



General Staff Circular No. 06/2018

**SUBJECT: UNRWA Dispute Tribunal Practice Direction No. 03:
Information for Parties Appearing Before the UNRWA Dispute Tribunal**

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 parties appearing before the Dispute Tribunal. This Practice Direction supersedes and replaces Practice Direction No. 03 issued in GSC No. **GSC/03/2014**.

FILING OF DOCUMENTS AND MATERIAL

Templates

1. In order to ensure the appropriate formatting of documents for use during the proceedings before the UNRWA Dispute Tribunal (“Tribunal”), the parties should use the templates and standard forms issued by the Registrar to file submissions. The 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 templates, forms or other submissions must 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.

Method of filing

2. Documents and material should be filed with the Registrar by electronic means and in PDF format, if possible, and should be appropriately named. All emails to the Registrar, including those transmitting submissions from the parties, must include the case number (see para.9 below), 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. Once the application is filed, all communications between any party and the Registrar are to be copied to the other party, unless a party seeks to make an *ex parte* filing (see para.8 below).

3. Filing by hand or 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.

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

Legal or other representative

5. 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 submissions thereafter and conduct all communications with the Tribunal on behalf of the Applicant.

Confidentiality

6. Notwithstanding that submissions filed before the Tribunal are normally not available to the public, where confidentiality is claimed, documents and material filed with the Registrar must indicate the level of confidentiality sought, stating the reasons why confidentiality is claimed. Submissions that are confidential and meant to be accessible and known only to a limited number of persons must be marked as “CONFIDENTIAL” on the cover page of the submission, as well as in the subject line where filed electronically.

Urgent measure

7. A party filing a document or material which requires an urgent measure to be taken should insert the word “URGENT” on the cover page.

***Ex parte* filings**

8. Where a submission is made for proceedings to be held without notification to one or more of the participants, documents or other material must be filed *ex parte*. The words “EX PARTE” must be inserted on the cover page and the recipients, other than the Tribunal, must be specified after the phrase “only available to”. The reasons for filing on an *ex parte* basis must be specified in the submission. The Judge assigned to the case will then determine whether or not the filing will remain *ex parte*.

Case record

9. Cases before the Tribunal are registered in a case management system and the matter is assigned a case number which is communicated to the parties via email. The case number is composed of the acronym “UNRWA DT”, for the Tribunal, followed by “HQA, JFO, SFO, LFO, WBFO, GFO, HQG” indicating the location of the relevant field office, the year the case was commenced, and the serial number of the case for that year, e.g., UNRWA/DT/HQA/2013/001.

10. The case record is a full and accurate record of all proceedings.

Numbering procedure for Judgments and Orders

11. The Judgment number is composed of, first, the acronym “UNRWA DT”, second, the year in which the judgment was issued, third, a serial number in a given year that is sequential, e.g., Judgment No. UNRWA/DT/2013/040.

12. An order number is composed of a serial number, followed by the acronym “UNRWA DT”, and the year of issuance, e.g., Order No. 119 (UNRWA/DT/2013).

Method of notification

13. Documents, material, Orders or Judgments are transmitted to the parties by way of an email attachment originating from the Tribunal’s Registrar. The email, or any letter from the Registrar that may be attached to it, constitutes the notification form to a party.

14. Where it is not possible to transmit documents, material, Orders or Judgments electronically, they may be notified by post or by hand.

HEARINGS

Management of proceedings

15. The Registrar makes all the necessary practical arrangements for proceedings, whether held in public or in closed session. Issues raised by participants related to the management of hearings should be addressed to the Registrar by writing to the Registrar’s email account.

Presence in the field

16. As appropriate, the Tribunal may hold hearings at any of the field offices or headquarters.

Scheduling of hearings

17. The Registrar publishes a calendar of hearings that is posted outside the office of the Tribunal. The calendar states useful information including the case number, the Judge seized thereof, the date, time and location of the proceedings and, if appropriate, whether the proceedings are to be held in public or in closed session.

Standard of conduct of counsel

18. Counsel and parties appearing before the Tribunal must conduct themselves in accordance with standards of conduct expected of counsel. In particular, they must uphold the highest standards of integrity, diligence and efficiency.

Court etiquette

19. Counsel wears formal business attire when appearing before the Tribunal. When the Judge enters the courtroom, all persons present will stand. The Judge will be addressed as “Your Honour” throughout the

hearing. When the case is adjourned and the Judge rises to leave the court, all will stand. All persons in the courtroom will remain standing and silent until the Judge leaves the courtroom.

Support during hearings

20. The Registrar ensures that the necessary practical arrangements for the conduct of the hearing are in place. The participants to the hearing must bring to the attention of the Registrar any information that they deem necessary. The Registry may appoint one of its staff to provide logistical support to the Tribunal, in particular in respect of procedural matters. During hearings, the staff member acts as a focal point for all courtroom-related matters.

Witnesses appearing before the Tribunal

21. At least 15 calendar days before the hearing date or by another date ordered by the Tribunal, the participants must provide the Tribunal and the opposing party with the names of the witnesses they intend to call at the hearing and a description of the relevance of the witnesses' testimony. They must ensure that the witnesses they intend to call are available for the hearing, including arranging for their presence should they wish the witnesses to appear in person. They must also provide all information about the location and contact details of the witnesses they wish to call. Notwithstanding the foregoing, the Tribunal retains the authority to refuse or require the presence of a particular witness.

22. The witness of a participant may discuss his or her statement with counsel prior to giving oral testimony, but must not read from a prepared statement unless copies of such statement have been prepared and circulated to all parties prior to the hearing. A party calling a witness must not discuss the case with the witness once the testimony has started and until the testimony is completed.

Transmission of an order to appear

23. When the Tribunal issues an order to appear under art. 12 of the Rules of Procedure, the Registrar transmits the request to the person concerned. The Registrar must be informed without delay of any problem that may impede or prevent the execution of the summons.

Presentation of document or material to be tendered as an exhibit during a hearing

24. At least seven calendar days before a scheduled hearing or by another date ordered by the Tribunal, for the purpose of preparation for the hearing and presentation of evidence during the hearing, participants must provide to the Registrar and to the other party, in electronic version, the evidence they intend to use at the hearing. If during a hearing, a party chooses to provide a hard copy of evidence adduced electronically, the party tendering the document must provide sufficient copies to the participants to the hearing.

Arrangements for remote testimony by means of audio or video-link or other technology

25. The Registrar makes necessary arrangements whenever the Tribunal permits a party, witness or any other participant to be heard by means of audio or video-link or other technology. By the date ordered by the

Tribunal, the party must provide the Registrar with contact details and any other information to facilitate the testimony of the relevant party.

26. In choosing a venue for a remote testimony, the following locations, in particular, may be considered by the Registrar:

- a. Any convenient UN duty station;
- b. A national Tribunal;
- c. An office of an international organization; or
- d. An embassy or a consulate.

27. In the case of a video-link, any person giving evidence by way of video-link should be able to see and hear the Judge and the person questioning him or her. Likewise, the Judge and the person questioning him or her should be able to see and hear the witness as well as any evidence submitted from the remote location.

Recording of hearings

28. The Registrar makes a full and accurate record of all proceedings, including audio recording.

Interpretation during hearings

29. The Tribunal's translators provide interpretation services during hearings where necessary and to the extent possible.

PUBLICATION OF JUDGMENTS

30. The Judgments of the Tribunal are published on the intranet and internet.

INFORMATION SYSTEM, STORAGE, ARCHIVE AND DATABASES

31. All records/documents submitted by parties to a case before the Tribunal are managed in accordance with UNRWA Rules in respect of the creation, management and disposal of records. The Tribunal does not create, manage or dispose of any other records that might pertain to the staff member, i.e. the Official Status File ("OSF").

Distribution: All staff members – Agency wide



Jean-François Cousin
Judge