General Staff Circular No. 08/2021

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/04/2018.

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 (Statute) and
 Rules of Procedure (Rules), or any direction given by a Judge in a particular case. The Statute can be
 found in Area Staff regulation 11.4 and in International Staff Regulation 11.4.

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).
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. Any annexes submitted with the application form, as an email attachment, are to be appropriately named and numbered—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, an application on the merits under art. 2.1 (a) and (b) of the Statute 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 decision. (mandatory). If the decision is not issued in writing: a clear description of the decision being contested;

   c. A copy of the request for decision review (mandatory);

   d. Other documents relevant for the adjudication of the appeal.

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 an applicant. In addition, a copy of both the Applicant’s and the Representative’s identification card bearing a signature of the holder must be attached to the Authorization Form for Representation.

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. The motion must be submitted in written form in a separate document and not in the text of an email. The current templates and forms are posted on the webpage of the Tribunal or may be obtained by sending an email to the Registrar. Upon such a request, the Tribunal may suspend, waive or extend the deadlines for a limited period of time and only in exceptional circumstances. Thus, such a request must demonstrate exceptional circumstances for the extension.
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 materials 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. 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 materials are to be submitted to the Registrar at the UNRWA Dispute Tribunal, HQ Amman.

Reply to application

13. The Respondent is to file its reply within 30 calendar days of the date of receipt of the application. 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.

Annexes

14. In accordance with art. 4 and art. 6 of the Rules, 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. 15-17, 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. 15-17 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 source or 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.

Translators

19. The Tribunal does not provide translations of the application, reply or annexes for the parties.
EXAMPLE 1:
For numbering annexes

**DESIGNATION, CHANGE OR REVOCATION OF BENEFICIARY**

Employee No.: ______________________

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

revokes 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.

<table>
<thead>
<tr>
<th>Name and Address of each beneficiary</th>
<th>Age</th>
<th>Relationship</th>
<th>Share to be paid to each beneficiary</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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 if 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

<table>
<thead>
<tr>
<th>Annex No.</th>
<th>Date of Document</th>
<th>Name of Document</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>15/08/2009</td>
<td>Designation, Change or Revocation of Beneficiary</td>
</tr>
</tbody>
</table>


Example 3:

For referencing annexes in the text of a submission

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

Distribution: All staff members – Agency wide

Johanna Schokkenbroek
Judge