



area staff regulations

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unrwa
الأونروا

united nations relief and works agency
for palestine refugees in the near east

وكالة الأمم المتحدة لإغاثة وتشغيل
اللاجئين الفلسطينيين في الشرق الأدنى

UNRWA AREA STAFF REGULATIONS

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AUTHORITY OF REGULATIONS

These staff regulations are promulgated under the authority of paragraph 9 of Resolution 302(IV), adopted by the General Assembly of the United Nations on 8 December 1949, and in accordance with the requirements of this paragraph have been agreed to by the Secretary-General of the United Nations and the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (hereinafter referred to as "the Agency").

SCOPE AND PURPOSE

These regulations embody fundamental conditions of service and the basic rights and duties of the Agency's area staff members. The Commissioner-General will provide and enforce such staff rules consistent with the principles set forth in these regulations, as he considers necessary.

APPLICABILITY

1. These staff regulations shall apply only to area staff members of the Agency. The term "staff members" as used throughout these regulations refers exclusively to area staff members.
2. Area staff members are those persons who have been designated as such in their letters of appointment.

I. DUTIES, OBLIGATIONS AND PRIVILEGES

REGULATION 1.1

Staff members, by accepting appointment, pledge themselves to discharge their functions with the interests of the Agency only in view.

REGULATION 1.2

Staff members are subject to the authority of the Commissioner-General and to assignment by him to any of the activities or offices of the Agency in or outside the area of its operations. The Commissioner-General may establish special conditions of service for staff members assigned to any of the activities or offices of the Agency outside its area of operations. Staff members are responsible to the Commissioner-General in the exercise of their functions. The whole time of staff members shall be at the disposal of the Commissioner-General, who will establish a normal working week.

REGULATION 1.3

In the performance of their duties staff members shall neither seek nor accept instructions from any government or from any other authority external to the Agency.

REGULATION 1.4

Staff members shall conduct themselves at all times in a manner befitting their status as employees of the Agency. They shall not engage in any activity that is incompatible with the proper discharge of their duties with the Agency. They shall avoid any action and in particular any kind of public pronouncement which may adversely reflect on their status, or on the integrity, independence and impartiality which are required by that status. While they are not expected to give up their national sentiments or their political and religious convictions, they shall at all times bear in mind the reserve and tact incumbent upon them by reason of their employment with the Agency.

REGULATION 1.5

Staff members shall exercise the utmost discretion in regard to all matters of official business. They shall not communicate to any person any information known to them by reason of their official position which has not been made public except in the course of their duties or by authorisation of the Commissioner- General. Nor shall they at any time use such information to private advantage. These obligations do not cease upon separation from service with the Agency.

REGULATION 1.6

Staff members shall not accept gratuities or favours of any kind from commercial firms or individuals doing or seeking business with the Agency.

REGULATION 1.7

Staff members may exercise the right to vote but shall not engage in any political activity which is inconsistent with or might reflect upon the independence and impartiality required by their status.

REGULATION 1.8

The immunities and privileges attached to the Agency as a subsidiary organ of the United Nations by virtue of Article 105 of the Charter are conferred in the interests of the Agency. These privileges and immunities furnish no excuse to the staff members who enjoy them for non-performance of their private obligations or failure to observe laws and police regulations. In any case where these privileges and immunities arise, the staff member shall immediately report to the Commissioner-General. The Commissioner- General will, in appropriate cases, refer the matter to the Secretary-General with whom alone it rests to decide whether the privileges and immunities shall be waived.

REGULATION 1.9

All rights including title, copyright and patent rights, in any work performed by staff members as part of their official duties shall be vested in the Agency.

REGULATION 1.10

Any staff member may be required to reimburse the Agency either partially or in full for any financial loss suffered by the Agency as a result of his/her negligence or of his/her having violated any staff regulation, rule or other instruction.

REGULATION 1.11

Staff members who have occasion to come into contact in their official capacity with any matter concerning a company, partnership or any other business concern in which they have an interest shall disclose the measure of that interest to the Commissioner-General. This regulation shall not apply to the mere holding of shares in a company by staff members, unless such holding is so great as to give them a controlling interest therein.

II. CLASSIFICATION OF POSTS AND STAFF

REGULATION 2.1

The Commissioner-General shall make appropriate provision for the classification of posts and staff into salary levels according to the nature of the duties and responsibilities required.

REGULATION 2.2

The Commissioner-General may at his discretion fix special conditions of remuneration and employment for persons appointed for temporary assistance or for temporary or part-time employees.

III. SALARIES AND RELATED ALLOWANCES

REGULATION 3.1

The salaries of staff members shall be as prescribed by the Commissioner-General in the staff rules. No salary shall be paid in respect of periods of unauthorised absence from work unless such absence was caused by reasons beyond the staff member's control or duly certified medical reasons.

REGULATION 3.2

The Commissioner-General may, on the basis of appropriate justification, make payments to staff members to compensate for such special costs as may be reasonably incurred in the interest of the Agency in the performance of duties assigned to them by the Commissioner-General.

REGULATION 3.3

The Commissioner-General shall establish the terms and conditions under which dependency allowances may be paid in respect of authorised dependants.

IV. APPOINTMENT AND PROMOTION

REGULATION 4.1

(A) The Commissioner-General shall appoint staff members. Upon appointment each staff member shall receive a letter of appointment signed by the Commissioner-General or by an official in the name of the Commissioner-General.

(B) A copy of the staff regulations and of the staff rules shall be transmitted to the staff member with the letter of appointment. In accepting appointment the staff member shall state that he/she has been made acquainted with and accepts the conditions laid down in the staff regulations and in the rules. The letter of appointment shall state:

- (i) That the appointment is subject to the provisions of the staff regulations and of the staff rules applicable to area staff members, and to changes which may be duly made in such regulations and rules from time to time;
- (ii) the nature of the appointment;
- (iii) the date on which the staff member is required to begin his/her duties;
- (iv) the period of appointment, the notice required to terminate it and the notice required for resignation;
- (v) the category, level, commencing rate of salary and, if increments are allowable, the scale of increments and the maximum obtainable;
- (vi) any special conditions which may be applicable.

REGULATION 4.2

Appointments shall be subject to the satisfactory completion of not less than one month's probationary service.

REGULATION 4.3

Due regard shall be paid in the appointment, transfer and promotion of staff to the necessity for securing the highest standards of efficiency, competence and integrity.

REGULATION 4.4

Staff members shall be granted temporary appointments under such terms and conditions consistent with these regulations as the Commissioner-General may prescribe. Temporary appointments shall include temporary indefinite appointments which have no expiration date specified in the letter of appointment and fixed term appointments which have an expiration date specified in the letter of appointment.

REGULATION 4.5

The Commissioner-General shall establish appropriate medical standards which staff members shall be required to meet before appointment.

V. ANNUAL AND SPECIAL LEAVE

REGULATION 5.1

Staff members shall be allowed appropriate annual leave.

REGULATION 5.2

Special leave may be authorised by the Commissioner-General in exceptional cases.

VI. SOCIAL SECURITY

REGULATION 6.1

The Commissioner-General shall make provision for the participation of staff members in the Agency's Provident Fund and shall establish the conditions of such participation.

REGULATION 6.2

Staff members shall be allowed appropriate sick and maternity leave.

REGULATION 6.3

The Commissioner-General shall make appropriate provision for the payment of reasonable compensation in the event of illness, accident or death attributable to the performance of official duties on behalf of the Agency.

REGULATION 6.4

The Commissioner-General may establish health protection plans for the benefit of staff members.

VII. TRAVEL AND TRANSFER EXPENSES

REGULATION 7.1

Subject to conditions and definitions prescribed by the Commissioner-General, the Agency shall in appropriate cases pay the travel and transfer expenses of staff members and of their dependants.

VIII. STAFF RELATIONS

REGULATION 8.1

Staff associations, with appropriate organs, may be established by the staff for the purpose of ensuring contact between them and the Commissioner-General. Representatives of the staff associations shall be entitled to make proposals to the Commissioner-General for improvements in the situation of staff members both as regards their conditions of work and their general conditions of life.

IX. SEPARATION FROM SERVICE

REGULATION 9.1

The Commissioner-General may at any time terminate the appointment of any staff member if, in his opinion, such action would be in the interest of the Agency.

REGULATION 9.2

Staff members may resign from the Agency upon giving the Commissioner-General the notice required under the terms of their appointment.

REGULATION 9.3

(A) A staff member whose temporary appointment is to be terminated shall be given not less than 14 days' written notice of such termination or such notice as may otherwise be stipulated in his/her letter of appointment.

(B) In lieu of the notice period, the Commissioner-General may authorise compensation calculated on the basis of salary and allowances which the staff member would have received had the date of termination been at the end of the notice period.

REGULATION 9.4

The Commissioner-General shall establish a scheme for the payment of indemnities, provident fund benefits or other cash benefits to staff members who are separated under Chapter IX of the present staff regulations after completion of not less than six months' service with the Agency, subject to such conditions and definitions relating to eligibility as shall be determined by the Commissioner-General and prescribed in the staff rules

X. DISCIPLINARY MEASURES

REGULATION 10.1 (Repealed)

REGULATION 10.2

The Commissioner-General may impose disciplinary measures on staff members who engage in misconduct.

REGULATION 10.3

The Commissioner-General may summarily dismiss a staff member for serious misconduct.

REGULATION 10.4

If a charge of serious misconduct is made against a staff member and the Commissioner-General considers that the charge is 'prima facie' well founded or that the staff member's continuance in office pending an investigation of the charge would prejudice the interests of the Agency, the staff member may be suspended, with or without pay, from his/her functions pending investigation, such suspension being without prejudice to the rights of the staff member.

XI. APPEALS

REGULATION 11.1

There shall be a two-tier formal system of administration of justice:

(A) The UNRWA Dispute Tribunal shall, under conditions prescribed in its Statute and Rules of Procedure, which are set out in Staff Regulations 11.4 and 11.5, hear and render judgement on an application from a staff member:

- (i) to appeal an administrative decision that is alleged to be in non-compliance with his or her terms of appointment or contract of employment, including all pertinent regulations and rules and all relevant administrative issuances;
- (ii) to appeal an administrative decision imposing a disciplinary measure.

(B) The United Nations Appeals Tribunal shall, under conditions prescribed in its Statute and Rules of Procedure, exercise appellate jurisdiction over an appeal of a judgement rendered by the UNRWA Dispute Tribunal submitted by either party.

REGULATION 11.2

The United Nations Dispute Tribunal shall not hear or render judgement on applications from staff members.

REGULATION 11.3: There shall be an UNRWA Internal Justice Committee that provides its views on the implementation of the UNRWA system of administration of justice to the Commissioner-General and performs such other functions as established in the Staff Regulations and Rules.

REGULATION 11.4

STATUTE OF THE UNRWA DISPUTE TRIBUNAL

Article 1

A tribunal to be known as the UNRWA Dispute Tribunal is established by the present statute to be utilized by UNRWA as the neutral first instance of the United Nations two-tier formal system of administration of justice.

Article 2

1. The Dispute Tribunal shall be competent to hear and pass judgement on an application filed by an individual, as provided for in article 3, paragraph 1, of the present statute, against the Commissioner-General as the Chief Executive Officer of UNRWA:

- (a) To appeal an administrative decision that is alleged to be in non-compliance with the terms of appointment or the contract of employment. The terms “contract” and “terms of appointment” include all pertinent regulations and rules and all relevant administrative issuances in force at the time of alleged non-compliance;
 - (b) To appeal an administrative decision imposing a disciplinary measure.
2. The Dispute Tribunal shall be competent to permit or deny leave to an application to file a friend-of-the-court brief by a staff association.
 3. The Dispute Tribunal shall be competent to permit an individual who is entitled to appeal the same administrative decision under paragraph 1 (a) of the present article to intervene in a matter brought by another staff member under the same paragraph.
 4. In the event of a dispute as to whether the Dispute Tribunal has competence under the present statute, the Dispute Tribunal shall decide on the matter.
 5. As a transitional measure, the Dispute Tribunal shall be competent to hear and pass judgement on cases filed prior to the establishment of the Dispute Tribunal and in respect of which no report of a joint appeals board has been submitted to the Commissioner-General. Such cases will be deemed to be receivable under article 8 of the present statute.

Article 3

An application under article 2, paragraph 1, of the present statute may be filed by:

- (a) Any staff member of UNRWA;
- (b) Any former staff member of UNRWA;
- (c) Any person making claims in the name of an incapacitated or deceased staff member of UNRWA.

Article 4

1. The Dispute Tribunal shall be composed of one judge, who may be full-time or part-time, and ad litem judges as appropriate.
2. The UNRWA Internal Justice Committee shall nominate candidates for the position of judge for formal appointment by the Commissioner-General.

3. To be eligible for appointment as a judge, a person shall:
 - (a) Be of high moral character; and
 - (b) Possess at least 10 years of judicial experience in the field of administrative law, or the equivalent within one or more national jurisdictions.
4. A judge of the Dispute Tribunal shall be appointed for one non-renewable term of seven years. An *ad litem* judge shall be appointed for such period as specified in the vacancy announcement and as extended by the Commissioner-General following recommendation by the UNRWA Internal Justice Committee for a maximum of seven years.
5. A judge of the Dispute Tribunal shall not be eligible for any appointment within UNRWA for a period of five years following his or her term of office.
6. A judge of the Dispute Tribunal shall serve in his or her personal capacity and enjoy full independence.
7. A judge of the Dispute Tribunal who has, or appears to have, a conflict of interest shall recuse himself or herself from the case. A party may request recusal on the basis that the judge has, or appears to have, a conflict of interest. Where a party requests such recusal, the decision shall be taken by the UNRWA Internal Justice Committee.
8. A judge of the Dispute Tribunal may only be removed in case of misconduct or incapacity. The UNRWA Internal Justice Committee shall decide whether a judge should be removed on these grounds, following which the Commissioner-General shall formally remove the judge.
9. A judge of the Dispute Tribunal may resign by notifying the Commissioner-General in writing.
10. The UNRWA Internal Justice Committee may only make a decision under paragraphs 2, 7 and 8 of the present article with the agreement of at least five of its members including a majority of the three distinguished external jurist members.

Article 5

The judge of the Dispute Tribunal shall exercise his or her functions in Amman. However, the Dispute Tribunal may decide to hold sessions at other UNRWA duty stations.

Article 6

1. The Commissioner-General shall make the administrative arrangements necessary for the functioning of the Dispute Tribunal, including provisions for the travel and related costs of staff whose physical presence before the Dispute Tribunal is deemed necessary by the Dispute Tribunal and for the judge to travel as necessary to hold sessions at other UNRWA duty stations.
2. The Registry of the Dispute Tribunal shall be established in Amman and consist of a Registrar and such other staff as necessary.
3. The expenses of the Dispute Tribunal shall be borne by UNRWA.
4. Compensation ordered by the Dispute Tribunal shall be paid by UNRWA.

Article 7

1. The Rules of Procedure of the Dispute Tribunal are set out in Staff Regulation 11.5. Subject to the provisions of the present statute, the Dispute Tribunal may adopt amendments to these Rules of Procedure which shall be submitted to the Commissioner-General for approval by the Commissioner-General in agreement with the Secretary-General.
2. The rules of procedure of the Dispute Tribunal shall include provisions concerning:
 - (a) Organization of work;
 - (b) Presentation of submissions and the procedure to be followed in respect thereto;
 - (c) Procedures for maintaining the confidentiality and inadmissibility of oral or written statements made during the mediation process;
 - (d) Intervention by persons not party to the case whose rights may be affected by the judgement;
 - (e) Oral hearings;
 - (f) Publication of judgements;
 - (g) Functions of the Registry;
 - (h) Procedure for summary dismissal of a case before the Dispute Tribunal;
 - (i) Evidentiary procedure;
 - (k) Procedure for the recusal of a judge;
 - (l) Other matters relating to the functioning of the Dispute Tribunal.

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Article 8

1. An application shall be receivable if:

(a) The Dispute Tribunal is competent to hear and pass judgement on the application, pursuant to article 2 of the present statute;

(b) An applicant is eligible to file an application, pursuant to article 3 of the present statute;

(c) An applicant has previously submitted the contested administrative decision for decision review; and

(d) The application is filed within the following deadlines:

(i) Within 90 calendar days of the applicant's receipt of the response by management to his or her submission; or

(ii) Within 90 calendar days of the expiry of the relevant response period for the decision review if no response to the request was provided. The response period shall be 30 calendar days after the submission of the decision to decision review;

(iii) The deadlines provided for in subparagraphs (d) (i) and (ii) of the present paragraph shall be extended to one year if the application is filed by any person making claims in the name of an incapacitated or deceased staff member of UNRWA;

(iv) Where the parties have sought mediation of their dispute within the deadlines for the filing of an application under subparagraph (d) of the present paragraph, but did not reach an agreement, the application is filed within 90 calendar days after the mediation has broken down.

2. An application shall not be receivable if the dispute arising from the contested administrative decision had been resolved by an agreement reached through mediation.

3. The Dispute Tribunal may decide in writing, upon written request by the applicant, to suspend, waive or extend the deadlines for a limited period of time and only in exceptional cases. The Dispute Tribunal shall not suspend, waive or extend the deadlines for decision review.
4. Notwithstanding paragraph 3 of the present article, an application shall not be receivable if it is filed more than three years after the applicant's receipt of the contested administrative decision.
5. The filing of an application shall not have the effect of suspending the implementation of the contested administrative decision.
6. An application and other submissions shall be filed in English or Arabic.

Article 9

1. The Dispute Tribunal may order production of documents or such other evidence as it deems necessary.
2. The Dispute Tribunal shall decide whether the personal appearance of the applicant or any other person is required at oral proceedings and the appropriate means for satisfying the requirement of personal appearance.

Article 10

1. The Dispute Tribunal may suspend proceedings in a case at the request of the parties for a time to be specified by it in writing.
2. At any time during the proceedings, the Dispute Tribunal may order an interim measure, which is without appeal, to provide temporary relief to either party, where 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.
3. At any time during the proceedings, including at the hearing, the Dispute Tribunal may suggest to the parties to seek mediation.
4. 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 Dispute Tribunal may, with the concurrence of the Commissioner-General, remand the case for institution or correction of the required procedure, which, in any case, should not exceed three months.

5. As part of its judgement, the Dispute Tribunal may order one or both of the following:

(a) Rescission of the contested administrative decision or specific performance, provided that, where the contested administrative decision concerns appointment, promotion or termination, the Dispute Tribunal shall also set an amount of compensation that the respondent may elect to pay as an alternative to the rescission of the contested administrative decision or specific performance ordered, subject to subparagraph (b) of the present paragraph;

(b) Compensation for harm supported by evidence, which shall normally not exceed the equivalent of two years' net base salary of the applicant. The Dispute Tribunal may, however, in exceptional cases order the payment of a higher compensation for harm supported by evidence and shall provide the reasons for that decision.

6. Where the Dispute Tribunal determines that a party has manifestly abused the proceedings before it, it may award costs against that party.

7. The Dispute Tribunal shall not award exemplary or punitive damages.

8. The Dispute Tribunal may refer appropriate cases to the Commissioner-General for possible action to enforce accountability.

9. Cases before the Dispute Tribunal shall be considered by a single judge.

Article 11

1. The judgements of the Dispute Tribunal shall be issued in writing and shall state the reasons, facts and law on which they are based.

2. The deliberations of the Dispute Tribunal shall be confidential.

3. The judgements of the Dispute Tribunal shall be binding upon the parties, but are subject to appeal in accordance with the statute of the United Nations Appeals Tribunal. In the absence of such appeal, they shall be executable following the expiry of the time provided for appeal in the statute of the Appeals Tribunal.

4. The judgements of the Dispute Tribunal shall be drawn up in English and two originals shall be deposited in the archives of UNRWA.

5. A copy of the judgement shall be communicated to each party in the case. If requested, the applicant shall also receive a copy translated into Arabic if the application was submitted in Arabic.

6. The judgements of the Dispute Tribunal shall be published, while protecting personal data, and made generally available by the Registry of the Tribunal.

Article 12

1. Either party may apply to the Dispute Tribunal for a revision of an executable judgement on the basis of the discovery of a decisive fact which 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. The application must be made within 30 calendar days of the discovery of the fact and within one year of the date of the judgement.

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

3. Either party may apply to the Dispute Tribunal for an interpretation of the meaning or the scope of the final judgement, provided that it is not under consideration by the Appeals Tribunal.

4. Once a judgement is executable under article 11, paragraph 3, of the present statute, either party may apply to the Dispute Tribunal for an order for execution of the judgement if the judgement requires execution within a certain period of time and such execution has not been carried out.

Article 13

The present statute may be amended by the Commissioner-General in agreement with the Secretary-General of the United Nations.

REGULATION 11.5

RULES OF PROCEDURE OF THE UNRWA DISPUTE TRIBUNAL

Article 1 Venue

The judge of the UNRWA Dispute Tribunal shall exercise his or her functions in Amman. However, the Dispute Tribunal may decide to hold sessions at other UNRWA duty stations.

Article 2 Filing of cases

An application shall be filed at the Registry of the Dispute Tribunal.

Article 3 Time limits for filing applications

1. An application shall be filed with the Tribunal through the Registrar within:
 - (a) 90 calendar days after the Applicant received the decision review, as appropriate; or
 - (b) 90 calendar days after the expiry of the relevant response period for the decision review, i.e., 30 calendar days.
2. Any person making claims in the name of an incapacitated or deceased staff member of UNRWA shall have one calendar year to file 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. 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 3.1, above. Such written request shall succinctly set out the exceptional reasons that, in the view of Applicant, justify the request. Such written request shall not exceed two pages in length.
5. 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 4 Applications

1. An application may be filed on an application form to be prescribed by the Registrar.
2. The application should include the following information:
 - (a) Applicant's full name, date of birth and nationality;
 - (b) Applicant's employment status (including UNRWA index number, post title, duty station and Department) or relationship to the staff member if relying on his or her rights;
 - (c) Name of the Applicant's legal representative (attach authorization);
 - (d) Physical and electronic address for service of documents;
 - (e) Date and place of the contested decision (attach contested decision if any);
 - (f) Action and remedies sought;
 - (g) Any supporting documentation (annexed and numbered, including mention of translated documents).

3. The application form and all annexes shall be filed in one signed original together with annexed documents, which may be electronically transmitted.

4. After ascertaining that the requirements of this Article are 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 this Article within a specified time-limit. Once the corrections have been properly made, the Registrar shall transmit a copy of the application to the Respondent.

Article 5 Summary judgement

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 Tribunal may determine, on its own initiative, that summary judgement is appropriate.

Article 6 Reply

1. The Respondent's reply shall be submitted within 30 calendar days from the date of receipt of the application by the Respondent in one signed original together with annexed documents, which may be electronically transmitted. If the application is submitted in Arabic, the Respondent shall submit its reply in English and, within 14 calendar days after the submission date of the Respondent's reply in English, an Arabic translation of the English reply. The documents attached to the reply may be submitted in the language in which they have been issued. The Respondent who has not submitted a reply within the requisite period shall not be entitled to take part in the proceedings except with the leave of the Tribunal.

2. After ascertaining that the requirements of this Article are complied with, the Registrar shall transmit a copy of the response to the Applicant and to any other party a judge considers appropriate. If the formal requirements of the Article are not fulfilled, the Registrar may require the Respondent to comply with the requirements of this Article within a specified time-limit. Once the corrections have been properly made, the Registrar shall transmit a copy of the reply to the Applicant.

Article 7 Joining of a party

The Tribunal may, at any time, either on the application of a party or of its own initiative join another party if it appears to the Tribunal that that party has a legitimate interest in the outcome of the proceedings.

Article 8 Representation

1. A party may present his or her case before the Dispute Tribunal in person, or may be represented by outside counsel.

2. A party may also be represented by a staff member or a former staff member of UNRWA, the United Nations Secretariat or other United Nations agencies, or one of the specialized agencies.

Article 9 Suspension of action during the proceedings

1. At any time during the proceedings, the Dispute Tribunal may order an interim measure 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 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

2. The Registrar shall transmit the application to the Respondent.

3. The Tribunal shall consider an application for interim measures within five working days of the receipt by the Respondent of the application.

4. The decision of the Dispute Tribunal on such an application shall not be subject to appeal.

Article 10 Mediation

1. At any time during the proceedings, including at the hearing, the Dispute Tribunal may suggest to the parties to seek mediation and suspend the proceedings.

2. Where parties decide to seek mediation, either on their own initiative or following a suggestion by the judge, they shall promptly inform the Registry in writing.

3. Except for any agreement reached through mediation, all documents prepared for – and oral statements made during – any mediation are absolutely privileged and confidential and shall never be disclosed to the Dispute Tribunal. No mention shall be made of any such mediation efforts in documents or written pleadings submitted to the Tribunal or in any oral arguments made before the Dispute Tribunal.

Article 11 Hearing

1. The Judge hearing a case may hold oral hearings.

2. The Registrar shall notify the date and time of a hearing to the parties in advance, and confirm the names of witnesses or expert witnesses for the hearing of a particular case.

3. In case of an oral hearing, the parties or their duly designated representatives must be present either in person or by video-link, telephone or any other electronic means.

4. If the 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 shall be borne by UNRWA.

Article 12 Oral evidence at oral hearings

1. The parties may call witnesses and experts to testify. The opposing party may cross-examine any witnesses and experts. The Tribunal may examine any witnesses or experts called by either party and may call any other witnesses or experts it deems necessary. The Tribunal may make an order requiring the presence of any person and to produce any document.
2. The 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".
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".
5. Any party may object to the testimony of a given witness or expert, stating reasons for such objection. The Tribunal shall decide on the matter. Its decision shall be final.
6. The Tribunal shall decide whether the personal appearance of a witness or expert is required at oral hearings and determine the appropriate means for satisfying the requirement of personal appearance. Evidence may be taken by video-link, telephone or any other electronic means.

Article 13 Evidence

1. The Tribunal shall determine the admissibility of any evidence.
2. The Tribunal may order production of evidence from either party at any time and may require any person to disclose any document or provide information that appears to the Tribunal to be necessary for a fair and expeditious disposal of the proceedings.
3. A party wishing to submit evidence which is in the possession of the opposing party, or of any other entity may, in the initial application or at any stage of the proceedings, request the Tribunal to order the production of the evidence.
4. The Tribunal may, at the request of either party, impose measures to preserve the confidentiality of evidence, where warranted by security interests or other exceptional circumstances.
5. The Tribunal may exclude evidence which it considers irrelevant, frivolous, or lacking in probative value. The Tribunal may also limit the oral testimony as it deems appropriate.

Article 14 Case management

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

Article 15 Remand of case for institution or correction

Prior to a determination of the merits of a case, should the 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 Commissioner-General, remand the case for institution or correction of the required procedure, which, in any case, should not exceed three months.

Article 16 Registry

1. The Tribunal shall be supported by the Registry, which shall provide all necessary administrative and support services to it.
2. The Registry shall be established in Amman and shall be headed by a Registrar appointed by the Commissioner-General and such staff as necessary.
3. The Registrar shall discharge the duties set out in these Rules of Procedure and shall support the work of the Dispute Tribunal at the direction of the judge. In particular, the Registrar shall:
 - (a) Transmit all documents and make all notifications required in these Rules of Procedure, or by the judge, in connection with proceedings before the 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; and
 - (c) Perform any other duties that are required by the judge for the efficient functioning of the Tribunal.
4. The Registrar, if unable to act, shall be replaced by an official appointed by the Commissioner-General.

Article 17 Intervention by persons not party to the case

1. Any person to whom the Tribunal is open under article 2.3 of the Statute may apply to intervene on an application form to be prescribed by the Registrar, in a case at any stage thereof, on the ground that he or she has a right which may be affected by the judgment to be issued by the Tribunal.
2. After ascertaining that the requirements of the present article are complied with, the Registrar shall transmit a copy of the application for intervention to the Applicant and to the Respondent.
3. The Tribunal shall decide on the admissibility of the application to intervene. Such decision shall be final and shall be communicated to the Intervener and the parties by the Registrar.
4. The Tribunal shall set the modalities of the intervention. If admissible, the 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 that Intervener. It shall also decide whether the Intervener shall be permitted to participate in any oral hearing.

Article 18 Intervention procedure

An application to intervene and any subsequent intervention shall be submitted on a form to be prescribed by the Registrar, in one signed original, which may be electronically transmitted.

Article 19 Application to file friend-of-court brief

1. A staff association may submit a signed application to file a "friend-of-court" brief on a form to be 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.
2. The judge hearing the case may grant the application if he or she 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 20 Judgements

1. Judgements shall be issued in writing in English and shall state the reasons, fact and law, including decisions of the United Nations Dispute Tribunal and Appeals Tribunal on which they are based.
2. Judgements shall be drawn up in English in two originals, and shall be deposited in the archives of UNRWA.

3. The Registrar shall transmit a copy of the judgement to each party. If requested, an Applicant or Respondent shall also receive a copy of the judgement translated into Arabic if the application was submitted in Arabic.

4. The Registrar shall send to the Registrar of the United Nations Dispute Tribunal copies of all the judgements of the UNRWA Dispute Tribunal.

Article 21 Publication of judgements

1. The Registrar shall arrange for publication of the judgements of the Dispute Tribunal on the web site of the Tribunal or other appropriate web site after they are delivered.

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

Article 22 Conflict of interest

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

2. A conflict of interest arises where a case 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 adviser, counsel, expert or witness; or

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

Article 23 Recusal

1. A judge of the Dispute Tribunal who has, or appears to have, a conflict of interest as defined in Article 22 of these Rules shall recuse himself or herself from the case.

2. A party may make a reasoned request for the recusal of a judge, on the grounds of a conflict of interest, through the Registrar to the UNRWA Internal Justice Committee who, after seeking comments from the judge, shall decide on the request and shall inform the party of the decision in writing.

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

Article 24 Revision of judgements

1. Either party may apply to the Dispute Tribunal through the Registrar for a revision of an executable judgement on the basis of the discovery of a decisive fact which was, at the time the judgement was rendered, unknown to the Tribunal and to the party applying for revision, always provided that such ignorance was not due to negligence.
2. 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.
3. The application for revision shall be sent by the Registrar to the other party, who has 30 days after receipt to submit comments to the Registrar.

Article 25 Interpretation of judgements

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

Article 26 Correction of judgements

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

Article 27 Execution of judgements

1. The judgement of the Dispute Tribunal shall be binding upon the parties, but is subject to appeal in accordance with the Statute of the United Nations Appeals Tribunal. In the absence of such 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, either party may apply to the Dispute Tribunal for an order for execution of the judgement if the judgement requires execution within a certain period of time and such execution has not been carried out.

Article 28 Titles

The titles to the Articles in these 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 these Rules:

- (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; and
- (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, except if the time limit runs from the time of receipt.

Article 30 Waiver of time limits

Subject to the Statute of the Dispute Tribunal, including in particular articles 8.3 and 8.4, the Judge hearing a case may shorten or extend a time limit fixed by these Rules or waive any rule when the interests of justice so require.

Article 31 Transitional measures

1. As a transitional measure, the Dispute Tribunal shall be competent to hear and pass judgement on cases filed prior to the establishment of the Dispute Tribunal and in respect of which no report of a joint appeals board has been submitted to the Commissioner-General. Such cases will be deemed to be receivable under article 8 of the Statute of the Dispute Tribunal and article 3 of the present Rules of Procedure.
2. The Commissioner-General shall notify the Tribunal, through the Registrar, of the cases to which the present article and article 2.5 of the Statute apply.

Article 32 Procedural matters not covered in Rules

1. All procedural matters which are not expressly provided for in the present Rules shall be dealt with by decision of the Dispute Tribunal upon the particular case, in accordance with the Statute and consistent with the relevant rules of international law and the principles of the rule of law and due process.
2. The Dispute Tribunal or Registrar may issue Practice Directions related to the implementation of these Rules.

Article 33 Amendment of Rules

1. The Dispute Tribunal may adopt amendments to these Rules of Procedure which shall be submitted to the Commissioner-General for approval by the Commissioner-General in agreement with the Secretary-General.

2. The amendments shall operate provisionally until approved by the Commissioner-General in agreement with the Secretary-General or until they are amended or withdrawn by the Dispute Tribunal on its own motion or in accordance with a decision of the Commissioner-General in agreement with the Secretary-General.

3. The judge of the Dispute Tribunal may instruct the Registrar to revise any form from time to time in the light of experience, provided such modifications are consistent with the Rules of Procedure.

Article 34 Entry into force

The Rules shall enter into force on the date of approval by the Commissioner-General in agreement with the Secretary-General.

XII. GENERAL PROVISIONS

REGULATION 12.1

These regulations may be supplemented or amended by the Commissioner-General in agreement with the Secretary-General, without prejudice to the acquired rights of staff members.

REGULATION 12.2

In accordance with Resolution 22(1)(E) of the 31st Plenary Meeting of the General Assembly of the United Nations, staff members who own or drive motor cars shall carry public liability and property damage insurance in an amount adequate to insure them against claims arising from injury or death to other persons, or from damage to the property of others, caused by their cars.

REGULATION 12.3

In these regulations reference to staff members in the masculine gender shall also apply to women, unless clearly inappropriate from the context.

REGULATION 12.4

These regulations and the staff rules made there under supersede all previous Agency administrative instructions and staff rules on the same subjects.



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