

**Unofficial Transcript from Oral Argument in *Georges v. United Nations*, 15-455, before the Second Circuit Court of Appeals, March 1, 2016**

**Appearing Attorneys**

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**Before Hon. José A. Cabranes, presiding; Hon. Gerard E. Lynch; Hon. Barrington D. Parker**

J. Cabranes: Good Afternoon. The Clerk has reported that everyone has signed in who should be signing in and we can therefore dispense with the call of the calendar and we will begin argument with the first of the cases on the calendar, Georges against United Nations.

Lindstrom: May it please the Court. I'm Beatrice Lindstrom with the Institute for Justice and Democracy in Haiti and I represent the Appellants. I would like to reserve two minutes for rebuttal please. Your honors, Appellants are Haitian and American victims of a devastating cholera epidemic caused by the UN through gross mismanagement of sewage.

J. Parker: Let me ask you this. Has anything been, can, I don't know if the record reflects this but can you just briefly let us know has anything been done to remediate this situation, has compensation been paid to these victims? How do things now stand?

Lindstrom: There has not been any compensation paid to the victims. There is a plan that has been launched by the United Nations that was referred to in the brief by the government to eliminate cholera in Haiti through water and sanitation. That plan is drastically underfunded and has not yet really begun implementation and the office to coordinate water and sanitation in Haiti which I believe was also referred to in the government's brief has now unfortunately been closed down. The Appellants come to this Court as a last resort because unlike the Appellants in *Brzak* they have been denied access to any mode of settlement. Now the United Nations, an entity created by international human rights law to promote human rights, to respect treaty obligations asks this Court to selectively enforce the Convention on Privileges and Immunities, to grant it privileges, while, at the same time, absolving it of its own duties under that same treaty. This is an unprecedented interpretation of the Convention. It violates the plain text of the treaty, of international law, and emerging consensus among foreign courts that the UN's conditional immunity does not authorize impunity. At the center of this appeal, your honors, is a narrow question of first impression that is not controlled by *Brzak v. United Nations*. In *Brzak*, the UN complied with its obligation under Section 29 to provide plaintiffs with a process to settle claims and, therefore, it satisfied a condition precedent to its invocation of immunity pursuant to Article II in the Convention.

J. Lynch: Assuming that it is the condition precedent to the immunity, who has the right to enforce the provisions of Section 29?

Lindstrom: Well, your honor, I think that this is not a pure question of enforcement, rather it's a question of whether Section 2 comes into play in the first place.

J. Lynch: Well, that happens if Section 29 has not been complied with.

Lindstrom: Right, so where Section -

J. Lynch: On your interpretation, right. So what, what, why would individual citizens of Haiti have the right to invoke Section 29 and get a domestic United States Court to decide whether the United Nations has breached that obligation and what would follow if they did?

Lindstrom: Your honor, this is not a case where the plaintiffs have filed suit to seek enforcement of Section 29. This is a case that arises in tort. It's a case over which the District Court would have jurisdiction but for the US government essentially asserting an affirmative defense of immunity. And so the Court in assessing the question -

J. Lynch: The US government isn't asserting it. They're here as amicus. The United Nations, we have to decide and I take it you agree that this is analogous to sovereign immunity and is, therefore, something that is treated as jurisdictional?

Lindstrom: Right, it's a question of jurisdiction and in assessing whether Section 29 applies to this case to bar the District Court from asserting jurisdiction, the Court would read the treaty as a whole and assess whether the conditions precedent to immunity under Section 2 has been met. So in *Brzak v.* -

J. Lynch: Wouldn't it normally be for the state parties to the treaty to invoke Section 29 and serve notice on the United Nations that it's not complying with its side of the treaty and, therefore, the treaty is abrogated or some other provision of the treaty is abrogated. Why isn't that something for the United States or Haiti or some other country to invoke?

Lindstrom: Because this is fundamentally a question of the Court's jurisdiction and so the Court has the power and regularly does assess its jurisdiction the same way that it would if this case raised other types of questions around immunity. There is nothing different about the fact that this immunity comes from treaty as opposed to statute, for example, because plaintiffs are not bringing suit, they're not seeking to enforce a cause of action under the treaty. The Convention on Privileges & Immunities is not something that at all has any weight in our lawsuit. The lawsuit is one that arises in tort and the Convention only comes up in the context of the government's brief where they put forth the argument that because of the Convention the Court does not have jurisdiction.

J. Cabranes: So absent the Convention it's your view that you could bring a tort action in New York?

Lindstrom: Yes, your honor, this is the correct forum for this claim. It is, New York is the place where the United Nations is headquartered, it is where both defendants, Mr. Ban and Mr. Mulet, reside. We have, there are two US plaintiffs in this case and so they are bringing the suit in their home country against defendants who are also located here and who are based here.

J. Lynch: And the substantive law would be Haitian law or New York law or something else?

Lindstrom: I believe it would be New York law, but that is also a question that could be determined at a later point.

J. Lynch: Later on.

Lindstrom: So *Brzak v. United Nations* of course a case that was decided by this Court is an example of how Section 29 works when Section 29 is complied with. The plaintiffs in that case, they filed claims. Those claims were considered. They were decided on the merits and the plaintiffs were given remedies and they also had access to an appeals process. And so in that situation, breach of Section 29 was not at issue before this Court in deciding that case.

J. Lynch: But wasn't the argument of the plaintiff in that case that the remedies provided were inadequate to really comply with Section 29?

Lindstrom: One of the seven arguments that the plaintiffs in that case made before the Court was that the remedies were inadequate, but that is a very different question from the one that's before the Court today. And, if I may explain why, -

J. Lynch: Would you draw a bright line around cases where there is simply no remedy available?

Lindstrom: We would, your honor,

J. Lynch: If the UN created an arbitration forum in which Mr. Ban, for example, got to decide his own case and decided that there was really no liability that would be good enough.

Lindstrom: Well, reasonable people may disagree about what constitutes adequate process in any given case, but the situation here -

J. Lynch: I thought you were drawing a bright line. I thought I just asked you that whether you were drawing a bright line around no remedy or whether you were suggesting that a court like this one would have the power to decide whether the remedies are adequate. Are you now suggesting that we would and that the real explanation of *Brzak* is that in that case we correctly thought that there were adequate remedies? But if we had thought there were inadequate remedies, it would come out the other way?

Lindstrom: No, your honor, we do draw a bright line between cases where there has been no process and cases where there are allegations that that process wasn't adequate. This is a case where on the face of what the United Nations has responded with to the plaintiffs makes it clear that the processes that were promised, the Convention of Privileges and Immunities and other legal documents coming from the United Nations have established a minimum floor of the process that must be given.

J. Lynch: What is that minimum floor?

Lindstrom: So in the Convention -

J. Lynch: If the UN said we don't think we did anything wrong and we've looked at it and there's nothing wrong, so goodbye.

Lindstrom: Well in this case the United Nations has not said that. They have not said, they've not made a merits determination. They simply said in one conclusory line that the claims are not receivable because they involve a review of political and policy matters. That is not an exception that is recognized under any of the laws that the UN relies on to make Section 29 decisions and so on its face it's a statement that's invalid and that does not present any legitimate reasons for rejecting the claims.

J. Lynch: If this had been the United States Army and a claim were brought against the United States, there would be immunity for that would there not?

Lindstrom: That would be decided under a different framework and is -

J. Lynch: Well maybe some, just asking you do you know the answer, would it not be the case that if these were American rather than Nepali soldiers serving under the American flag rather than under the United Nations flag there would be immunity. I think that's right but I'm asking you if you know the answer.

Lindstrom: I believe that that would be decided under the Foreign Tort Claims Act which is restrictive immunity that makes distinctions between immunities that go to the core functions of the United States government and other types of tort acts.

J. Lynch: But doesn't this go to the core functions of the United Nations? This isn't, I mean the cases that you cite from European courts are things like routine employment disputes and things of that sort where, in fact, some of the cases explicitly talk about the fact that these are not core functions. And the most isn't the most analogous case the Srebrenica case.

Lindstrom: That case has very different facts from this case, your honor, in that -

J. Lynch: Isn't that also a case, isn't that the only case of any of the ones that at least I've seen in briefs of the parties who are making, that deals with immunity or not for a peacekeeping force?

Lindstrom: There is also the case of *Stravinou v. United Nations* that arose in Cyprus, but I think that the situation can be very well distinguished here in that when the United Nations leaked its waste into Haiti's central river there was nothing about management of waste systems that goes to the heart of the UN's mandate. The UN's mandate in Haiti is to promote the rule of law and management of waste is an ancillary activity to that. It is not anything that goes to the public functions of the United Nations, even private actors regularly, on a day-to-day basis have to be responsible for proper waste management. So there's nothing about that that's unique to the United Nations, or that goes to the heart of its peacekeeping functions. In *Srebrenica* the case was about whether the UN had properly used its troops to provide protection for vulnerable populations. If that was the case here then it probably would not be a private law claim and so it would not fall within Section 29.

J. Parker: Would you concede that there is nothing in the treaty, in the text of the treaty itself that makes Section 29 an exception to Section 2?

Lindstrom: Well, your honor, I think when you read the treaty as a whole as the rules of treaty interpretation require, it is clear that Section 29 is linked to Section 2. They cover the same content. They govern the rights and obligations that attach when a claim is filed that alleges that the United Nations is responsible for injury. Section 29 refers back to Section 2 in discussing, making it clear that it is for the types of claims over which the UN has immunity, that it also incurs this obligation. Now conditions precedent do not have to be established clearly in the text, it's a question of the parties intent and so to assess that intent it's proper for the Court to look at the drafting history. And as we spelled out in detail in our briefs, the drafting history throughout makes it clear that immunity was never intended to amount to impunity. It was always counterbalanced with the obligation to provide a settlement.

J. Lynch: Well maybe counterbalanced, but that's a little different that a condition precedent, right? Is there any indication, any explicit indication in the drafting history that says anyone thought that the immunity would dissipate if the remedies required by Section 29 did not materialize?

Lindstrom: The Study of Privileges and Immunities which lay the groundwork for the Convention has language that I think is particularly instructive. The drafting committee there instructed the UN to provide alternative dispute resolution if - and it uses the word if - the UN does not want to appear in court. And so they understood that it was a necessary precondition to immunity and so they wrote in a non-discretionary obligation in every draft of the treaty that followed. And to the extent that there is ambiguity in the precise nature of the relationship between Section 29 and Section 2, this Court should resolve that ambiguity in a way that is consistent with background principles of international law, of the UN Charter, and of human rights law which all make it very clear that the right to a remedy is an established right which has been explicitly worked into the Convention in Section 29 with the purpose of ensuring that individuals are not left without access to any kind of process.

J. Parker: Thank you, Ms. Lindstrom. I've given you some extra time, of course, but you have reserved two minutes.

Lindstrom: Thank you, your honor.

Blain: May it please the Court. My name is Ellen Blain. I'm an Assistant US Attorney in the Southern District of New York and I represent the United States which, as Judge Lynch just mentioned, is not a party to this action. The US is appearing here today because it is a party to the treaties governing the affairs of the United Nations. And to Judge Parker's point, I'd like to first acknowledge that the United States understands that this case concerns humanitarian tragedy and the US is sympathetic to the victims of the cholera epidemic in Haiti. And to that point, the United Nations itself has spent more than 140 million dollars since the outbreak in trying to eradicate cholera. The United States itself has spent almost 95 million dollars trying to eradicate cholera in Haiti. There are many multi-national organizations there on the ground working to eradicate cholera in Haiti and so while these plaintiffs in this Court may not have recourse to sue the United Nations is not the fact that the international community has turned a blind eye to the cholera epidemic. As the District Court correctly concluded, Section 2 -

J. Lynch: Tort law does something different, right. I mean if somebody is injured through the negligence of a commercial enterprise, we don't say, oh, look how well the company has done about seeing to it that this doesn't happen again. We look to giving compensation to the person who is injured by negligence and that's what they're asking for, right?

Blain: Yes, your honor.

J. Lynch: Nothing has happened on that front.

Blain: That's correct, your honor. And that's because the general Convention means what it says. And Section 2 provides as this Court ruled in *Brzak* that the UN is absolutely immune subject only to one thing, and that is express waiver.

J. Lynch: Does Section 29 mean what it says?

Blain: Section 29 does, but Section –

J. Lynch: So is the United States doing anything in its role as party to the treaty to insist that the United Nations create these mechanisms? Again, it's not a question of insisting that they get compensation, I have no idea whether there really was negligence or whether anyone deserves compensation. It's a question of whether there is some adjudicatory mechanism created by the United Nations itself to assess the claim.

Blain: The United States could well under Section 30 of the Convention request that the ICJ, International Court of Justice, issue an advisory opinion. We do not, the United States has not done that here, the government of Haiti has not done that here, nor has any other member of the treaties governing –

J. Lynch: So the sympathy that you mentioned that the United States has for these victims does not extend that far.

Blain: Well, your honor, the –

J. Lynch: Nor does it extend so, I wasn't even thinking about in effect suing the United Nations in the International Court of Justice, what about just bringing to bear diplomatic pressure of some kind within the United Nations structure where we are, I take it, an important player to ask the United Nations to do something.

Blain: Your honor, that's a separate question from what the treaties provide here in terms of the plaintiffs.

J. Lynch: I understand, but you are the one who said the treaty means what it says.

Blain: Yes.

J. Lynch: I respect that argument, but if you're here to come to this Court to help us to make sure that the treaty is interpreted in accordance with its language with respect to Section 2, I'm

just wondering whether you're anywhere else making the same argument with respect to Section 29.

Blain: Your honor, the government does believe that Section 29 may well be enforceable and there are two things that flow from that. One is, as your honor already pointed out, who gets to enforce that, who gets to argue that the UN has breached that. And that is only the signatories to the Convention. The second answer is the United States right now has not asked for an advisory opinion from the ICJ. That does not mean, however, that courts are not, rather that member states are not exercising their rights in the diplomatic realm or elsewhere to address the actual problem separate from the tort claim.

J. Parker: What would an enforcement action under Section 29 be?

Blain: If the questions, your honor, is how would a member state argue

J. Lynch: First of all, is it your position that it's only available to a member state?

Blain: That's correct, your honor.

J. Lynch: So how would it get, for example, an issue?

Blain: Under Section 30 of the General Convention a member via an organ of the UN would request the ICJ to issue an advisory opinion. And the ICJ was formed at the same time as the UN Charter.

J. Lynch: And the advisory opinion would say let's say if your adversaries were, your adversaries wanted to

Blain: Well, I'm not sure that there would necessarily be any adversary in the ICJ, but assuming for the sake of argument that one member state argues that the UN's interpretation is incorrect and the UN or some other member of the UN argues that the interpretation is, in fact, correct in that the UN does not need to provide an alternative method of dispute resolution in order for Section 2 immunity to attach. The ICJ would evaluate that argument and issue an opinion and that's what the ICJ is explicitly created for. The members, the treaties, the parties to the treaty in 1945 and 1946 evaluated this question and evaluated how disputes can be resolved among sovereign nations and they specifically granted that right to the International Court of Justice in 1946 so any dispute about whether or not the UN's interpretation of Section 29 is incorrect, any dispute about whether or not the UN has breached Section 29 and any dispute about whether or not that breach, in any way, affects Section 2's immunity belongs to the member states and it belongs in the forum of the ICJ.

J. Parker: But the ICJ can't give any relief to these individuals, these Haitian victims, is that right?

Blain: Well, your honor, these individuals would not be parties to the ICJ –

J. Parker: That's my point.

Blain: Right, so playing this out if the ICJ were to, down the line, issue an opinion that either well first that the UN must establish this Standing Claims Commission or anything else under Section 29, then presumably the government of Haiti and in every other portion of the UN affected by the ruling would then establish a Standing Claims Commission.

J. Lynch: Could you tell me if I'm right about this? Is it the case that the United Nations has created some standing alternative dispute resolution procedure and that the issue in this case is whether the claims made by the plaintiffs in this case are disputes of a private law character?

Blain: Yes, your honor, there is currently two ways for disputes concerning the UN to be evaluated and resolved. One is the United Nations has an internal dispute resolution mechanism for its own employees. It's not at issue here. The second way is in every mission that I'm aware of the United Nations has created a "Board of Inquiry" and the Board of Inquiry resolves these tort claims at a local level within the mission and that's reflected in the record at A-265, 266 and 277. So the UN has always acknowledged that it needs to provide tort compensation in effect and does so in this way in the missions themselves, but has never, sorry, your honor –

J. Lynch: No, go on, finish, I'm sorry.

Blain: And has never, however, established a "Standing Claims Commission" under the Status of Forces Agreement because as the Secretary General has said, specifically Secretary General Annan, in these places in the record, the Secretary General has always concluded that such a thing was not necessary because of these boards of inquiry.

J. Lynch: In terms of the Board of Inquiry process, does that mean that if I were visiting Haiti and got run over by a jeep operated by the, someone wearing a blue helmet of the United Nations, I would have some ability to seek compensation under this to this Board of Inquiry?

Blain: Presumably, your honor, but as to why that potentially was not available to the plaintiffs - - you know, I'm not here as the United Nations' lawyer so I can't –

J. Lynch: I understand. I'm just trying to understand, you know, what is the scope of the Board of Inquiry and what kind of claims, because to the extent that the issue is not, we're not just going to set anything up, but is instead we have set something up but this particular claim doesn't fall under private law character. I'm just trying to get a sense of the scope of that argument. Does that mean, for example, that anything done by troops in the mission is not really a private law character as opposed to somebody, I don't know what, has a contract to provide services to the mission and they claim they weren't paid.

Blain: Your honor, I can answer it as a practical matter, torts on a smaller scale have been compensated generally by the United Nations. In addition, mass torts I will call it, lump sum payments to specific countries have been made by United Nations, but as to what the United Nations' legal analysis was as to these plaintiffs' claims –

J. Lynch: You're not able to speak because that's not your, is that what you're telling me, that's not your, you're not privy to it.

Blain: Correct, your honor, and, of course, the government's position is even if the UN's reading and conclusion were incorrect that still does not eviscerate the immunity in Section 2.

J. Cabranes: Ms. Blain, up to now my colleagues have been going for the jugular as it were dealing with the UN Charter and the Convention of Privileges and Immunities of the United Nations, maybe I can go for the capillaries. What happens if we decide in favor of the Appellant? I'm just trying to understand what the posture would be of this case. Is there any recourse for the United Nations at this stage and, for example, taking an adverse decision in this case to the Supreme Court? They are not here as a party, right?

Blain: That's correct, your honor.

J. Cabranes: They never entered an appearance?

Blain: That's right, your honor.

J. Cabranes: So what would be the procedural posture of this case if your adversaries were to prevail?

Blain: Well, your honor, obviously first the government's response is we do not believe our adversary should –

J. Cabranes: Of course, of course.

Blain: Assuming that –

J. Cabranes: You're an amicus, you're not a party.

Blain: Yes, assuming that, I'm not sure procedurally exactly how the United States, as an amicus, can seek a petition for, you know, seek cert. from the Supreme Court. I'm not sure procedurally how that would work, but if the Court would like, I'm happy to provide additional briefing on that.

J. Lynch: Or whether it would work. I guess the first question is do you have any standing to do that?

Blain: That's a question I've honestly never thought of, but we can certainly submit a brief if that would be of use to the Court.

J. Cabranes: Thank you very much.

J. Parker: In the other, you adverted to specific and individual specific torts and mass torts. Can you just tell us a little bit more about those procedurally. How would those tort judgments be obtained?

Blain: Well, there's never been a tort judgment obtained so a court has never evaluated the UN's liability under any common law or treaty or otherwise for a tort, but the UN does set up these boards of inquiry and the individuals on the ground do an investigation as far as I understand and

evaluate whether or not the UN has, you know, hurt somebody with a jeep to use Judge Lynch's example and therefore is entitled to some sort of compensation. That's sort of one set of claims and then another set of claims, and I think this happened twice, the UN has given a lump sum payment to a country for, you know, I think it was 13 million dollars in one case, you know, a substantial amount for a larger problem that doesn't just affect one individual within that country.

J. Parker: And how is the payment effectuated? Who is the paying entity and who is the claimant?

Blain: Your honor, I think it was just a diplomatic settlement so there wasn't actually a tribunal that overlooked this or decided this –

J. Parker: This is presumably the Haitian Ambassador pressing the UN.

Blain: Well this was never given to Haiti.

J. Parker: Not to Haiti, but the country's ambassador.

Blain: Yes, and I don't have a window into that particular procedure but I know that the outcome of the procedure, the procedure was diplomatic and the outcome was some sort of negotiated payment between the parties, and by the parties I'm using that term loosely.

J. Parker: I take it that that's publicly reported somewhere.

Blain: Yes, your honor. It's actually in the record as well, specifically in those pages I've mentioned because in A-266 is an evaluation that the Secretary General provided to the Security Council about how the UN goes about resolving third party claims.

J. Cabranes: Your bottom line, your basic position is that there's absolute immunity here? And if the UN did nothing or cared to do nothing, none of the things that we've been discussing in the large, if it did nothing and indeed said that it would do nothing, it has absolute immunity.

Blain: Yes, your honor, and that's based on several things, just briefly, the text of the Convention, the drafting history of the Convention, this Court's ruling in *Brzak*, which unfortunately, the plaintiff's claims here cannot be brought here and they cannot be brought by these plaintiffs.

J. Lynch: Anywhere?

Blain: It would be up to the members of the signatory, the signatory countries of the General Convention. So it would only be if it's a dispute between the UN and Haiti it would go to the ICJ under Section 30 of the Convention, if it's a dispute between MINUSTAH and the UN, it goes to tribunal arbitrators and that's under the Status of Forces Agreement at Section 58.

J. Parker: Would the United States government concede that that was a, this is a, the result that you urge is a very, very bad result.

Blain: The result that the United States urges is a bad result?

J. Parker: Would the United States government concede that if you're right and these people are completely remedyless, that that is a very bad result?

Blain: Well, I think the United States certainly recognizes that this is an unfortunate and tragic humanitarian catastrophe, but again, at the end of the day, the United States is here to urge one interpretation of the treaty that the member states have always held so, yes, we would say that it would be unfortunate for these particular plaintiffs. On the other hand, it is not necessarily a "bad result" as your honor is suggesting because the member states of the UN has conferred absolute immunity on the UN for a very important reason.

J. Lynch: Sovereign immunity like absolute immunity for judges, like absolute immunity for prosecutors, like qualified immunity for police officers? There are lots of situations where people are left without a remedy even though they were wronged.

Blain: That's right. And those immunities are vital and particularly for the United Nations to carry on its peacekeeping mission around the world.

Cabranes: Thank you.

Blain: Thank you, your honors.

J. Cabranes: Ms. Lindstrom, you have reserved two minutes.

J. Lynch: May I just ask you, Ms. Lindstrom, you started by saying that what the UN is asking is unprecedented. Is there any precedent for a domestic court in any country awarding tort damages against the United Nations?

Lindstrom: Your honor, there are in other countries. In the United States –

J. Lynch: No, in other countries as well for awarding tort damages against the United Nations, not UNESCO under the Paris Court's interpretation of a treaty between UNESCO specifically and France and I might make it even narrower, for tort damages arising out of the peacekeeping mission. You mentioned the Cyprus case, that went against the plaintiffs. The Srebrenica case essentially goes against the plaintiffs. Is there any case that has gone in favor of the plaintiffs that is remotely analogous to this one? That's not saying anything about the substance of your argument, it's just about what is precedent and what is unprecedented.

Lindstrom: Sure, cases against the United Nations headquarters itself arise almost exclusively in the United States because that is where the United Nations headquarters are found and so that is why you see cases against UNESCO arising in France, you see cases against the Food and Agricultural Organization arising in Italy. And so it's not that courts have sat in judgment of this question have decided on the merits that or as a matter of a jurisdictional inquiry that it could not issue, it could not hold the UN liable in tort, it's simply that those questions are –

J. Lynch: I'm not suggesting there's necessarily a square precedent against you, I'm just trying to figure out if there is any case in which any court in any country has awarded tort damages

against the United Nations (a) at all and (b) specifically out of a peacekeeping mission's activities?

Lindstrom: This is a *sui generis* case, your honor, and I think that that's partly going back to Ms. Blain's point that the UN settles claims every day. It settles claims for tort disputes and for contract disputes, including in peacekeeping operations. If the UN contracts to have somebody supply paper to its mission and it breaches that contract, it would settle that claim. And the way that it does that is by engaging in amicable attempts to settle with claimants. With individual claimants, it is not dependent on a government raising those claims and, importantly, in the Status of Forces Agreement, the Standing Claims Commission is a Commission of last resort. In A-266, the document that was referenced by Ms. Blain earlier, it is, the Secretary General also assessed that provision and said, in fact, that there is a reason to retain it because otherwise the UN could be seen as acting as a judge in its own case. And it also, the Secretary General also noted that one of the reasons why the Standing Claims Commissions have not been invoked previously is because the victims have not asked for it. And, your honors, in this case, victims have asked extensively for a standing claims commission and that has been rejected.

J. Parker: Thank you, Ms. Lindstrom, very much.

Lindstrom: Thank you.

J. Parker: We reserve decision and we'll hear the second case on the calendar.