



TABLE OF CONTENTS

Article 1	Election of the President	4
Article 2	Plenary meeting	4
Article 3	Commencement of office	4
Article 4	Venue	5
Article 5	Consideration by a panel	5
Article 6	Filing of cases	5
Article 7	Time limits for filing applications	5
Article 8	Applications	6
Article 9	Summary judgement	7
Article 10	Reply	7
Article 11	Joining of a party	8
Article 12	Representation	8
Article 13	Suspension of action during a management evaluation	8
Article 14	Suspension of action during the proceedings	9
Article 15	Referral to mediation	9
Article 16	Hearing	10
Article 17	Oral evidence	11
Article 18	Evidence	11
Article 19	Case management	12

Article 20	Remand of case for the institution or correction of the required procedure	12
Article 21	Registry	12
Article 22	Intervention by persons not party to the case	13
Article 23	Intervention procedure	14
Article 24	Friend-of-the-court briefs	14
Article 25	Judgements	14
Article 26	Publication of judgements	15
Article 27	Conflict of interest	15
Article 28	Recusal	15
Article 29	Revision of judgements	16
Article 30	Interpretation of judgements	16
Article 31	Correction of judgements	16
Article 32	Execution of judgements	17
Article 33	Titles	17
Article 34	Calculation of time limits	17
Article 35	Waiver of time limits	17
Article 36	Procedural matters not covered in the rules of procedure	17

Article 1 Election of the President

1. The Dispute Tribunal shall elect a President from among the 8

(c) 90 calendar days of the receipt by the applicant of the administrative decision in cases where a management evaluation of the contested decision is not required.

2. Any person making claims on behalf of an incapacitated or deceased staff member of the United Nations, including the Secretariat and separately administered funds and programmes, shall have one calendar year to submit an application.

3. Where the parties have sought mediation of their dispute, the application shall be receivable if filed within 90 calendar days after mediation has broken down.

4. Where an application is filed to enforce the implementation of an agreement reached through mediation, the application shall be receivable if filed within 90 calendar days of the last day for implementation as specified in the mediation agreement or, when the mediation agreement is silent on the matter, after 30 calendar days from the date of the signing of the agreement.

5. In exceptional cases, an applicant may submit a written request to the Dispute Tribunal seeking suspension, waiver or extension of the time limits referred to in article 7.1 above. Such request shall succinctly set out the exceptional circumstances that, in the view of the applicant, justify the request. The request shall not exceed two pages in length.

6. In accordance with article 8.4 of the statute of the Dispute Tribunal, no application shall be receivable if filed more than three years after the applicant's receipt of the contested administrative decision.

Article 8 Applications

1. An application may be submitted on an application form to be prescribed by the Registrar.

2. The application should include the following information:

- (a) The applicant's full name, date of birth and nationality;
- (b) The applicant's employment status (including United Nations index number and department, office and section) or

2. The Registrar shall transmit the application to the respondent.
3. The Dispute Tribunal shall consider an application for interim measures within five working days of the service of the application on the respondent.
4. The decision of the Dispute Tribunal on such an application shall not be subject to appeal.

Article 14 Suspension of action during the proceedings

1. At any time during the proceedings, the Dispute Tribunal may order interim measures to provide temporary relief where the contested administrative decision appears prima facie to be unlawful, in cases of particular urgency and where its implementation would cause irreparable harm to the respondent.

3. A party wishing to submit evidence that is in the possession of the opposing party or of any other party, in the initial application or at any stage of the proceedings, request the Dispute Tribunal to order the production of the evidence.

4. The Dispute Tribunal may, at the request of either party, impose measures to preserve confidentiality of evidence, where warranted by security interests or other exceptional circumstances.

5. The Dispute Tribunal may exclude evidence which it considers irrelevant, frivolous or lacking in probative value. The Dispute Tribunal may also limit oral testimony as it deems appropriate.

Article 19 Case management

The Dispute Tribunal may, at any time, either on an application of a party or on its own initiative, issue any order or give any direction which appears to a judge to be proper for the fair and expeditious disposal of the case and to do justice to the parties.

Article 20 Remand of case for the institution or correction of the required procedure

Prior to a determination of the merits of a case, should the Dispute Tribunal find that a relevant procedure prescribed in the Staff Regulations and Rules or applicable administrative issuances has not been observed, the Tribunal may, with the concurrence of the Secretary-General, remand the case for the institution or correction of the required procedure, which, in any case, should not take longer than three months. In such cases, the Dispute Tribunal may order the payment of compensation to the applicant for such loss as may have been caused by the procedural delay. The compensation is not to exceed the equivalent of three months net base salary.

Article 21 Registry

1. The Dispute Tribunal shall be supported by Registries, which shall provide all necessary administrative and support services to it.

UNITED NATIONS DISPUTE TRIBUNAL
RULES OF PROCEDURE
REV. 16 DECEMBER 2009

2. The Registries shall be ~~dis~~ established in New York, Geneva and Nairobi. Each Registry shall be headed by a Registrar appointed by the Secretary-General and such other staff as is necessary.

3. The Registrars shall discharge the duties set out in the rules of procedure and shall support the work of the Dispute Tribunal at the direction of the President or the judge at each location. In particular, the Registrars shall:

(a) Transmit all documents ~~and all~~ notifications required in the rules of procedure or required by the President in connection with proceedings before the Dispute Tribunal;

(b) Establish for each case a master Registry file, which shall record all actions taken in ~~connection~~ with the preparation of the case for hearing, the dates ~~thereof~~ the dates on which any document or notification forming part of the procedure is

the intervener by the Registrar and shall fix a time by which any written submissions must be submitted by the intervener. It shall also decide whether the intervenes be permitted to participate in any oral proceedings.

Article 23 Intervention procedure

An application for intervention shall be submitted on a prescribed form, the signed original of which shall be submitted to the Registrar. It may be transmitted electronically.

Article 24 Friend-of-the-court briefs

1. A staff association may submit a signed application to file a friend-of-the-court brief on a form prescribed by the Registrar, which may be transmitted electronically. The Registrar shall forward a copy of the application to the parties, who shall have three days to file any objections, which shall be submitted on a prescribed form.

2. The President or the judge hearing the case may grant the application if it considers that the filing of the brief would assist the Dispute Tribunal in its deliberations. The decision will be communicated to the applicant and the parties by the Registrar.

Article 25 Judgements

1. Judgements shall be issued in writing and shall state the reasons, facts and law on which they are based.

2. When a case is decided by a panel of three judges, a judge may append a separate, dissenting or concurring opinion.

3. Judgements shall be drawn up in any official language of the United Nations, two signed originals which shall be deposited in the archives of the United Nations.

4. The Registrars shall transmit a copy of the judgement to each party. An individual applicant or respondent shall receive a copy of the judgement in the language in which the original application was submitted, unless he or she requests a copy in another official language of the United Nations.

5. The Registrars shall send to all judges of the Dispute Tribunal copies of all the judgements of the Dispute Tribunal.

Article 26 Publication of judgements

1. The Registrars shall arrange for publication of the judgements of the Dispute Tribunal on the website of the Dispute Tribunal after they are delivered.

2. The judgements of the Dispute Tribunal shall protect personal data and shall be available at the Registry of the Dispute Tribunal.

Article 27 Conflict of interest

1. The term conflict of interest means any factor that may impair or reasonably give the appearance of impairing the ability of a judge to independently and impartially adjudicate a case assigned to him or her.

2. A conflict of interest arises where a case assigned to a judge involves any of the following:

(a) A person with whom the judge has a personal, familiar or professional relationship;

(b) A matter in which the judge has previously served in another capacity, including as an adviser, counsel, expert or witness;

(c) Any other circumstances that would make it appear to a reasonable and impartial observer that the judge's participation in the adjudication of the matter would be inappropriate.

Article 28 Recusal

1. A judge of the Dispute Tribunal who has or appears to have a

request for recusal of the President shall be ~~before the~~ three-judge panel for decision.

3. The Registrar shall communicate the decision to the parties concerned.

Article 29 Revision of judgements

1. Either party may apply to the Dispute Tribunal for a revision of a judgement on the basis of the discovery of a decisive fact that was, at the time the judgement was rendered, unknown to the Dispute Tribunal and to the party applying for revision, always provided that such ignorance was not due to negligence.

2. An application for revision ~~is to be~~ made within 30 calendar days of the discovery of the ~~fact and~~ one year of the date of the judgement.

3. The application for revision will be sent to the other party, who has 30 days after receipt to submit comments to the Registrar.

Article 30 Interpretation of judgements

Either party may apply to the Dispute Tribunal for an interpretation of the meaning or scope of a judgement, provided that it is not under consideration by the Appeals Tribunal. The application for interpretation shall be sent ~~to the~~ party, who shall have 30 days to submit comments on the application. The Dispute Tribunal will decide whether to admit ~~the appl~~ for interpretation and, if it does so, shall issue its interpretation.

Article 31 Correction of judgements

Clerical or arithmetical mistakes, or errors arising from any accidental slip or omission, may at any time be corrected by the Dispute Tribunal, either on its own initiative or on the application by any of the parties on a prescribed form.

Article 32 Execution of judgements

1. Judgements of the Dispute Tribunal shall be binding on the parties, but are subject to ~~appeal~~ ~~in accordance~~ with the statute of the Appeals Tribunal. In the absence of appeal, it shall be executable following the expiry of the time provided for appeal in the statute of the Appeals Tribunal.

2. Once a judgement is executable under article 11.3 of the statute of the Dispute Tribunal, either party may apply to the Dispute Tribunal for an order for execution of the judgement if the judgement requires execution within a ~~period~~ of time and such execution has not been carried out.

Article 33 Titles

The titles of the articles in the rules of procedure are for reference purposes only and do not constitute ~~interpretation~~ of the article concerned.

Article 34 Calculation of time limits

The time ~~limits~~ prescribed in the rules of procedure:

- (a) Refer to calendar days ~~and shall~~ include the day of the event from which the period runs;
- (b) Shall include the next working day of the Registry when the last day of the period is not a working day;
- (c) Shall be deemed to ~~have~~ met if the documents in question were dispatched by reasonable means on the last day of the period.

Article 35 Waiver of time limits

Subject to ~~article~~ 8.3 of the statute of the Dispute Tribunal, the President, or the judge or panel hearing a case, may shorten or extend a time limit fixed by the rules of procedure or waive any rule when the interests of justice so re 0.001ywgn twgn

UNITED NATIONS DISPUTE TRIBUNAL
R