rely solely on the finite mandate of the ICTY or Security Council Resolution 1503 (2003) as the reason to depart from the principles of substantive and procedural due process which attaches to the ASG/OHRM’s exercise of her discretion under ST/SGB/2009/10. We determine that the ASG/OHRM’s discretion was fettered by her reliance, to the exclusion of all other relevant factors, on the

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<sup>16</sup> See *Abbassi v. Secretary-General of the United Nations*, Judgment No. 2011-UNAT-110; *Charles v. Secretary-General of the United Nations*

ICTY's finite mandate. Accordingly, we are satisfied that the staff members were discriminated against because of the nature of the entity in which they were employed. As such, the ASG/OHRM's decision was legally vo





... In Asariotis , the Appeals Tribunal stated:

To invoke its jurisdiction to award moral damages, the UNDT must in the first instance identify the moral injury sustained by the employee. This identification can never be an exact science and such identification will necessarily depend on the facts of each case. What can be stated, by way of general principle, is that damages for a moral injury may arise:

(i) From a breach of the employee's substantive entitlements arising from his or her contract of employment and/or from a breach of the procedural due process entitlements therein guaranteed (be they specifically designated in the Staff Regulations and Rules or arising from the principles of natural justice). Where the breach is of a fundamental nature, the breach may of itself



Original and Authoritative Version: English

Dated this 17<sup>th</sup> day of October 2013 in New York, United States.

(Signed)

Judge Faherty, Presiding

(Signed)

Judge Adinyira

(Signed)

Judge Simón

(Signed)

Judge Lussick

(Signed)

Judge Chapman

Entered in the Register on this 19<sup>th</sup> day of December 2013 in New York, United States.

(Signed)

Weicheng Lin, Registrar

ANNEX 1

(a)

ADEMAGIC, Ernesa  
AGOLI, Dita  
ALBERS, Jules  
AMMERAAL, Chiel  
A

AGIC, Alma  
AHMIC, Hazim  
ALIC, Nijaz  
ANDRIC, Bojan

AGIC-KANDZIJAS, Adisa  
AJAS, Nathalie  
AMEERALI, Carline  
ANTOLIC, Branko

T U