

STATUTE OF THE ADMINISTRATIVE TRIBUNAL

Article VIII

Disposition of Preliminary Questions

1. Within twenty days after receiving the complaint, the respondent may submit a motion requesting that the Tribunal dismiss the entire complaint, or any part thereof, based on lack of jurisdiction under Articles I and II of the Tribunal's Statute, failure to satisfy the requirements of admissibility under Article VI of the Statute, or failure to make a claim upon which relief can be granted.
2. Upon receipt of that motion, the complainant shall have twenty days to file with the Tribunal a written response in opposition. The respondent may file a reply to the response in opposition within twenty days of his receipt of same.
3. Within thirty days of receiving the last of the pleadings to be submitted under paragraph 2 above, the members scheduled to constitute the panel at the next session shall consult by telephone or other expeditious means and, based on those consultations, shall issue an order either granting the motion in whole or in part, denying it, or suspending all further proceedings in the action until the Tribunal can meet in session to consider it. During those thirty days, the President of the panel may submit written interrogatories to the parties for clarification, and copies of the interrogatories and answers shall be served on all parties and the corresponding Tribunal members.
4. The filing of a motion to dismiss under paragraph 1 shall suspend the time for filing an Answer under the Tribunal's Rules of Procedure until the Tribunal rules on the motion.
5. Either party shall have the right to request that the Tribunal reconsider its decision to grant the motion to dismiss in whole or in part, or deny it, at the Tribunal's next session. The requesting party shall file the motion for reconsideration within twenty days of receiving the Tribunal's decision. The filing of the motion for reconsideration will suspend further proceedings in the action pending the Tribunal's decision in reconsideration.
6. For good cause shown, the President of the panel may extend the time limits for filing the pleadings and taking the decisions provided for under this Article.
7. Failure of the respondent to make a Motion to Dismiss under this Article shall not bar or otherwise preclude the respondent from challenging the admissibility of the Complaint, the Tribunal's jurisdiction, and the legal merits of the claim in the Answer.

8. The Tribunal shall establish other summary procedures within its Rules of Procedure for the disposition of evidentiary questions and other pretrial issues consistent with its authority under Article XIII of this Statute.