RULES OF PROCEDURE

OF THE UNITED NATIONS APPEALS TRIBUNAL

As adopted by the General Assembly in resolution 64/119 on 16 December 2009 and amended by the General Assembly in resolution 66/107 on 9 December2011, resolution 66/237 on 24 December 2011, resolution 67/241 on 24 December 2012, resolution 70/112 on 14 December 2015 and resolution 73/276 on 22 December 2018.

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CONTENTS

Article 1 Election of the President and Vice-Presidents

Article 2 Functions of the President and Vice-Presidents

Article 3 Composition of the Appeals Tribunal for its sessions

Article 4 Panels

Article 5 Ordinary and extraordinary sessions

Article 6 Plenary meetings

Article 7 Time limits for filing appeals

Article 8 Appeals

Article 9 Answers, cross-appeals and answers to cross-appeals

Article 10 Additional documentary evidence, including written testimony

Article 11 Docket of cases

Article 12 Working languages

Article 13 Representation

Article 14 Waiver of rules concerning written pleadings

Article 15 Exclusion of all documents and statements made during mediation

Article 16 Intervention by persons not party to the case

Article 17 Friend-of-the-court briefs

Article 18 Oral proceedings

Article 18 bis Case management

Article 19 Adoption and issuance of judgements

Article 20 Publication of judgements

Article 21 Registry

Article 22 Conflict of interest

Article 23 Recusal

Article 24 Revision of judgements

Article 25 Interpretation of judgements

Article 26 Correction of judgements

Article 27 Execution of judgements

Article 28 Titles

Article 29 Calculation of time limits

Article 30 Waiver of time limits

Article 31 Procedural matters not covered in the rules of procedure

Article 32 Amendment of the rules of procedure

Article 33 Entry into force

Article 1
Election of the President and Vice-Presidents

1. The Appeals Tribunal shall elect a President, a First Vice-President and a Second Vice-President.

2. Until otherwise decided by the Appeals Tribunal:

(*a*) The election shall occur at a plenary meeting during the Appeals Tribunal's last session each year. The President and Vice-Presidents shall hold office for one year and shall take up their duties upon election;

(*b*) The retiring President and Vice-Presidents shall remain in office until their successors are elected;

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

(*d*) Elections shall be by majority vote. Any judge who cannot attend for that purpose is entitled to vote by correspondence.

Article 2
Functions of the President and Vice-Presidents

1. The President shall direct the work of the Appeals Tribunal and of the Registry, shall represent the Appeals Tribunal in all administrative matters and shall preside at the meetings of the Appeals Tribunal.

2. If the President is unable to act, he or she shall designate one of the Vice-Presidents to act as President. In the absence of any such designation by the President, the First Vice-President or, in the event of the latter's incapacity, the Second Vice-President shall act as President.

3. The President of the Appeals Tribunal may, within seven calendar days of a written request by the President of the Dispute Tribunal, authorize the referral of a case to a panel of three judges of the Dispute Tribunal, when necessary, by reason of the particular complexity or importance of the case.

Article 3
Composition of the Appeals Tribunal for its sessions

1. Unless otherwise decided by the General Assembly, the term of office of the judges of the Appeals Tribunal shall commence on the first day of July following their appointment by the General Assembly.

2. No member of the Appeals Tribunal can be dismissed by the General Assembly unless the other members unanimously agree that he or she is unsuited for further service.

Article 4
Panels
(Amended on 9 December 2011)

1. The President shall normally designate a panel of three judges to hear a case or a group of cases.

2. When the President or any two judges sitting on a particular case consider that the case so warrants, the case shall be heard by the whole Appeals Tribunal. If there is a tie in the voting by the judges of the whole Appeals Tribunal, the President shall have a casting vote.

Article 5
Ordinary and extraordinary sessions

1. The Appeals Tribunal shall exercise its functions in New York and shall hold ordinary sessions for the purpose of hearing cases. The Appeals Tribunal shall normally hold two ordinary sessions per calendar year and may decide to hold sessions in Geneva or Nairobi, as required by its caseload.

2. Extraordinary sessions for the consideration of cases may be convened by the President when, in his or her opinion, the number or urgency of the cases requires such sessions. Notice of an extraordinary session shall be given to the members of the Tribunal at least 30 days before the opening date of the session.

3. The President shall decide the date and venue of ordinary and extraordinary sessions after consultation with the Registrar.

Article 6
Plenary meetings

1. The Appeals Tribunal shall normally hold four plenary meetings a year, at the beginning and at the end of each of the regular sessions, to deal with questions affecting the administration or operation of the Appeals Tribunal. It shall elect its officers at a plenary meeting, normally the last one in the calendar year.

2. Four judges shall constitute a quorum for plenary meetings of the Appeals Tribunal.

Article 7
Time limits for filing appeals
(Amended on 24 December 2011 and 22 December 2018)

1. Appeals instituting proceedings shall be submitted to the Appeals Tribunal through the Registrar within:

(*a*) 60 calendar days of the receipt by a party appealing a judgement of the Dispute Tribunal;

(b) 30 calendar days of the receipt by a party appealing an interlocutory order of the Dispute Tribunal;

(*c*) 90 calendar days of the date of receipt by a party appealing a decision of the Standing Committee acting on behalf of the United Nations Joint Staff Pension Board; or

(*d*) A time limit fixed by the Appeals Tribunal under article 7.2 of the rules of procedure.

2. In exceptional cases, an appellant may submit a written request to the Appeals Tribunal seeking suspension, waiver or extension of the time limits referred to in article 7.1. The written request shall succinctly set out the exceptional reasons that, in the view of the appellant, justify the request. The written request shall not exceed two pages.

3. In accordance with article 7.4 of the statute of the Appeals Tribunal, no application shall be receivable if filed more than one year after the judgement of the Dispute Tribunal.

Article 8
Appeals
(Amended on 14 December 2015)

1. Appeals shall be submitted on a prescribed form.

2. The appeal form shall be accompanied by:

(*a*) A brief that explains the legal basis of any of the five grounds for appeal set out in article 2.1 of the statute of the Appeals Tribunal that is relied upon or, in the case of an appeal against a decision of the Standing Committee acting on behalf of the United Nations Joint Staff Pension Board, a brief containing pleas and an explanatory statement. The brief shall not exceed 15 pages;

(*b*) A copy of each document referred to by the appellant in the appeal, accompanied by a translation into one of the official languages of the United Nations if the original language is not one of the official languages; such documents shall be identified by the word "Annex" at the top of the first page of each document followed by sequential arabic numerals.

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

4. After ascertaining that the appeal complies with the requirements of the present article, the Registrar shall transmit a copy of the appeal to the respondent. If the formal requirements of the article are not fulfilled, the Registrar may require the appellant to conform the appeal to the requirements of the article within a specified time. Once the corrections have been properly made, the Registrar shall transmit a copy of the appeal to the respondent.

5. The President may direct the Registrar to inform an appellant that his or her appeal is not receivable because it is not an appeal against either a decision of the Dispute Tribunal or of the Standing Committee acting on behalf of the United Nations Joint Staff Pension Board, as the case may be.

6. The filing of an appeal shall suspend the execution of the judgement or order contested.

Article 9
Answers, cross-appeals and answers to cross-appeals

(Amended on 9 December 2011; further amended on 24 December 2012)

1. The respondent's answer shall be submitted on a prescribed form.

3. The answer form shall be accompanied by:

(*a*) A brief, which shall not exceed 15 pages, setting out legal arguments in support of the answer;

(*b*) A copy of each document referred to by the respondent in the answer, accompanied by a translation into one of the official languages of the United Nations if the original language is not one of the official languages; such documents shall be identified by the word "Annex" at the top of the first page of each document and an arabic numeral which follows in sequence the numbering of the annexes to the appeal form referred to in article 8.2 (*b*).

3. The signed original answer form and the annexes thereto shall be submitted together to the Registrar within 60 days of the date on which the respondent received the appeal transmitted by the Registrar. The documents may be transmitted electronically.

4. Within 60 days of notification of the appeal, a party answering the appeal may file a cross-appeal, accompanied by a brief which shall not exceed 15 pages, with the Appeals Tribunal stating the relief sought and the grounds of the cross-appeal. The cross-appeal may not add new claims.

5. After ascertaining that the answer complies with the requirements of the present article, the Registrar shall transmit a copy of the answer to the appellant. If the formal requirements of the article are not fulfilled, the Registrar may require the respondent to conform the answer to the requirements of the present article within a specified time. Once the corrections have been properly made, the Registrar shall transmit a copy of the answer to the appellant. If the corrections are not submitted within the established time limit, including any extension granted by the Appeals Tribunal, the preliminary proceedings will be considered closed and the Appeals Tribunal will adjudicate the matter on the basis of the appeal lodged by the appellant.

6. The provisions of article 9.1 to 9.3 and 9.5 apply, mutatis mutandis, to a cross-appeal and answer to a cross-appeal.

Article 10
Additional documentary evidence, including written testimony

1. A party may seek to submit to the Appeals Tribunal, with an appeal or an answer, documentary evidence, including written testimony, in addition to that contained in the written record. In exceptional circumstances and where the Appeals Tribunal determines that the facts are likely to be established with such additional documentary evidence, it may receive the additional evidence from a party. On its own volition, the Tribunal may order the production of evidence if it is in the interest of justice and the efficient and expeditious resolution of the case, provided that the Appeals Tribunal shall not receive additional written evidence if it was known to the party seeking to submit the evidence and should have been presented to the Dispute Tribunal.

2. In all other cases where additional findings of fact are needed, the Appeals Tribunal may remand the case to the Dispute Tribunal for further fact-finding.

Where the Appeals Tribunal remands a case to the Dispute Tribunal, it may order that the case be considered by a different judge of the Dispute Tribunal.

Article 11
Docket of cases

1. When the President considers the documentation of a case to be sufficiently complete, he or she shall instruct the Registrar to place the case on the docket of cases ready for adjudication by the Appeals Tribunal. The docket for the session shall be communicated to the parties.

2. As soon as the date of opening of the session at which a case listed for hearing has been fixed, the Registrar shall notify the parties thereof.

3. Any request for the adjournment of a case that is listed on the docket shall be decided by the President or, when the Appeals Tribunal is in session, by the judges hearing the case.

Article 12
Working languages

The working languages of the Appeals Tribunal shall be English and French.

Article 13
Representation

1. A party may present his or her case before the Appeals 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 may also be represented by a staff member or a former staff member of the United Nations or one of the specialized agencies.

Article 14
Waiver of rules concerning written pleadings

Subject to article 7.4 of the statute of the Appeals Tribunal and provided that the waiver does not affect the substance of the case before the Appeals Tribunal, the President may waive the requirements of any article of the rules of procedure dealing with written proceedings.

Article 15
Exclusion of all documents and statements made during mediation

1. Except in cases concerning enforcement of a settlement agreement, all documents prepared for and oral statements made during any informal conflict resolution process or mediation are absolutely privileged and confidential and shall never be disclosed to the Appeals Tribunal. No mention shall be made of any mediation efforts in documents or written pleadings submitted to the Appeals Tribunal or in any oral arguments made before the Appeals Tribunal.

2. Subject to the provisions of paragraph 1 above, if a document relating to the mediation process is submitted to the Appeals Tribunal, the Registrar shall return that document to the submitting party. If such information is part of the brief or any other written pleadings submitted to the Appeals Tribunal by a party,

all pleadings shall be returned to that party for resubmission to the Appeals Tribunal in compliance with paragraph 1 above.

3. Subject to article 7.4 of the statute of the Appeals Tribunal, the President may fix one non-renewable time limit not exceeding five days for the resubmission of the written pleadings if the initial period for the submission of such pleadings has expired.

Article 16
Intervention by persons not party to the case

1. Any person for whom recourse to the Appeals Tribunal is available under article 6.2 (*f*) of the statute may apply to intervene in a case at any stage thereof on the grounds that his or her rights may have been affected by the judgement of the Dispute Tribunal and might, therefore, be affected by the judgement of the Appeals Tribunal.

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 appellant and to the respondent.

3. The President or, when the Tribunal is in session, the presiding judge of the panel of the Appeals Tribunal hearing the case shall rule on the admissibility of every application for intervention. Such decision shall be final and shall be communicated to the intervener and the parties by the Registrar.

4. 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 17
Friend-of-the-court briefs

1. A person or organization for whom recourse to the Appeals Tribunal is available and staff associations may submit a signed application to file a friend-of-the-court brief, 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 on a prescribed form.

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

Article 18
Oral proceedings

1. The judges hearing a case may hold oral hearings on the written application of a party or on their own initiative if such hearings would assist in the expeditious and fair disposal of the case.

2. The oral proceedings shall be held in public unless the judges hearing the case decide, on their own initiative or at the request of one of the parties, that exceptional circumstances require that the oral proceedings be closed. If appropriate in the circumstances, the oral hearing may be held by electronic means.

Article 18bis
Case management
(Amended on 9 December 2011)

1. The President may, at any time, either on a motion of a party or on his or her own volition, issue any order which appears to be appropriate for the fair and expeditious management of the case and to do justice to the parties.

2. If, before the opening date of the session during which the case is to be considered, the appellant informs the Appeals Tribunal, in writing, with notice to the respondent, that he or she wishes to discontinue the proceedings, the President may order the case to be removed from the register.

3. If an action has become devoid of purpose and there is no longer any need to adjudicate it, the President may, at any time, on his or her own volition, after having informed the parties of that intention and, if applicable, received their observations, adopt a reasoned order.

4. The President may designate a judge or a panel of judges to issue any order within the purview of the present article.

Article 19
Adoption and issuance of judgements
(Amended on 9 December 2011)

1. Judgements shall be adopted by majority vote. All deliberations shall be kept confidential.

2. Judgements shall be issued in writing and shall state the reasons, facts and law on which they are based. Summary judgements may be issued at any time, even when the Appeals Tribunal is not in session. They shall be adopted by panels of three judges designated by the President.

4. A judge may append a separate, dissenting or concurring opinion.

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

5. The Registrar shall transmit a copy of the judgement to each party. An individual appellant or respondent shall receive a copy of the judgement in the language of the appeal or answer, as the case may be, unless a copy is requested in another official language of the United Nations.

6. The Registrar shall send to all judges of the Appeals Tribunal copies of all the decisions of the Appeals Tribunal.

Article 20
Publication of judgements

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

2. The published judgements will normally include the names of the parties.

Article 21
Registry

1. The Appeals Tribunal shall be supported by a Registry, which shall provide all necessary administrative and support services to it.

2. The Registry shall be established in New York and shall be headed by a Registrar appointed by the Secretary-General and such staff as is necessary.

3. The Registrar shall discharge the duties set out in the rules of procedure and shall support the work of the Appeals Tribunal at the direction of the President. In particular, the Registrar shall:

(*a*) Transmit all documents and make all notifications required in the rules of procedure or required by the President or a panel hearing a case in connection with proceedings before the Appeals 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 and the dates on which any document or notification forming part of the procedure is received in or dispatched from his or her office;

(*c*) Perform any other duties that are required by the President for the efficient functioning of the Appeals Tribunal and the efficient disposal of its caseload.

4. The Registrar, if unable to act, shall be replaced by an official appointed by the Secretary-General.

Article 22
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 23
Recusal

1. A judge of the Appeals Tribunal who has or appears to have a conflict of interest as defined in article 22 of the rules of procedure shall recuse himself or herself from the case and shall so inform the President.

2. A party may make a reasoned request for the recusal of a judge on the grounds of conflict of interest to the President or the Appeals Tribunal, which, after seeking comments from the judge, shall decide on the request and shall inform the party of the decision in writing.

3. A decision by a judge to recuse himself or herself, or a decision by the President or the Appeals Tribunal to recuse a judge, shall be communicated to the parties concerned by the Registrar.

Article 24
Revision of Judgements

Either party may apply to the Appeals Tribunal, on a prescribed form, 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 Appeals Tribunal and to the party applying for revision, always provided that such ignorance was not due to negligence. The application for revision will be sent to the other party, who has 30 days to submit comments to the Registrar on a prescribed form. The application for revision must be made within 30 calendar days of the discovery of the fact and within one year of the date of the judgement.

Article 25
Interpretation of judgements

Either party may apply to the Appeals Tribunal for an interpretation of the meaning or scope of a judgement on a prescribed form. The application for interpretation shall be sent to the other party, who shall have 30 days to submit comments on the application on a prescribed form. The Appeals Tribunal will decide whether to admit the application for interpretation and, if it does so, shall issue its interpretation.

Article 26
Correction of Judgements

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

Article 27
Execution of judgements

Where a judgement requires execution within a certain period of time and such execution has not been carried out, either party may apply to the Appeals Tribunal for an order for execution of the judgement.

Article 28
Titles

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

Article 29
Calculation of time limits

The time limits prescribed in the rules of procedure:

(*a*) Refer to calendar days, but 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;

(*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 30
Waiver of time limits

Subject to article 7.4 of the statute of the Appeals Tribunal, the President or the 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.

Article 31
Procedural matters not covered in the rules of procedure

1. All matters that are not expressly provided for in the rules of procedure shall be dealt with by decision of the Appeals Tribunal on the particular case, by virtue of the powers conferred on it by article 6 of its statute.

2. The Appeals Tribunal may issue practice directions related to the implementation of the rules of procedure.

Article 32
Amendment of the rules of procedure

1. The Appeals Tribunal in plenary meeting may adopt amendments to the rules of procedure, which shall be submitted to the General Assembly for approval.

2. The amendments shall operate provisionally until approved by the General Assembly.

3. The President, after consultation with the judges of the Appeals Tribunal, may instruct the Registrar 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 33
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 Appeals Tribunal until their entry into force.