

United Nations Nations Unies

HEADQUARTERS • SIEGE NEW YORK, NY 10017

TEL.: 1 (212) 963.1234 • FAX: 1 (212) 963.4879

REFERENCE:

17 November 2023

Excellency,

1. I have the honour to write to you with regard to agenda item 144, on the administration of justice at the United Nations.

2. As you are aware, at its 2nd plenary meeting, on 8 September 2023, the General Assembly, on the recommendation of the General Committee, referred the agenda item to both the Fifth and the Sixth Committees. In paragraph 36 of its resolution [77/260](#), the Assembly invited the Sixth Committee to consider the legal aspects of the report to be submitted by the Secretary-General, without prejudice to the role of the Fifth Committee as the Main Committee entrusted with responsibilities for administrative and budgetary matters.

3. During the present session, the Sixth Committee considered the item at its 9th meeting, on 11 October 2023, as well as in informal consultations held on 13, 18 and 30 October, and 3, 6 and 8 November. Informal consultations were also held on 6, 8 and 10 November. The Committee considered the legal aspects of the report of the Secretary-General on the activities of the Office of the United Nations Ombudsman and Mediation Services ([A/78/170](#)), the report of the Secretary-General on the administration of justice at the United Nations ([A/78/156](#)) and the report of the Internal Justice Council on the administration of justice at the United Nations ([A/78/121](#)).

4. During the informal consultations held on 13 October, the Executive Director of the Office of Administration of Justice, the Assistant Secretary-General for Legal Affairs, a member of the Internal Justice Council and the United Nations Ombudsman made presentations and remained available, along with representatives of other units of the Secretariat, to provide answers and clarifications to delegations, which were grateful for the opportunity.

H.E. Mr. Dennis **Francis**
President of the General Assembly
at its seventy-eighth session

5. Delegations expressed their appreciation to the Secretary-General for his comprehensive report on the administration of justice at the United Nations submitted pursuant to resolution [77/260](#) and for his report on the activities of the Office of the United Nations Ombudsman and Mediation Services. The Sixth Committee considered the requests of the Secretary-General to the General Assembly contained in the former ([A/78/156](#), para. 112). Delegations also considered the report of the Internal Justice Council and the recommendations contained therein.

6. I should draw your attention to a number of specific issues related to the legal aspects of those reports, as discussed in the Sixth Committee.

Independence of the judiciary

7. While emphasizing the need for effective cooperation and coordination between the Fifth Committee and the Sixth Committee, the Sixth Committee once more underlined that, under paragraph 4 of its resolution [61/261](#), the General Assembly had decided that the new system of administration of justice should be independent, transparent, professionalized, adequately resourced and decentralized, consistent with the relevant rules of international law and the principles of the rule of law and due process to ensure respect for the rights and obligations of staff members and the accountability of managers and staff members alike. Delegations were therefore of the view that, when considering the various proposals set out in the aforementioned reports that might have financial implications, the Assembly should take duly into account paragraph 4 of its resolution [61/261](#).

Knowledge of the system and outreach activities

8. Recalling the Sixth Committee's recommendations of 2020 (see [A/C.5/75/16](#), annex), in which the Committee urged the Secretariat to further strengthen and increase outreach activities, delegations welcomed the continued and increased efforts reported by the different parts of the system of administration of justice in that regard, including regular visits and briefings to field offices and peacekeeping operations.

9. The Sixth Committee also urged the Secretariat to continue its outreach activities, with a view to providing information on the role and functioning of the various parts of the system and the possibilities it offered to address work-related complaints, including to non-staff personnel, paying particular attention to field missions and offices.

Transparency and consistency of jurisprudence and judicial directions

10. The Sixth Committee recalled that it had previously noted the important legal dimension of full and accurate availability of and easy access to the jurisprudence of the Tribunals since they allowed staff and management, as well as anyone acting as a legal representative, to inform themselves about the latest developments of the jurisprudence, to establish precedents that could guide the assessment of other cases and to better understand relevant rules and

regulations as applied by the Tribunals (see [A/C.5/71/10](#), annex, and [A/C.5/73/11](#), annex). The Committee underlined that it had previously noted the absence of a searchable database of Dispute Tribunal and Appeals Tribunal judgments to facilitate meaningful and organized research (see [A/C.5/75/16](#), annex). It therefore welcomed the launch of a Caselaw portal that will contribute to a more transparent and accessible system of administration of justice (A/78/121, paras. 29-30). It commended the communications measures to raise awareness of the portal, as well as the portal enhancement project planned by the Secretary-General (A/78/156, paras. 53-56).

11. The Sixth Committee also recalled that it had previously noted the importance of applying such transparency to judicial directions. The Committee recommended that the General Assembly request that judicial directions that are of general application continue to be posted online and thus made available to all stakeholders, including the Assembly.

Regulatory framework

12. The Sixth Committee underlined the efforts of the Secretary-General and the Office of the United Nations Ombudsman and Mediation Services to give further effect to achieving a harmonious working environment free from discrimination, harassment, including sexual harassment, and abuse of authority, in particular through the civility campaign of the Secretary-General (A/78/170, paras. 53-55) and various measures to further enhance the accountability of managers (A/78/156, paras. 58-60 and annex I). It welcomed the comprehensive report of the Secretary-General on the measures taken to address systemic issues (A/78/156, annex I).

13. The Sixth Committee also took note that the Secretariat remains committed to the three-pronged strategy of preventing acts of misconduct, addressing reports of misconduct and holding those who have engaged in misconduct accountable and providing remedial actions, where applicable (A/78/156, annex I, paras. 12-14). The Committee recalled the important role of those activities in ensuring universal accessibility to the system of administration of justice at the United Nations.

14. Delegations noted with concern the reports by women, especially those appointed to senior positions, that they seemed to be measured by different standards compared with their male counterparts and that several women leaders reported the harassment they experienced ([A/77/151](#), para. 83). It noted with appreciation the projects set up to further support a culture change in the Organization and to create an enabling environment for women at all levels (A/78/156, annex I, para. 26).

15. The Sixth Committee noted the launch of the strategic action plan of the Secretary-General's Task Force on Addressing Racism and Promoting Dignity for All in the United Nations, and it also recalled resolution [76/271](#) in this regard.

16. The Sixth Committee also recalled the observations by the United Nations Ombudsman that the Organization had no mechanism to systematically monitor staff well-being in difficult duty stations so that it could respond promptly when conditions started to affect the health of staff members in a way that prevented them from continuing to work in that location ([A/75/160](#), para. 88).

Informal system

17. The Sixth Committee emphasized that informal dispute settlement is a crucial component of the internal system of administration of justice and noted with appreciation that the Office of the United Nations Ombudsman and Mediation Services has gradually evolved to become a global and decentralized conflict resolution resource for addressing workplace conflicts and grievances of United Nations personnel ([A/78/170](#), para. 1). It commended the different services offered by the Office and its positive impact on the United Nations work environment ([A/78/170](#), paras. 8-12). It took note of the tangible benefits of utilizing the services of the Office ([A/78/170](#), paras 13-17) and renewed its call for further incentives to resort to informal conflict resolution.

18. Delegations commended the activities of the Office of the United Nations Ombudsman and Mediation Services, and its efforts to continue to ensure a global presence and regional activities to increase conflict resolution services for staff and non-staff away from Headquarters ([A/78/170](#), para. 43 ff.).

19. In this regard, the Sixth Committee commended the dialogue model developed, within existing resources, by the Office of the United Nations Ombudsman and Mediation Services, thus providing a framework using conversation guidelines and carefully considered questions to create a safe space for participants to exchange perspectives and experiences related to racism in the workplace ([A/78/170](#), paras. 56-57). The Committee noted with concern that racism remains an issue in the United Nations workplace and that there remain knowledge and awareness gaps ([A/78/170](#), paras. 86-89). The Committee therefore encouraged the continuation of learning and education on racism in particular through the implementation of the Secretary-General's strategic action plan on addressing racism and promoting dignity for all in the United Nations Secretariat.

20. The Sixth Committee recalled that, in his previous reports, the Secretary-General had recommended that the Organization develop a holistic managerial approach for addressing managers who might appear to perform well but whose abrasive behaviour affected staff, without understanding the impact of their behaviour on others ([A/70/151](#), paras. 63-69 and 70 (c); [A/73/167](#), paras. 56-57, 60 and 62-65; [A/74/171](#), paras. 60-61; and [A/75/160](#), para. 85). It welcomed the fact that senior managers are made aware of their significant decision-making authority and their accountability through training, information sessions and advisory services ([A/77/156](#), para. 55). It also took note of the Ombudsman's practice to reach out to new appointees for a one-on-one induction meeting to stress the importance of the role of

senior leaders in contributing to a harmonious workplace and the possibility for senior leaders to have a personalized confidential conflict coaching (A/78/170, paras. 75-76 and 93).

Formal system

21. The Sixth Committee commended the Management Evaluation Unit for its continued important role in enabling the resolution of work-related disputes of staff members.

22. The Sixth Committee recalled the recommendation of the Internal Justice Council to enhance staff access to documents and information (A/72/210, para. 19, and A/73/218, recommendation 1). Delegations underlined once more that, where feasible and without compromising needed confidentiality, the Management Evaluation Unit should provide the complaining parties with documents and other information relied upon by the Unit in deciding to sustain the decisions of line managers.

23. The Sixth Committee noted the work of the Office of Staff Legal Assistance in supporting requests for assistance of staff members and in resolving disputes informally (A/78/156, paras. 40-42).

24. The Sixth Committee also recognized the work of the Dispute Tribunal and the Appeals Tribunal in contributing to the promotion of justice at the United Nations. The Committee further noted that the reasonable length of proceedings was an important attribute of an effective system of administration of justice. In that regard, the Committee commended the further implementation of the case disposal plan and the significant improvement in the disposal of cases by the two Tribunals in 2022 (A/78/121, paras. 7-15 and A/78/156, paras. 16-18). The Committee further welcomed the extension of the practice of publishing the schedule and cause list for each half-time judge on the website of the internal justice system to the full-time judges, consistent with paragraph 29 of resolution 75/248.

25. The Sixth Committee stressed that the Dispute Tribunal was an independent judiciary, which was expected to manage its affairs in accordance with its statute, rules of procedure and code of conduct.

26. The Sixth Committee further encouraged all parties to a work-related dispute to make every effort to settle it early in the informal system, without prejudice to the right of each staff member to submit a complaint for review in the formal system. It underlined that mediation facilitates dialogue, reduces conflict and has the advantage of offering mutually acceptable solutions without the need for protracted and costly litigation. The Committee took note of the Internal Justice Council's recommendation 7 to develop and test an 18-month pilot programme of judicial mediation within existing resources and requested the Council to provide more information on this project taking into consideration the concerns raised by the Secretary-General and the Office of the United Nations Ombudsman and Mediation Services (A/78/121, paras. 39-41). It supported the Internal Justice Council's recommendation 8 to

establish cooperation between the Office of the United Nations Ombudsman and Mediation Services and other successful mediation offices in the United Nations system in order to improve and strengthen the Division of Mediation (A/78/121 paras. 43-49). It welcomed the measures undertaken by the Office of Administration of Justice to provide more cohesive and comprehensive information on the role and functioning of the various mechanisms in the administration of justice system and the possibilities these mechanisms, including mediation, offer to address workplace disputes (A/78/156, paras. 94-98). It encouraged all stakeholders to continue to refine other recommendations for strengthening the use of mediation by all personnel categories of the Organization.

Staff representation and voluntary supplemental funding mechanism of the Office of Staff Legal Assistance

27. The Sixth Committee welcomed the continued efforts of the Secretary-General, carried out pursuant to paragraph 33 of resolution [75/248](#), to strengthen incentives for staff not to opt out of the voluntary supplemental funding mechanism. It took note that the voluntary contribution scheme has permitted the Office to significantly reinforce its legal team and recommended to regularize the voluntary staff funding mechanism as it currently exists.

Remedies available to non-staff personnel

28. The Sixth Committee expressed gratitude for the information on remedies available to non-staff personnel provided by the Secretary-General in his report (A/78/156, paras. 61–67). The Committee underscored the importance of fair and appropriate access to dispute resolution for both staff and non-staff and the need to take into account any limitations in access to information and resources available to non-staff such as those identified in the report on the activities of the Office of the United Nations Ombudsman and Mediation Services ([A/77/151](#), para. 30). It encouraged the Office of the United Nations Ombudsman and Mediation Services to continue to liaise with the respective stakeholders to ensure that measures are in place to treat non-staff personnel fairly and in accordance with their contractual modality (A/78/170, para. 41).

29. The Sixth Committee recalled that it had repeatedly highlighted that the United Nations should ensure that effective remedies were available to all categories of personnel, including non-staff personnel (see [A/66/275](#) and [A/66/275/Corr.1](#), including annex II, entitled “Proposal for recourse mechanisms for non-staff personnel”, and [A/67/265](#) and [A/67/265/Corr.1](#), including annex IV, entitled “Expedited arbitration procedures for consultants and individual contractors”, and annex VI, entitled “Access to the system of administration of justice for non-staff personnel not covered under the dispute resolution mechanism and other measures available to them for addressing disputes”). In that connection, the Committee took note of the plan for managing disputes with non-staff personnel, including strengthened informal amicable dispute resolution and, if that fails, procedures for an expedited and simplified arbitration procedure (A/78/156 para. 62). It also took note of the

opportunity identified by the Secretary-General for the United Nations to collaborate with the Permanent Court of Arbitration to support ad hoc arbitration proceedings (A/77/156, paras. 115–116 and A/78/156, paras. 63–66) and encouraged the Secretary-General to continue seeking options to minimize the expected costs in order to promote access to dispute resolution. The Committee also recalled the views expressed by the Interim Independent Assessment Panel (A/71/62/Rev.1, para. 413, recommendation 23 and paras. 233–243), as well as the options for a remedy system for non-staff personnel elaborated by the Internal Justice Council (A/71/158, paras. 142–153 and annex I, para. 13). The Committee recommended to continue the discussions on ways to provide non-staff personnel with access to fair, affordable and effective mechanisms for resolving work-related disputes.

30. Delegations also took note of the information concerning the access by non-staff personnel to services provided by the Office of the United Nations Ombudsman and Mediation Services (A/78/170, paras. 36–42). The Sixth Committee encouraged the Fifth Committee to regularize the pilot project for non-staff personnel and assess the recommendation of the Office of the Ombudsman in order to make the final decision in this regard.

Protection against retaliation

31. The Sixth Committee took note of the information on protection against retaliation for staff members lodging cases before the Tribunals (A/76/99, paras. 57–60). The Committee noted that witnesses giving testimony on cases involving reports of misconduct and staff members cooperating with duly authorized audits or investigations might already fall within the ambit of the protection provided by the Ethics Office under Secretary-General's bulletin ST/SGB/2017/2/Rev.1. The Committee further underscored the importance of fully implementing orders issued by the Tribunals for the protection of complainants and witnesses against retaliation. It welcomed the discussion held by the Ethics Network of Multilateral Organizations on the topic of protection against retaliation and whistle-blower protection (A/78/156, para. 71).

32. In the view of the Internal Justice Council, an explicit system-wide policy protecting parties and witnesses from retaliation was recommended. Delegations took note that the lack of protection against retaliation for staff members who are applying for redress in the Tribunals and appearing as witnesses remains a serious problem (A/77/130, para. 35). The Committee noted that retaliation against complainants or staff appearing as witnesses constituted misconduct and that the Secretary-General's policy on protection against retaliation protected staff from being punished for reporting misconduct. Delegations took note that the Secretary-General's bulletin on protection against retaliation for reporting misconduct and for cooperating with duly authorized audits or investigations (ST/SGB/2017/2/Rev.1) applies to any staff member (regardless of the type of appointment or its duration), intern, United Nations volunteer (including United Nations volunteers serving in the Secretariat), individual contractor or consultant (A/78/156, para. 69).

The Committee further underscored the importance of fully implementing orders issued by the Tribunals for the protection of complainants and witnesses against retaliation. While the Committee took note of the view of the Internal Justice Council regarding the need to empower the Tribunals to issue protective orders, the Committee underscored that the Tribunals already had inherent and explicit authority to issue such orders consistent with their statutes, rules of procedure and code of conduct.

33. Delegations took note that the Internal Justice Council will continue to examine the fear of, and protection against, retaliation for staff bringing cases and those testifying before the Tribunals and for reporting misconduct, including further information on the progress made in the protection against retaliation for both staff and non-staff personnel in the context of the reviews currently under way (A/78/121, para. 57 (b)).

Amendments to the statute of the United Nations Dispute Tribunal

34. The Sixth Committee took note of the Secretary-General's revised proposal (A/78/156, para. 93) to article 9 paragraph 4 of the Statute of the Dispute Tribunal and of the different views expressed by key stakeholders (A/78/156, annex IV and A/78/121, paras. 22-28) and by Member States. It recommended the adoption of the following amendment to the statute of the United Nations Dispute Tribunal:

Statute of the Dispute Tribunal

Article 9, new paragraph 4

“4. In hearing an application to appeal an administrative decision imposing a disciplinary measure, the Dispute Tribunal shall pass judgment on the application by conducting a judicial review. In conducting a judicial review, the Dispute Tribunal shall consider the record assembled by the Secretary-General and may admit other evidence to make an assessment on whether the facts on which the disciplinary measure was based have been established by evidence; whether the established facts legally amount to misconduct; whether the applicant's due process rights were observed; and whether the disciplinary measure imposed was proportionate to the offence.”

The Sixth Committee encouraged the Fifth Committee to take the views of the key stakeholders, including the tribunals, on its proposal into consideration.

Amended rules of procedure of the United Nations Dispute Tribunal

35. The Sixth Committee recommended the approval of articles 1, 2, 4, 4*bis*, 5, 6, 6*bis*, 7, 8, 9, 10, 10*bis*, 11, 12, 13, 14, 16, 17, 19, 21*bis*, 22, 26, 33, 34, 35, 37 and 38 of the proposed amendments to the rules of procedure of the United Nations Dispute Tribunal, the text of which is reproduced in the enclosure, and took note of the Secretary-General's request that the General Assembly consider the comments as set out in Annex II to his report on the

administration of justice at the United Nations, before deciding whether to approve the remaining proposed amendments to the rules of procedure of the Dispute Tribunal. With regard to the remaining amendments, it suggested to postpone the decision to the seventy-ninth session of the Assembly.

Closing remarks

36. The Sixth Committee recommended that the General Assembly include the item entitled “Administration of justice at the United Nations” in the provisional agenda of its seventy-ninth session.

37. The Sixth Committee recalled that, at previous sessions, the respective views of the United Nations Appeals Tribunal and the United Nations Dispute Tribunal had been included as annexes to the report of the Internal Justice Council (e.g., A/76/124, annexes I and II). The Committee noted the usefulness of such information and requested the Secretary-General to entrust the Council with including the views of both the Dispute Tribunal and the Appeals Tribunal in its reports at the future sessions of the General Assembly.

38. It would be appreciated if the present letter were brought to the attention of the Chair of the Fifth Committee and circulated as a document of the General Assembly under agenda item 144, “Administration of justice at the United Nations”.

H.E. Mr. Suriya **Chindawongse**
Chair of the Sixth Committee
at the seventy-eighth session
of the General Assembly

Enclosure

Amended rules of procedure of the United Nations Dispute Tribunal¹

Article 1. Election of the President

1. The **judges of the United Nations Dispute Tribunal (“Dispute Tribunal”)** shall elect a President from among the full-time judges, for a renewable term of one year, to direct the work of the **Dispute Tribunal** and of the Registries, in accordance with the statute of the Dispute Tribunal (**“UNDT statute”**).

2. ~~Until~~ **Unless** otherwise decided by the Dispute Tribunal:

(a) The election shall occur at a plenary meeting every year. ~~and~~ **Upon election**, the President shall take up his or her duties ~~upon election~~ **on the day set by plenary decision**;

(b) ~~The retiring President shall remain in office until his or her successor is elected;~~ [Deleted]

(c) If the President should cease to be a judge of the Dispute Tribunal, should resign his or her office before the expiration of the normal term or is unable to act, an election shall be held for the purpose of appointing a successor for the unexpired ~~portion of the term~~ **of office**;

(d) Elections shall be by majority vote.

(e) Any judge who cannot attend for that purpose is entitled to vote by ~~correspondence~~ **proxy**.

Article 2. Plenary meeting

1. The Dispute Tribunal shall normally hold a plenary meeting **in person** once a year to deal with questions affecting the administration or operation of the Dispute Tribunal. **In addition, plenary meetings through audio or audiovideo conference may be held as necessary. A judge who is unable to participate in the vote, either in person or through electronic communication, may provide a proxy to another judge.**

2. ~~Three~~ **Five** judges shall constitute a quorum for ~~the~~ plenary meetings of the Dispute Tribunal. **Decisions shall be made by a majority vote of the judges participating.**

3. The plenary meeting shall be called by the President or at the request of five judges.

Article 4. Venue

1. The judges of the Dispute Tribunal shall exercise their functions in New York, Geneva and Nairobi respectively. **The Dispute Tribunal shall determine the venue for the filing of applications in a practice direction.** However, the Dispute Tribunal may decide to hold sessions at other duty stations as required.

2. A party may apply for a change of venue where the interest of justice so requires.

3. A change of venue may be determined by the President of the Dispute Tribunal where so required in the interest of justice on a case-by-case basis. A change of venue regarding a case already assigned to a judge requires his/her consent.

¹ The proposed new text is shown in bold underline, and proposed deletions to existing text is shown in strikethrough.

Article 4 bis. Electronic communication

Unless otherwise provided by these rules or decided by a judge, any action in the course of the proceedings before the Dispute Tribunal may be performed by electronic means. This includes filing and service of documents, taking testimony from witnesses and experts, deliberations, affixation of signatures and issuance of judgements and orders

Article 5. Consideration by a panel

1. Except in cases falling under article 5.2 below, cases shall be considered by a single judge.
2. As provided for in its statute, the Dispute Tribunal may refer any case to a panel of three judges for a decision.
3. If a case is examined by a panel of three judges, ~~the~~ **all** decisions shall be taken by majority vote. Any concurring, separate or dissenting opinion shall be recorded in the judgement.

Article 6. Filing of cases

~~1. An application shall be filed at a Registry of the Dispute Tribunal, taking into account geographical proximity and any other relevant material considerations.~~ **in accordance with the venue determined in the practice direction. Erroneous filing in a seat of the Tribunal other than determined in the practice direction does not affect receivability of the application**

~~2. The Dispute Tribunal shall assign cases to the appropriate Registry. A party may apply for a change of venue. [Deleted]~~

Article 6 bis. Access to the case file

- 1. Parties to the proceedings and their legal representatives shall have access to the case records through the eFiling portal. The case records include audio and audiovisual recordings of case management discussions and oral proceedings.**
- 2. Disclosure of recordings referred to in section 1 without the Tribunal's permission is prohibited.**

Article 7. Time limits for filing applications

1. Applications shall be submitted to the Dispute Tribunal through the Registrar within **time limits determined by the Staff Rules and the UNDT statute.**
 - ~~(a) 90 calendar days of the receipt by the applicant of the management evaluation, as appropriate;~~
 - ~~(b) 90 calendar days of the relevant deadline for the communication of a response to a management evaluation, namely, 30 calendar days for disputes arising at Headquarters and 45 calendar days for disputes arising at other offices; or~~
 - ~~(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.~~ **An application is filed in a timely manner when it has been sent, electronically or by registered mail, on or before the last day of the deadline. An applicant bears the burden of demonstrating a timely filing.**

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.~~ **a deadline relevant for receivability of an application is triggered by a receipt of communication transmitted by email, absent electronic confirmation of receipt, it will be considered that the communication was delivered on the next calendar day following the dispatch.**

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~~ **shall** 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 relationship to the staff member if the applicant is relying on the staff member's rights;

(c) Name of the applicant's legal representative (with authorization attached);

(d) The address to which documents should be sent;

(e) **Specific indication of the contested decision, including** ~~When and where the contested decision, if any,~~ was taken (with the contested decision, **if in writing**, attached);

(f) Action and remedies sought;

(g) Any supporting documentation (annexed and numbered, including, if translated, an indication thereof).

3. The signed original application form and the annexes thereto shall be submitted together. The documents may be transmitted electronically.

4. After ascertaining that the requirements of the present article have been complied with, the Registrar shall transmit a copy of the application to the respondent and to any other party a judge considers appropriate. If the formal requirements of the article are not fulfilled, the Registrar may require the applicant to comply with the requirements of the article within a specified period of time. Once the corrections have been properly made, the Registrar shall transmit a copy of the application to the respondent.

5. The applicant may not request a remedy not articulated in the original application unless facts forming the basis of such a request occurred after the filing of the original application.

Article 9. Summary judgement **and judgement based on documents**

1. A party may move for summary judgement when there is no dispute as to the material facts of the case and a party is entitled to judgement as a matter of law. The Dispute Tribunal may determine, on its own initiative, that summary judgement is appropriate.

2. **The Tribunal may proceed to judgement wherever submissions by parties suffice for the determination of the case.**

Article 10. Reply

1. The respondent's reply shall be submitted within 30 calendar days of the date of receipt of the application by the respondent. The signed original reply and the annexes thereto shall be submitted together. The document may be transmitted electronically. **Where the A respondent does not who has not submitted submit the reply within the requisite period of time, the Tribunal may adjudicate the case accepting as true the factual statements contained in the application and other submissions that have been served on the respondent, unless the Tribunal has reason to doubt their veracity shall not be entitled to take part in the proceedings, except with the permission of the Dispute Tribunal.**

2. **In the reply, the respondent shall, in a precise and comprehensive manner:**

(a) **Take a position on the receivability of the application;**

(b) **Present the legal and factual basis on which the contested administrative decision has been made, and the evidence supporting such factual basis;**

(c) **Take a position as to the relevance of legal and factual claims presented in the application and agree, deny, or deny knowledge or information sufficient to form a belief about the truth of the legal and factual claims;**

(d) **Present a general denial of claims or facts not admitted or disputed but which may later be deemed relevant.**

2 3. After ascertaining that the requirements of the present article have been complied with, the Registrar shall transmit a copy of the **reply response** to the applicant **and to any other person or entity, and to any other party a judge considers appropriate. the intervener and/or the person invited to furnish observations under Article 11, as applicable appropriate.** If the formal requirements of the article are not fulfilled, the Registrar may require the respondent to comply with the requirements of the article within a specified period of time. Once the corrections have been properly made, the Registrar shall transmit a copy of the reply to the applicant.

4. **The Dispute Tribunal may decide that a reply not be requested where the application is manifestly not receivable or unfounded.**

Article 10 bis. Pleadings

1. **At any time following the filing of a reply, the Dispute Tribunal may order that either party submit, within a specified deadline, arguments and evidence that are deemed necessary to the proper adjudication of the issues that have been identified, with an indication of the specific facts for which the evidence is proposed.**

2. **The Dispute Tribunal may, in consideration of the circumstances, draw an adverse inference from the failure to provide a responsive answer; it may, moreover, prohibit that party from advancing further pleadings or submissions on that matter.**

3. Should a party obtain evidence that was not available to it when the relevant pleading was being made, it may seek leave from the Dispute Tribunal to submit that evidence to supplement its earlier response or amend the argument accordingly.

Article 11. Joining of a party

The Dispute Tribunal may at any time, either on the application of a party or on its own initiative, ~~join another party if it appears to the Dispute Tribunal that that party has a legitimate interest in the outcome of the proceedings.~~ **invite observations from a third party if the Dispute Tribunal determines that this third party has a legitimate interest in the outcome of the proceedings**

Article 12. Representation

1. ~~A party~~ **An applicant** may present his or her case to the Dispute Tribunal in person, or may designate counsel from the Office of Staff Legal Assistance or counsel authorized to practice law in a national jurisdiction.

2. ~~A party~~ **An applicant** may also be represented by a staff member or a former staff member of the United Nations or one of the specialized agencies.

3. Where a party has representation, documents shall be served on the representative only. The submissions made by the representative are considered as made by the party.

Article 13. Suspension of action during a management evaluation

1. ~~The Dispute Tribunal shall order a suspension of action on an application filed by an individual requesting the Dispute Tribunal to suspend, during the pendency of the management evaluation, the implementation of a contested administrative decision that is the subject of an ongoing management evaluation, where the decision appears prima facie to be unlawful, in cases of particular urgency and where its implementation would cause irreparable damage. where conditions set out in article 2 of the Dispute Tribunal statute are met.~~

2. The Registrar shall transmit the application to the respondent, **who may file a reply.**

3. The Dispute Tribunal shall consider an application ~~for interim measures~~ **for suspension of action** 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~~ **Interim measures**

1. ~~At any time during the proceedings, the Dispute Tribunal may order interim measures to provide temporary relief the contested administrative decision appears prima facie to be unlawful, in cases of particular urgency and where its implementation would cause irreparable damage. This temporary relief may include an order to suspend the implementation of the contested administrative decision, except in cases of appointment, promotion or termination. where conditions set out in article 10 of the Dispute Tribunal statute are met.~~

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 16. Hearing

1. The ~~Tribunal judge hearing a case~~ may hold **an** oral hearing whenever necessary for a fair disposal of the case.
2. A hearing shall normally be held following an appeal against an administrative decision imposing a disciplinary measure.
3. The Registrar shall notify the parties of the date and time of ~~a the~~ hearing in advance and confirm the names of witnesses **and**/or expert witnesses. ~~for the hearing of a particular case.~~
4. The parties or their duly designated representatives must be present at the hearing either in person or, where unavailable, by video link, telephone or other electronic means. **The Tribunal may, however, decide to proceed with a hearing in the absence of a party or a representative, provided they have been properly notified.**
5. If the Dispute Tribunal requires the physical presence of a party or any other person at the hearing, the necessary costs associated with the travel and accommodation of the party or other person shall be borne by the Organization.
6. The oral proceedings shall be held in public unless the judge hearing the case decides, at his or her own initiative or at the request of one of the parties, that exceptional circumstances require that the oral proceedings be ~~closed~~ **held in camera**. If appropriate in the circumstances, the oral hearing may be held by video link, telephone or other electronic means.

Article 17. Oral evidence

1. The presiding judge directs the course of the hearing.

- ~~2.~~ **2.** The parties may call witnesses and experts to testify. The opposing party may cross-examine witnesses and experts. The Dispute Tribunal may examine witnesses and experts called by either party and may call any other witnesses or experts it deems necessary. The Dispute Tribunal may make an order requiring the presence of any person or the production of any document.
- ~~2.~~ ~~The Dispute Tribunal may, if it considers it appropriate in the interest of justice to do so, proceed to determine a case in the absence of a party.~~
3. Each witness shall make the following declaration before giving his or her statement: "I solemnly declare upon my honour and conscience that I will speak the truth, the whole truth and nothing but the truth." **Each expert shall make the following declaration before giving his or her statement: "I solemnly declare upon my honour and conscience that my statement will be in accordance with my sincere belief."**
4. ~~Each expert shall make the following declaration before giving his or her statement: "I solemnly declare upon my honour and conscience that my statement will be in accordance with my sincere belief."~~ **Any party may object to the testimony of a given witness or expert, stating reasons for such objection. The Dispute Tribunal shall decide on the matter.**
5. ~~Any party may object to the testimony of a given witness or expert, stating reasons for such objection. The Dispute Tribunal shall decide on the matter. Its decision shall be final.~~ **The Dispute Tribunal shall determine the appropriate means for satisfying the requirement for personal appearance of the parties, witnesses and experts. Where physical appearance is unfeasible, evidence may be taken by video link, telephone or other electronic means.**
6. ~~The Dispute Tribunal shall decide whether the personal appearance of a witness or expert is required at oral proceedings and determine the appropriate means for satisfying the requirement for personal appearance. Evidence may be taken by video link, telephone or other electronic means., in agreement~~

with the parties, may decide to receive expert evidence submitted in writing, without calling the expert to testify.

7. On the initiative of the Dispute Tribunal, or at the request of a party or a witness, the Dispute Tribunal shall take measures such as it deems appropriate to protect the interests of vulnerable witnesses, including victims of sexual exploitation, sexual abuse, or sexual harassment, and minors.

Article 19. Case management

1. 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 appropriate for the fair and expeditious disposal of the case and to do justice to the parties.

2. The Tribunal shall undertake a judicial action within 90 days from the date when the complete application was filed.

3. A judge presiding over a case may hold a case management conference wherever, in the opinion of the judge, it may serve to facilitate a settlement, define issues for adjudication, clarify the extent of disputed facts and outline the course of proceedings.

4. The Dispute Tribunal may order that cases be considered and/or adjudicated jointly where, in its opinion, it is required by judicial efficiency.

5. The Dispute Tribunal may find that the conduct of natural or legal persons during proceedings before it is improper or that they have failed to comply with the Tribunal's orders. The Dispute Tribunal may: refuse such person's continuing access to the proceedings until amends are made to purge the improper conduct to its satisfaction; require that in order to be heard an applicant must retain a representative; or that a party representative be replaced. The Dispute Tribunal may refer such conduct to the Secretary-General for possible action to enforce accountability when such person is a staff member, or for possible referral to a local professional association, when such person is not a staff member.

5- 6. The Dispute Tribunal may disregard submissions which are late, irrelevant, frivolous or repetitious, or which exceed the allotted page limit.

Article 21 bis Assignment of cases

1. Assignment of cases is done by a Registrar in chronological order unless efficient docket management requires an occasional assignment of more recent cases.

2. Once a case is assigned to a judge, it shall not be reassigned, other than in the case of recusal, change of venue under article 4.3 or a prolonged or indefinite unavailability of the judge, as decided by the President.

Article 22. Intervention by persons not party to the case

1. Any person for whom recourse to the Dispute Tribunal is available under article 2.4 of the statute A staff member, a former staff member or a person representing the estate of a former staff member may apply, on an application form to be prescribed by the Registrar, to intervene in a case at any stage thereof on the grounds that he or she has a right that may be affected by the judgement to be issued by the Dispute Tribunal. legitimate interest in the proceedings. The Tribunal may also, on its own motion, invite such person to intervene.

2. After ascertaining that the requirements of the present article have been complied with, the Registrar shall transmit a copy of the application for intervention to the applicant and to the respondent.

3. The Dispute Tribunal shall decide on the admissibility of the application for intervention. Such decision shall be final and shall be communicated to the intervener and the parties by the Registrar.

4. The Dispute Tribunal shall establish the modalities of the intervention. If admissible, the Dispute Tribunal shall decide which documents, if any, relating to the proceedings are to be transmitted to 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 intervener shall be permitted to participate in any oral proceedings.

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. **Once the judgement has been delivered, the Registrars shall arrange for publication notwithstanding the period of deployment of half-time judges.**

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

Article 33. ~~Titles~~ **Interpretation of the Rules of Procedure**

The titles of the articles in the Rules of Procedure are for reference purposes only and do not constitute an 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 not 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 **in the venue where the case is filed;**
- (c) Shall be deemed to have been met if the documents in question were dispatched by reasonable means on the last day of the period.

Article 35. **Suspension or** 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 require. [Deleted]~~

1. A request for suspending or waiving statutory deadlines made under article 8.3 of the statute may be granted when the below conditions are cumulatively satisfied:

- (a) The delay was caused by exceptional circumstances;**
- (b) The delay is not attributable to negligence of the applicant;**
- (c) The applicant filed the request at the first reasonable opportunity.**

2. Suspension, waiver or extension of time limits established by these Rules of Procedure or by the judge presiding over a case may be decided on request or proprio motu where so required in the interest of justice.

Article 37. ~~Amendment of the rules of procedure~~ **Rules of Procedure**

1. The Dispute Tribunal in plenary meeting may adopt amendments to the **Rules of Procedure** ~~which shall be submitted to the General Assembly for approval.~~ **by the vote of at least seven (7) judges.**

2. ~~The Amendments shall operate provisionally until approved~~ **to the Rules enter into force following approval** by the General Assembly. ~~or until they are amended or withdrawn by the Dispute Tribunal in accordance with a decision of the General Assembly.~~

3. The President, after consultation with the judges of the Dispute Tribunal, may instruct the Registrars to revise any forms from time to time in the light of experience, provided that such modifications are consistent with the Rules of Procedure.

Article 38. Entry into force

~~1.~~ The Rules of Procedure shall enter into force on the first day of the month following their approval by the General Assembly.

~~2. The rules of procedure shall operate provisionally from the date of their adoption by the Dispute Tribunal until their entry into force. [Deleted]~~