



UNRWA DISPUTE TRIBUNAL

Practice Direction No.: 01

Date: 31 May 2018

General Staff Circular No. 04/2018

SUBJECT: UNRWA Dispute Tribunal Practice Direction No. 01: Filing of Applications and Replies

Pursuant to article 32.2 of the Rules of Procedure, the UNRWA Dispute Tribunal hereby issues the following Practice Direction, for the purpose of setting out the procedures to be followed for the submission of applications and replies. This Practice Direction supersedes and replaces Practice Direction No. 01 issued in GSC No. **GSC/01/2014**.

Introduction

1. The purpose of this Practice Direction is to assist the parties in understanding the UNRWA Dispute Tribunal's ("Tribunal") procedures concerning the filing of applications and replies. See, in particular, art. 8 of the Statute of the Tribunal (Area and International Staff Regulation 11.4) and art. 4 and art. 6 of the Rules of Procedure of the Tribunal (Area and International Staff Regulation 11.5).
2. The information contained in this Practice Direction is subject to the Tribunal's Statute and Rules of Procedure, or any direction given by a Judge in a particular case.
3. Failure to comply with the procedures outlined herein may result in delays in the processing of the application or reply.

Application

4. An application is a written submission by which an individual institutes proceedings before the Tribunal.
5. The term is mainly used to refer to the submission by which an individual appeals an administrative decision alleged to be in non-compliance with the terms of appointment or the contract of employment, or a decision imposing a disciplinary measure (art. 2.1 (a) and (b) of the Statute of the Tribunal).

Forms to file an application

6. Applications shall be submitted on the appropriate current forms of the Tribunal. The current templates and forms are posted on the webpage of the Tribunal. They may also be obtained by writing to the Registrar at Registrar-unrwa.dt@unrwa.org. Applications must be completed in Times New Roman 12 font or Traditional Arabic 16 with 1.5 spacing between lines. There must be one-inch margins at the top, bottom and both sides. All paragraphs must be numbered. Any annexes submitted with the application form, as an email attachment, are to be appropriately named – please refer to the application form for more details.

Information to be included in the form for the filing of an application on the merits

7. In addition to information required by art. 4 of the Rules of Procedure of the Tribunal, an application on the merits under art. 2.1 (a) and (b) of the Statute of the Tribunal should include the following information:

- a. A succinct statement of the facts or other matters relied on to prove the decision did not comply with the terms of appointment or contract of employment;
- b. A copy of the request for decision review and the decision.

8. If an Applicant is represented by a lawyer or other representative, the lawyer or representative must submit to the Tribunal the Authorization Form for Representation, sign the application and all submissions thereafter and conduct all communications with the Tribunal on behalf of the Applicant.

Extension of time limits

9. An Applicant may, by motion (written request) supported by a declaration of relevant facts, seek an order from the Tribunal extending the time prescribed in the rules for the filing of an application. For further information, refer to the Practice Direction No. 02 on motions and responses thereto and the form provided on the Tribunal's webpage.

Method of filing

Email

10. All applications shall be submitted electronically unless the filing party does not have access to an email account. Documents and material should be filed with the Registrar by electronic means and in PDF format, if possible. All emails to the Registrar, including those transmitting submissions from the parties, must include the case number, the last name of the Applicant and the type of submission in the subject line of the email communication. The size of each email sent to the Registrar should not exceed 7 megabytes in order to avoid delivery failure. All emails to the Registrar are to be addressed to the Registrar's email account.

Hand or post

11. Filing by hand or by post may be done if electronic means are not available. In the event it is done by mail, the date of submission will be the date on the post mark. If the filing is hand-delivered, the date of submission will be that of the hand-delivery to the Registrar.

12. If filed by hand or by post, documents or material are to be submitted to the Registrar at the UNRWA Dispute Tribunal, HQ Amman.

Reply to application

13. The reply is to be filed by the Respondent with the Registrar within 30 calendar days of the date of receipt of the application. The reply must be completed in Times New Roman 12 font with 1.5 spacing between lines. There must be one-inch margins at the top, bottom and both sides. All paragraphs must be numbered. 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 Registrar will transmit a copy of the reply to the Applicant in accordance with art. 6 of the Rules of Procedure of the Tribunal.

Annexes

14. In accordance with art. 4 and art. 6 of the Rules of Procedure of the Tribunal, respectively, the original application and any annexes are to be submitted together and the original reply and any annexes are to be submitted together. If the submissions are not in accordance with the requirements set forth below in paras.14-17, the Applicant or Respondent will be instructed by the Registrar to re-submit the application, reply and/or annexes. Unless otherwise ordered by the Tribunal, the re-submission must be done within 10 days of the notification of the deficiency. The failure to comply with paras.14-17 may result in a delay in the processing and review of the application or in annexes not being considered.

15. For the purpose of due process, any source or document that is referenced in the Respondent's reply should be submitted as an annex thereto and shall be annexed if the document is not readily available on the intranet/internet. All annexes submitted by a party must be relevant and probative to the issues in the case. All such documents must be properly named – especially if sent as an attachment to an email. The annex number should be hand-written or typed in the upper right-hand corner of the document. Directly beneath the annex number, each page of the annex must be numbered in the following manner: Page 1 of 10, Page 2 of 10, etc. (see Example 1). The annex and page numbers should not obliterate or interfere with any of the text of the document.

16. The parties must also submit an index of the annexes, listing each of the documents, including the name and date of the document and the assigned annex number (see Example 2).

17. When referencing a document in the main text of the application or reply, the party must indicate the annex number and page number(s) for the document (see Example 3).

18. If any document to be annexed to the reply is in Arabic, the Respondent must also provide an English translation of the document and attach the translation to the Arabic original. If any document to be annexed is an English translation of an original Arabic document, the original Arabic document must be attached to the English translation.

Translations

19. The Tribunal does not provide translations of the application, reply or annexes for the parties; however, in the event the Tribunal translates these documents for its own use, the parties will be provided with copies of the translations.

Example 1:

For numbering annexes

Annex 1
Page 1 of 1

DESIGNATION, CHANGE OR REVOCATION OF BENEFICIARY

Employee No. : _____

I _____ Born on _____
(Type or Print Surname, First, and Middle Name) (Day, Month, Year)

revoke any and all previous designation of beneficiary made by me concerning funds that are or may be owed to me by the UNRWA, do now designate the beneficiary or beneficiaries named below, to whom I authorize and direct the UNRWA to pay at my death any money, or monies, owing me or standing to my credit.

Name and Address of each beneficiary	Age	Relationship	Share to be paid to each beneficiary

I hereby direct, unless otherwise indicated above that, if more than one beneficiary is named, the share of any beneficiary or beneficiaries who may predecease me shall be distributed equally among surviving beneficiaries, or entirely to the survivor. If none survive me, then the entire amount shall go to my estate.

I hereby specifically reserve the right to revoke or change any beneficiary at any time in the manner and form prescribed by the UNRWA and without the knowledge or consent of the beneficiary.

Date: 15/08/2009

(Written signature of designator in full)

WITNESS

We, the undersigned having no financial interest in this subject matter, directly or indirectly, hereby certify that this instrument was subscribed in our presence and in the presence of each on the _____ Day of _____ 20____ by the designator who is personally known to us.

(Signature of witness)

(Address of witness)

(Signature of witness)

(Address of witness)

Example 2:

For creating an index

Index

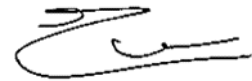
Annex No.	Date of Document	Name of Document
1	15/08/2009	Designation, Change or Revocation of Beneficiary

Example 3:

For referencing annexes in the text of a submission

“On 15 April 2009, I submitted a change of beneficiary form, see Annex 1, Page 1.”

Distribution: All staff members – Agency wide



Jean-François Cousin
Judge