



UNRWA DISPUTE TRIBUNAL

Practice Direction No.: 02

Date: 31 May 2018

General Staff Circular No. 05/2018

SUBJECT: UNRWA Dispute Tribunal Practice Direction No. 02:

Filing of Motions, Responses and Rejoinders

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 motions, responses and rejoinders. This Practice Direction supersedes and replaces Practice Direction No. 02 issued in GSC No. **GSC/02/2014**.

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 motions, responses to motions and rejoinders (also referred to as "observations").
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 resolution of a party's motion or in summary dismissal of the request.

Motions

4. Any party to the proceedings may make a request to the Tribunal for an order, direction, interim measure or other appropriate ruling or relief.
5. All such requests shall be made by written motion and include the following:
 - a. A clear and concise description of the exact relief requested;
 - b. Reference to specific applicable legal authority that supports the request, i.e., a specific Area or International Staff Regulation, Rule and/or another administrative issuance, including Regulations 11.4 and 11.5 (Statute and Rules of Procedure of the Tribunal), a specific Judgment or Order issued by the United Nations Appeals Tribunal, or other specific relevant legal authority;

- c. In line with the applicable legal authority, specific reasons why the relief requested applies to the circumstances of the case.

Response to a motion

6. Where the motion is contested, either as to law or fact, the opposing party may file a response. Unless otherwise directed by the Tribunal, a response to a motion filed by a party shall be filed within 10 calendar days of service of the motion on that party.

7. Where the party responding to the motion relies on facts other than those relied on in the motion or disputes those facts, the response shall be accompanied by a declaration stating the facts and information relied on by the responding party to the motion, identifying the source of the facts and certifying their truthfulness, accuracy and completeness. The party shall also attach any documents supporting the facts and information.

Orders

8. Motions and responses will be taken under reserve by the Judge assigned to the case, who will then issue an Order in due course. Unless otherwise specified by the Tribunal, parties must comply with any Order issued by the Tribunal within 14 calendar days of the date of the Order.

9. Orders are generally related to case management and as such are case specific and confidential. When making a submission to the Tribunal, i.e. motion, response or rejoinder, any party to multiple proceedings before the Tribunal, including legal representatives, should not cite to or reference any Orders issued in cases other than the case in which the submission is made.

Rejoinders/Observations

10. A rejoinder, also known as “observations”, is the Applicant’s submission in response to the Respondent’s reply. It may only be filed with leave of the Tribunal. Therefore, the Applicant must first make a request to the Tribunal for leave to file a rejoinder.

11. The purpose of a rejoinder is to respond to specific points raised by the Respondent in the reply and is not intended to be an opportunity for the Applicant to merely repeat what has been stated in the application.

12. Unless otherwise specified by the Tribunal, the rejoinder must be filed within 14 days of receipt of the Order granting leave and shall be limited to five pages, unless the Applicant requests and shows exceptional circumstances warranting additional pages, and the Tribunal approves the request.

Format of motions, responses and rejoinders

13. All motions, responses and rejoinders must be submitted in written form in a separate document and *not* in the text of an email. A motion should be submitted on the appropriate form of the Tribunal. The current templates and forms are posted on the webpage of the Tribunal or may be obtained by writing to the Registrar at Registrar-unrwa.dt@unrwa.org. All motions, responses and rejoinders should be accurately and clearly titled and are to be done 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.

14. 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 all motions, responses and/or the rejoinder submitted thereafter and conduct all communications with the Tribunal on behalf of the Applicant.

15. All documents referenced in a motion, response or rejoinder must be submitted as an annex thereto if 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. 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.

17. When referencing a document in the main text of the motion, response or rejoinder, the party must indicate the annex number and page number(s) for the document.¹

18. If any document to be submitted by the Respondent 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.

Method of filing

Email

19. All motions, responses and rejoinders should 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

¹ See Practice Direction No. 1 for an example of how to number and reference annexes.

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

20. 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.

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

Translations

22. The Tribunal does not provide translations of motions, responses 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 of Motion:



UNRWA DISPUTE TRIBUNAL

Insert Applicant's last name

v.

COMMISSIONER GENERAL OF THE
UNITED NATIONS RELIEF AND WORKS
AGENCY FOR PALESTINE REFUGEES

MOTION

{INSERT TITLE}

UNRWA DT case number:

Filing party:

Date of motion:

Counsel for Applicant:

If self-represented, please state so.

Counsel for Respondent:

I. Motion and supporting reasons

Summarize your request to the Tribunal, clearly stating the reasons in support thereof. In summarizing your request, your motion should include the following:

- a. a clear and concise description of the exact relief requested;
- b. reference to specific applicable legal authority that supports the request, i.e., a specific Area or International Staff Regulation, Rule and/or another administrative issuance, including 11.4 and 11.5 (Statute and Rules of Procedure of the UNRWA Tribunal), a specific Judgment or Order issued by the United Nations Appeals Tribunal, or other specific relevant legal authority;
- c. in line with the applicable legal authority, specific reasons why the relief requested applies to the circumstances of the case.

II. Documents in support of your motion

Please attach and list any supporting documents. If you include translations of any documents, please state so.

Annex number	Title (include nature of communication, author and addressee)	Date (dd/mm/yyyy)

III. Signature and certification

I hereby certify that to the best of my knowledge the information provided in this motion is true, accurate and complete and that all copies submitted to the Tribunal are true copies of the original documents.

Name:

Date:

Signature:

Distribution: All staff members – Agency wide



Jean-François Cousin
Judge