THE UNRWA DISPUTE TRIBUNAL

A Step-by-Step Guide
to the administration of justice process
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The purpose of this booklet is to give staff a better understanding and clearer picture of the formal administration of justice system at UNRWA and to guide staff through the process of appealing administrative decisions.

The footnotes contained in the Arabic text relate only to matters of translation. They are not text and therefore are not included in the English version.

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I. Introduction

The United Nations Relief and Works Agency for Palestine Refugees in the Near East ("UNRWA" or "Agency") Dispute Tribunal hears and decides on cases filed by or on behalf of current and former staff members contesting administrative decisions either (a) alleged to be in non-compliance with their terms of appointment, or (b) relating to disciplinary measures. The Judge conducts hearings, issues orders and renders binding judgments. Both staff members and the Agency have a right to appeal the judgments of the Tribunal to the United Nations Appeals Tribunal ("UNAT").

II. Why do we need an internal justice system?

UNRWA is an international organization with certain privileges and immunities. As a result, staff members are not able to file employment-related claims against the Agency in national courts. Accordingly, UNRWA established an internal justice system as one part of an overall effort to strengthen accountability and ensure responsible decision-making.

III. Administration of justice

What kind of decisions can be appealed to the UNRWA Dispute Tribunal?

The authority of the Tribunal is limited to cases involving an administrative decision by the Agency that is alleged not to comply with the terms of a staff member’s appointment or that imposes a disciplinary measure.

The Tribunal may only adjudicate challenges to decisions affecting an employment situation, such as non-renewal, non-selection, disciplinary measures, or contractual issues. Area and International Staff Regulations 11.4-11.5 set forth the Statute and Rules of Procedure of the Tribunal and provide more information about the types of decisions over which it has jurisdiction.

A. Informal Dispute Resolution

Staff members are strongly encouraged to first try and resolve a dispute through informal channels, thus avoiding unnecessary litigation. Resolving disputes through negotiation, voluntary mediation and other alternative means is usually quicker and often proves to be a less stressful and cumbersome process than litigation. Pursuing informal resolution of a dispute does not prevent a staff member from also bringing the matter to the formal system of justice, as set forth below. Indeed, pursuant to Article 10 of the Tribunal’s Rules of Procedure (Reg. 11.5), the Tribunal may suggest to the parties to seek mediation and suspend the proceedings while mediation efforts are undertaken.

B. Formal Dispute Resolution

If a staff member considers that there has been an administrative decision that violates his or her terms of employment with the Agency or seeks to challenge the imposition of disciplinary measures, and is unable to resolve the matter informally, the staff member can formally contest the decision.

Contesting an administrative decision involves a number of steps, with specific time limits. It is important for anyone wishing to contest a decision to be aware of these steps and time limits.

**IMPORTANT TIME LIMITS**

- **Request for Decision Review**: 60 calendar days from the date you knew or should have known of the decision
- **Agency Response to Request for Decision Review**: 30 calendar days from the date of submission of a request for decision review
- **Application before the Tribunal**: 90 calendar days from the date the Agency responds to your request for decision review, or if the Agency does not respond, 120 calendar days from the date you filed the request for decision review.
Preliminary Step Prior to Filing an Application with the UNRWA Dispute Tribunal: Request for Review of an Administrative Decision

Time limit: The request for a decision review must be submitted within 60 calendar days of the date the staff member knew or should have known of the administrative decision he/she wishes to contest.

Under Area Staff Rule 111.2 and International Staff Rule 11.2, a staff member who wishes to contest an administrative decision must first submit a request for decision review to the Agency within 60 calendar days of the date the staff member knew or should have known of the decision. The Agency’s review, which should be concluded within 30 calendar days, will assess whether the contested decision was made in accordance with the Agency’s regulatory framework. If it is determined that an improper decision has been made, the decision reviewer will ensure that the decision is changed or that an appropriate remedy is provided.

The purpose of the decision review step is to give management a chance to correct itself or provide acceptable remedies in cases where there has been flawed decision-making, and to provide greater clarity regarding the decision to the staff member, thus reducing the number of cases that need to proceed to formal litigation.

To whom should the request for decision review be submitted?

The request for decision review must be made in writing. In the case of staff members of Field Offices, the request should be submitted to the Field Office Director; in the case of staff members of Headquarters, the request should be submitted to the Director of Human Resources.

Who should conduct the decision review?

For staff members of Field Offices where the contested administrative decision was not made by the Field Office Director, the relevant Field Office Director will conduct the review. The Deputy Commissioner-General shall conduct the decision review in the case of staff members of Headquarters or staff members of Field Offices where the contested administrative decision had been made by the Field Office Director.

What information should be included in the request for decision review?

In your written request, identify clearly the decision you wish to contest, who made the decision and when, how it violates your rights and why you believe the decision was improper or unlawful. A Request for Decision Review form is available in Arabic and English on the intranet and also on the Tribunals’ website at https://www.unrwa.org/unrwa-dispute-tribunal/forms-and-documents. The form contains relevant questions that the reviewer will need in order to conduct the review. Staff members requesting a review are strongly encouraged to seek the advice and assistance of the Legal Office (Staff Assistance) ("LOSA") to become fully acquainted with their rights and obligations.

You should receive a response to the request for decision review within 30 calendar days. If you do not receive a response within this time limit, you can proceed with your application to the Tribunal.

The UNRWA Dispute Tribunal

When no resolution through informal means can be achieved and when the result of the decision review is not to the satisfaction of the staff member, the staff member can file an application with the Tribunal. The Tribunal will examine the facts of the case, and will conduct, where necessary, oral proceedings or hearings. These will normally be held in public.

The Judgments of the Tribunal are binding unless vacated or remanded by the UNAT. Both the staff member and the Commissioner-General have the right to appeal a judgment rendered by the Tribunal to the UNAT in accordance
with the Statute and Rules of Procedure of the UNAT.

The full Statute and Rules of Procedure of the Tribunal can be found at Chapter XI of the Area and International Staff Regulations, 11.4 and 11.5. You may also wish to consult Chapter XI of Area and International Staff Rules, respectively 111.1 to 111.5 and 11.1-11.5.

IV. Filing an Application: Step-by-step guide

**What are the time limits for filing an application?**

**Time limit:** You must submit your application to the Tribunal (i) within 90 calendar days of the date you receive a response to your request for decision review, or (ii) if the Agency did not respond to your request for decision review, within 120 calendar days of the date you submitted your request for decision review.

**Who may file an application with the UNRWA Dispute Tribunal?**

Current staff members may file an application if the contested decision has a sufficient connection to the former staff member's previous contractual rights as a staff member. In some instances, a third party may file an application in the name of an incapacitated or deceased staff member of UNRWA.

You may represent yourself before the Tribunal or seek the representation of LOSA or another representative of your choice, including a staff member or a former staff member of UNRWA.

**How do I file my application?**

You should consider contacting LOSA, as they may be able to provide advice on filing your application in the formal system.

We strongly recommend that you submit your application on the standard Tribunal Application Form. The Application Form can be found in Arabic and English on the intranet and on the Tribunal’s site on the Agency’s internet page at [https://www.unrwa.org/unrwa-dispute-tribunal/forms-and-documents](https://www.unrwa.org/unrwa-dispute-tribunal/forms-and-documents) or by emailing the Registrar at registrar-unrwa.dt@unrwa.org. Your application, and any annexes, must be in compliance with Article 4 of the Rules of Procedure and Practice Direction No. 1, issued in General Staff Circular number GSC/04/2018 dated 31 May 2018. Remember that the Application Form should be submitted as one signed original document, together with annexed documents. Applications may be filed in English or Arabic. Please do not send original documents as annexes, but only copies (scanned or photocopied).

If possible, you should submit your application electronically (by e-mail) to the Registrar. If you cannot submit your application electronically, you may hand-deliver it directly to the office of the Registry located at the UNRWA Headquarters in Amman. Do not send it via an Agency Field Office or other Agency installations.

**Next Steps**

After you have sent your application and the Agency (“Respondent”) has submitted a reply, the Judge will decide how to further proceed.

As previously noted, the Judge may order the parties to meet in order to discuss whether the matter can be mediated or settled or whether agreement can be reached on certain factual and legal issues that are in contention. The Judge may also instruct that further written submissions and/or evidence are necessary.

In most cases the Judge will make a final ruling based on the documents presented to the Tribunal by the Applicant and Respondent. Please note that unless measures of confidentiality have been imposed by the Tribunal, both parties will be provided with copies of all documents considered in the final determination of the case.
In cases where the Judge decides that the matter cannot be decided based on the case file, the Judge may decide to hold a hearing. In this event, the Judge will issue instructions to the parties as to the purpose and scope of the hearing and any other relevant matters.

Judgments of the Tribunal are published on both the intranet and internet websites and include the name of the Applicant and the representatives of the parties. Only in very rare cases will the Tribunal grant anonymity to an Applicant. Witnesses, decision-makers and other staff members involved in the contested decision will not normally be named in Judgments but will instead be described by their post title.

**Can I still try mediation or other informal methods after I have filed an application with the Tribunal?**

The option of seeking a solution through informal means remains open at any time, but it is important to remember that informal resolution is more effective before engaging with the formal justice system.

**V. The UNAT**

As mentioned above, Judgments of the Tribunal may be appealed, either by the Applicant or the Respondent, to the UNAT. The Statute of the UNAT permits an appeal in cases where it is alleged that the Tribunal has either exceeded its jurisdiction or failed to exercise it, that it has erred on questions of fact or law, or that it has committed an error in procedure.

See Area Staff Rule 111.4 and International Staff Rule 11.4 for more details on filing appeals to the UNAT. Any appeal to the UNAT should be directed to the Registry of the UNAT in New York. Do not send your appeal via the Tribunal's Registry, an Agency Field Office or other Agency installations.


To contact the Registrar of the UNAT, call or write to:

Registry of the United Nations Appeals Tribunal, United Nations Secretariat
2 United Nations Plaza
Room DC2-2405
New York, NY, 10017, USA
Telephone: +1212 963 9511; + 1917 367 4385
Email: UNAT1@un.org

**VI. Legal assistance to staff**

Staff members who wish to appeal an administrative decision, or who are subject to disciplinary action, should contact LOSA to seek advice. LOSA has offices at the West Bank Field Office and at Amman Headquarters.

LOSA can assist staff members in understanding the Agency’s decisions and advise them on options for resolving disputes, the decision review process, and filing applications with the Tribunal. At their election, LOSA may assist a staff member in preparing submissions to the Agency, Tribunal and the UNAT. LOSA may give legal advice and identify relevant legal authorities, including the Tribunal’s Statute and Rules of Procedure, Staff Regulations and Rules, Personnel Directives, other administrative issuances, and relevant jurisprudence of the Tribunal and UNAT. The LOSA can also assist the staff member in understanding the Agency’s submissions to the Tribunal and UNAT. The LOSA can appear on behalf of the staff members at hearings before the Tribunal.
For any queries, contact the Registry of the Tribunal at:

Registrar
UNRWA Dispute Tribunal HQ Amman
Bayader Wadi Seer, P.O. Box 140157
Telephone: +962 (0)6 5808 515; (0)6 5808 621
Email: registrar-unrwa.dt@unrwa.org
Website: https://www.unrwa.org/unrwa-dispute-tribunal

Administration of Justice Process

Legal Officer (Staff Assistance)
May provide support and assistance throughout the formal process

Administrative Decision taken

Decision Review
(If not satisfied with outcome, staff member can file application with UNRWA DT)

UNRWA Dispute Tribunal
(Judgment can be appealed by either party)

Mediation

UN Appeals Tribunal
(Judgment not appealable)