



# General Assembly

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Item 149 of the preliminary list\*

### Administration of justice at the United Nations

## Administration of justice at the United Nations

### Report of the Secretary-General

#### *Summary*

The General Assembly, by its resolutions [61/261](#), [62/228](#) and [63/253](#), decided to establish an independent, transparent, professionalized, adequately resourced and decentralized system of administration of justice for resolution of work-related disputes at the United Nations. This system commenced operation on 1 July 2009.

In the present report, the Secretary-General, as the chief administrative officer of the Organization, provides information on the functioning of the system of administration of justice for 2020 and offers observations with respect thereto.

The present report also includes a consolidated response to requests made by the General Assembly in its resolution [75/248](#).

The General Assembly is invited to take action as set out in paragraph 116.

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\* [A/76/50](#).



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## I. Overview

1. The system of administration of justice at the United Nations was established by the General Assembly in its resolutions [61/261](#), [62/228](#) and [63/253](#) and became operational on 1 July 2009. The system and the roles of stakeholders therein are described in annex I to the previous report of the Secretary-General on the administration of justice at the United Nations ([A/74/172](#)). The system flow chart is depicted in annex II to that report.

2. The present report provides information on the functioning of the formal system for 2020 and responds to the specific requests of the General Assembly in its resolution [75/248](#).

## II. Review of the formal system of justice

### A. Trends in and observations on the operation of the formal system of administration of justice

3. In the Secretariat, the Management Evaluation Unit received 404 requests in 2020, a decrease from the 704 requests received in 2019 (see table 1). Although it is difficult to identify the specific reasons for an increase or decrease in requests, previous reports of the Secretary-General have observed that one factor is the number of group cases (see [A/73/217](#), table 1, footnote a, and [A/74/172](#), table 1, footnote a, commenting on the significant increase in group requests in 2017 and 2018). Such requests are submitted, for example, in matters involving retrenchment exercises. While it is possible that the coronavirus disease (COVID-19) pandemic played a role in the decrease, the available data do not support any clear conclusions in that regard. Of the 404 requests received in 2020 in the Secretariat, 371 were closed by 31 December 2020, which is consistent with the output in previous years. Most requests received by the Unit in 2020 involved appointment and promotion (approximately 21 per cent), separation from service (approximately 16 per cent) or cases involving sick leave certification and claims to the Advisory Board on Compensation Claims (approximately 15 per cent). As usual, a significant number of requests came from staff members in peace and special political missions (approximately 60 per cent). In 2020, most requests for management evaluation submitted in the Secretariat (77 per cent) did not proceed to the United Nations Dispute Tribunal, which indicates that the management evaluation function continues to play an important role in providing resolution to staff members.

4. In 2020, the administration of justice system was affected by the financial liquidity situation, which prevented the recruitment of staff to posts in the Geneva Registry of the United Nations Dispute Tribunal, as well as in the Office of Staff Legal Assistance. The situation also had the potential to disrupt the holding of three regular sessions by the United Nations Appeals Tribunal. Following the onset of the COVID-19 pandemic, the justice system adopted remote working arrangements. The Tribunals, counsel for the parties and the registries, worked in a virtual environment, facilitated by a virtual courtroom and other electronic workspaces.

5. In 2020, the United Nations Dispute Tribunal received 216 new cases and disposed of 352 cases. The Dispute Tribunal again issued more judgments than in the previous year, 221 compared with 159 in 2019, representing a 28 per cent increase. The pending caseload was reduced from 323 on 31 December 2019, to 189 on 31 December 2020. The six half-time judges of the Dispute Tribunal were each deployed twice during 2020. Six deployments were made to Nairobi and three each to New York and Geneva. Among the Dispute Tribunal's judges, the following were replaced during the year: Judge [\[Name\]](#) was replaced by Judge [\[Name\]](#), and Judge [\[Name\]](#) was replaced by Judge [\[Name\]](#).

disposed cases was a cluster of group cases filed by staff from various organizations regarding the implementation of the post adjustment multiplier in Geneva.

6. Following the transition to remote work, the United Nations Appeals Tribunal held three virtual sessions in which it delivered 100 judgments and disposed of 118 appeals, representing an increase over 2019, when it delivered 82 judgments and 95 disposals. The impact of the financial liquidity situation on the Appeals Tribunal was averted.

## B. Management evaluation function

7. Management evaluation, which is described in annex I to the previous report of the Secretary-General on the administration of justice at the United Nations (A/74/172), is the first step in the formal system of administration of justice.

8. The number of management evaluation requests received for 2009–2020 in the Secretariat and the number of requests received in the funds and programmes are provided in table 1. Table 2 provides the numbers for the disposition of management evaluation requests in the Secretariat and the funds and programmes in 2020. Table 3 provides numbers for the outcomes of cases in the United Nations Dispute Tribunal, following management evaluation in 2020. The table does not include applications filed with the Dispute Tribunal concerning administrative decisions that were not subject to management evaluation.

Table 1  
Management evaluation requests received, 2009–2020

Year	Requests received						
	Secretariat	UNDP	UNHCR	UNOPS	UNFPA	UNICEF	UN-Women
2009	184	20	36	1	1	2	–
2010	427	13	22	1	4	16	–
2011	952	17	77	4	5	33	–
2012	837	11	56	4	18	60	–
2013	933	31	57	4	10	18	–
2014	1 541	37	45	1	23	31	–
2015	873	33	130	1	16	18	–
2016	944	12	100	4	12	41	2
2017	1 888	54	110	44	3	33	11
2018	1 182	55	94	39	14	58	9
2019	704	39	53	12	16	26	3
2020	404	38	53	7	8	30	2
<b>Total</b>	<b>10 869</b>	<b>360</b>	<b>833</b>	<b>122</b>	<b>129</b>	<b>366</b>	<b>27</b>

*Abbreviations:* UNDP, United Nations Development Programme; UNFPA, United Nations Population Fund; UNHCR, Office of the United Nations High Commissioner for Refugees; UNICEF, United Nations Children’s Fund; UNOPS, United Nations Office for Project Services; UN-Women, United Nations Entity for Gender Equality and the Empowerment of Women.

Table 2  
Disposition of management evaluation requests in 2020

<i>Entity</i>	<i>Requests decided in 2020<sup>a</sup></i>	<i>Decisions upheld</i>	<i>Decisions reversed</i>	<i>Requests otherwise resolved</i>	<i>Decisions appealed to the United Nations Dispute Tribunal in 2020</i>	<i>Requests carried forward to 2021<sup>b</sup></i>
Secretariat	435	300	3	132	124	44
UNDP	37	27	4	6	6	3
UNHCR	45	23	1	21	5	21
UNOPS	2	1	0	1	0	5
UNICEF	30	20	5	2	4	3
UNFPA	4	3	0	1	2	5
UN-Women	2	2	0	0	2	1

*Abbreviations:* UNDP, United Nations Development Programme; UNFPA, United Nations Population Fund; UNHCR, Office of the United Nations High Commissioner for Refugees; UNICEF, United Nations Children's Fund; UNOPS, United Nations Office for Project Services; UN-Women, United Nations Entity for Gender Equality and the Empowerment of Women.

<sup>a</sup> Includes cases received in 2020 and cases carried over from 2019 and earlier.

<sup>b</sup> Includes all open cases that were not resolved in 2020 and were carried over to 2021.

Table 3  
Outcome of cases in the United Nations Dispute Tribunal in 2020, following management evaluation

<i>Entity</i>	<i>Total number of cases<sup>a</sup></i>	<i>Settled or withdrawn</i>	<i>Upheld</i>	<i>Partially upheld</i>	<i>Overturned</i>
Secretariat	124	12	93	4	15
UNDP	45	–	44	–	1
UNHCR	6	2	4	–	–
UNOPS	10 <sup>b</sup>	–	8 <sup>b</sup>	1	1
UNICEF	16	1	7	2	6
UNFPA	6	–	6	–	–
UN-Women	1	–	1	–	–

*Abbreviations:* UNDP, United Nations Development Programme; UNFPA, United Nations Population Fund; UNHCR, Office of the United Nations High Commissioner for Refugees; UNICEF, United Nations Children's Fund; UNOPS, United Nations Office for Project Services; UN-Women, United Nations Entity for Gender Equality and the Empowerment of Women.

<sup>a</sup> Represents all cases for which the entity represented the Secretary-General as respondent (excluding suspension-of-action applications) that were disposed of by the United Nations Dispute Tribunal, settled by the parties or withdrawn by the applicant in 2020, regardless of when the application was received.

<sup>b</sup> Three near-identical cases concerning post adjustment in Geneva are counted as one case.

## C. United Nations Dispute Tribunal

### 1. Composition, presidency and plenary

9. In 2020, the United Nations Dispute Tribunal was composed of: (a) three full-time judges: Joëlle Adda (France) in New York, Teresa Maria da Silva Bravo (Portugal) in Geneva and Agnieszka Klonowiecka-Milart (Poland) in Nairobi; and (b) six half-time judges: Francis Belle (Barbados), Francesco Buffa (Italy), Eleanor Donaldson-Honeywell (Trinidad and Tobago), Alexander W. Hunter (United States of America), Rachel Sophie Sikwese (Malawi) and Margaret Tibulya (Uganda).

10. Judge Adda was elected as President in November 2019 and re-elected in December 2020 for a second one-year term.

11. The Dispute Tribunal judges held two plenary meetings remotely, from 11 to 15 May and from 30 November to 4 December 2020, instead of the usual annual in-person meeting, owing to the COVID-19 pandemic.

## 2. Judicial activities

### (a) Caseload

12. As at 1 January 2020, the Dispute Tribunal had 323 cases pending, including 104 cases that had been pending for over 400 days and which were the focus of the case disposal plan. In 2020, the Tribunal received 216 new cases and disposed of 352 cases. Of those 352 disposals, 221 were judgments, which marked the highest delivery of judgments by the Tribunal since 2016 when the same number of judgments was delivered. On 31 December 2020, the Tribunal had 189 cases pending.

13. Table 4 lists the numbers of Dispute Tribunal applications received, disposed of, and pending from 2009 to 2020. For 2018 to 2020, the applications received and disposed of are disaggregated into dispositive judgments and orders, suspension-of-action orders and inter-Registry transfers.<sup>1</sup> A breakdown of the number of Dispute Tribunal suspension-of-action applications received and the number of judgments issued per year (2009–2020) is provided in table 5. Table 6 provides a breakdown of the number of Dispute Tribunal applications received, disposed of, or pending per year (2009–2020), by duty station.

Table 4  
United Nations Dispute Tribunal applications received, disposed of and pending, as reported, 2009–2020

<i>Year</i>	<i>Applications received<sup>a</sup></i>			<i>Applications disposed of</i>			<i>Applications pending (end of year)</i>		
2009	281			98			183		
2010	307			236			254		
2011	281			271			264		
2012	258			260			262		
2013	289			325			226		
2014	411			320			317		
2015	438			480			275		
2016	383			401			257		
2017	382			268			372		
2018	348			317			404		
2019	354			435			323		
2020	216 <sup>b</sup>			352			189		
<b>Total</b>	<b>3 950</b>			<b>3 763</b>			<b>–</b>		
	<i>Merits</i>	<i>Suspension of action</i>	<i>Transfer</i>	<i>Merits</i>	<i>Suspension of action</i>	<i>Transfer</i>	<i>Merits</i>	<i>Suspension of action</i>	<i>Transfer</i>
2018	231	85	32	203	82	32	401	3	–
2019	232	76	46	313	76	46	323	–	–
2020	151	65	2	286	64	2	188	1	–

<sup>a</sup> The figures in the table from 2009 to 2018 include applications for suspension of action to the United Nations Dispute Tribunal. From 2018, the figures are broken up into merits applications, suspension-of-action applications and transfers of applications from one Dispute Tribunal location to another.

<sup>b</sup> Excluding two transfers.

<sup>1</sup> The Dispute Tribunal carries out inter-Registry transfers for a variety of reasons. While it is useful – and sometimes necessary – to transfer cases between duty stations in order to balance the Dispute Tribunal caseload, the method of registering a case transferred to another duty station as closed at the duty station where it was initially filed results in the case appearing as disposed of by the Tribunal at the initial receiving location and that case's registration then being counted as the filing of a new application at the receiving duty station. To ensure accuracy of reporting, since 2018, the transfers are indicated separately.

Table 5  
**United Nations Dispute Tribunal suspension-of-action applications received and judgments delivered, as reported, 2010–2020**

<i>Year</i>	<i>Suspension-of-action applications received</i>	<i>Judgments delivered</i>
2010	21	217 (3 withdrawal judgments included)
2011	74	219
2012	45	208 (3 withdrawal judgments included)
2013	109	181 (13 withdrawal judgments included)
2014	57	148 (10 withdrawal judgments included)
2015	85	126
2016	56	221
2017	86	100
2018	85	128 (9 withdrawal judgments not included)
2019	76	159 (29 withdrawal judgments not included)
2020	65	221

Table 6  
**United Nations Dispute Tribunal applications received, disposed of and pending, as reported, by duty station, 2009–2020**

<i>Year</i>	<i>Applications received</i>			<i>Applications disposed of</i>			<i>Applications pending (end of year)</i>		
	<i>Geneva</i>	<i>Nairobi</i>	<i>New York</i>	<i>Geneva</i>	<i>Nairobi</i>	<i>New York</i>	<i>Geneva</i>	<i>Nairobi</i>	<i>New York</i>
2009	108	74	99	57	19	22	51	55	77
2010	120	80	107	101	59	76	70	76	108
2011	95	89	97	119	59	93	46	106	112
2012	94	78	86	106	76	78	34	108	120
2013	75	96	118	77	103	145	32	101	93
2014	209	115	87	67	128	125	174	88	55
2015	182	190	66	285	127	68	71	151	53
2016	215	92	76	147	163	91	139	80	38
2017	127	137	118	108	100	60	158	118	96
2018	127	132	89	124	116	77	161	134	109
2019 <sup>a</sup>	67	158	83	136	134	119	94	137	92
2020	62	103	51	74	159	117	82	80	27
<b>Total</b>	<b>1 481</b>	<b>1 344</b>	<b>1 077</b>	<b>1 401</b>	<b>1 243</b>	<b>1 071</b>	–	–	–

<sup>a</sup> Inter-Registry transfers are included in the data for 2009–2018. As from 2019, inter-Registry transfers are no longer included in the data.

**(b) Number of judgments, orders and court sessions**

14. Table 7 lists the total number of judgments, orders and court sessions from 1 July 2009 to 31 December 2020, by duty station. Applications were disposed of through a judgment or an order; a judgment or an order may dispose of more than one application.

Table 7  
**United Nations Dispute Tribunal judgments, orders and court sessions, as reported, by duty station, 2009–2020**

Year	Judgments				Orders				Court sessions <sup>a</sup>			
	Geneva	Nairobi	New York	Total	Geneva	Nairobi	New York	Total	Geneva	Nairobi	New York	Total
2009	44	20	33	97	39	26	190	255	21	33	118	172
2010	83	52	82	217	93	248	338	679	54	116	91	261
2011	86	52	81	219	224	144	304	672	54	117	78	249
2012	79	65	64	208	172	183	271	626	24	88	75	187
2013	41	67	73	181	201	219	355	775	32	114	72	218
2014	37	67	44	148	197	275	355	827	31	119	108	258
2015	48	40	38	126	272	405	315	992	58	66	68	192
2016	64	107	50	221	250	501	285	1 036	55	60	68	183
2017	35	46	19	100	262	219	282	763	97	71	43	211
2018 <sup>b</sup>	48	56	24	128	207	193	258	658	88	55	27	170
2019 <sup>b</sup>	44	66	49	159	123	235	212	570 <sup>c</sup>	24	28	10	62
2020	46	92	83	221	132	244	204	580	16	77	25	118
<b>Total</b>	<b>655</b>	<b>730</b>	<b>640</b>	<b>2 025</b>	<b>2 712</b>	<b>2 892</b>	<b>3 369</b>	<b>8 433</b>	<b>554</b>	<b>944</b>	<b>783</b>	<b>2 281</b>

<sup>a</sup> A “court session” is an aggregate unit used to ensure consistency among the three Registries supporting the United Nations Dispute Tribunal in reporting on hearings. A hearing may consist of up to three daily court sessions (morning, afternoon, evening) and may be held over several days. The court sessions included “case management discussions”.

<sup>b</sup> These figures do not include withdrawal judgments.

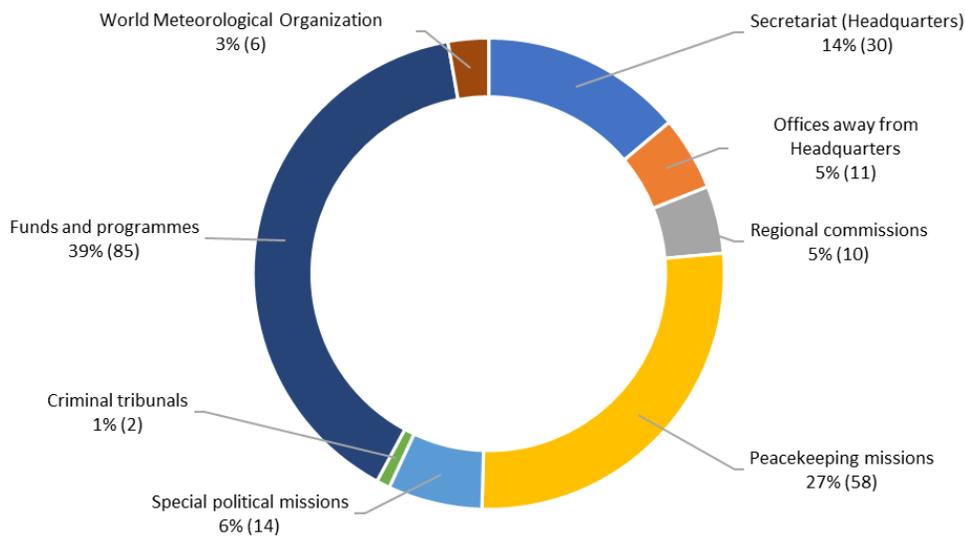
<sup>c</sup> This figure includes orders that disposed of applications, such as withdrawal orders and suspension-of-action orders, withdrawal judgments, inter-Registry transfers (one Registry supporting the United Nations Dispute Tribunal closes them and another one reopens them at another location), orders relating to case management, orders relating to extension of time and other orders.

### (c) Sources of applications

15. The categories of staff who filed the 216 applications in 2020 were as follows: Assistant Secretary-General (2; 2019:3), Director (7; 2019: 16), Professional (130; 2019: 141), General Service (30; 2019: 87), Field Service (25; 2019: 26), Security (2; 2019: 8), National Professional Officers (13; 2019: 18) and others (7; 2019: 9). There was a decline in all categories from 2019, with the largest decline in numbers among General Service staff (57 fewer applications). The applicants from the World Meteorological Organization (WMO), which accepted the jurisdiction of the United Nations Dispute Tribunal as from 20 January 2020, were in the Director, Professional and General Service categories.

16. The new applications received in 2020 originated from various United Nations entities, including WMO, as illustrated in figure I.

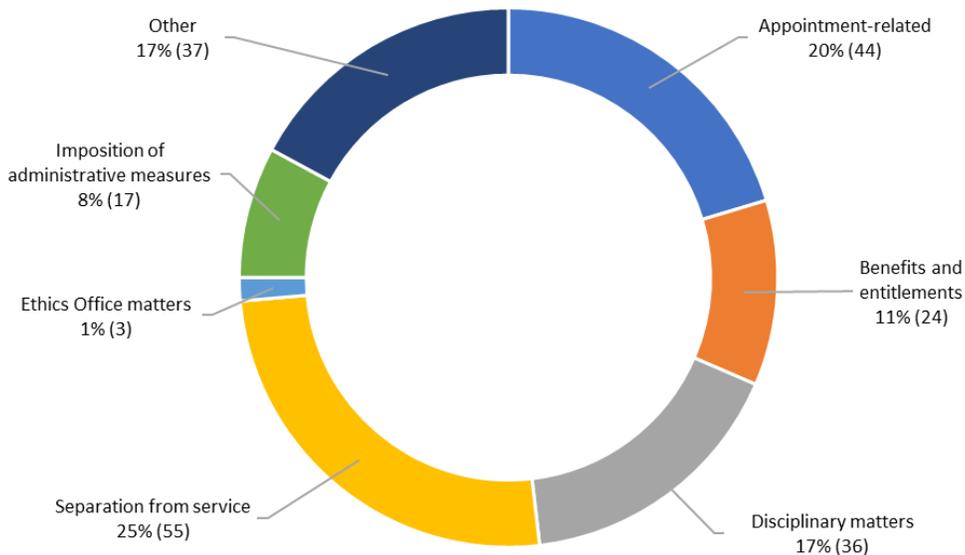
**Figure I**  
**Breakdown of applications by entity of the staff member**



**(d) Subject matter of applications**

17. The nature of the cases received in 2020 may be categorized as illustrated in figure II: (a) separation from service (non-renewal and other separation-related matters); (b) appointment-related matters (non-selection, non-promotion and related matters); (c) disciplinary matters; (d) benefits and entitlements; (e) Ethics Office matters; (f) imposition of administrative measures; and (g) other.

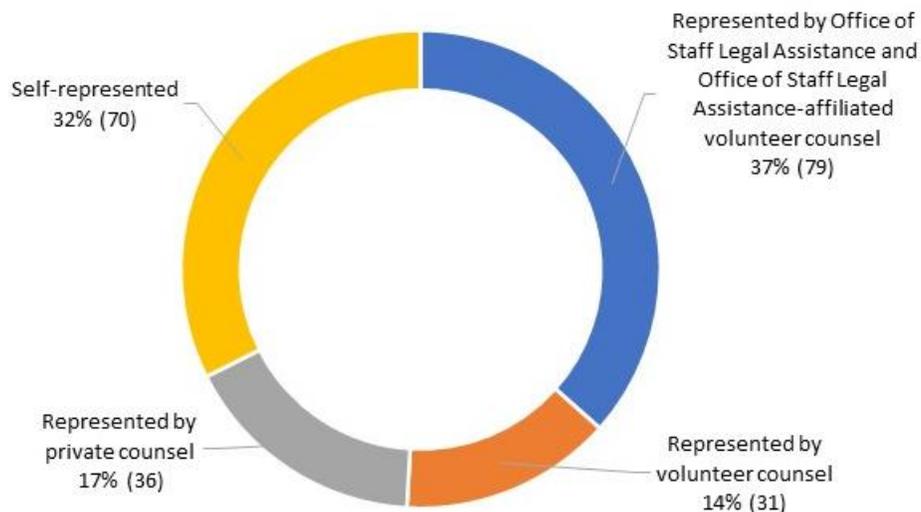
**Figure II**  
**Applications received, by subject matter**



**(e) Representation of staff members**

18. The Office of Staff Legal Assistance, volunteers who were either current or former staff members of the Organization and private counsel provided representation before the Dispute Tribunal in most applications received in 2020, as illustrated in figure III.

Figure III  
Representation of staff members



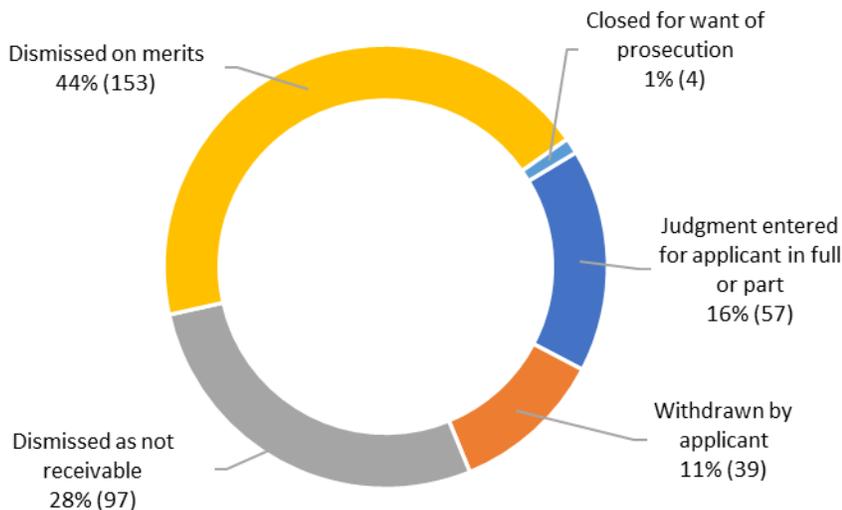
**(f) Informal resolution**

19. In 2020, a total of 39 applications pending before the Dispute Tribunal were resolved informally and withdrawn by the applicants. They included cases resolved with or without case management by the Tribunal. In 2020, one case pending before the Tribunal was mediated by the Office of the United Nations Ombudsman and Mediation Services and the application was withdrawn. One case brought by a staff member of the Office of the United Nations High Commissioner for Refugees was withdrawn following a formal mediation process. In 2020, four applications were referred from the Tribunal under article 10 (3) of its statute to the Office of the United Nations Ombudsman and Mediation Services for mediation.

**(g) Outcomes**

20. The outcomes of the applications disposed of by the Dispute Tribunal in 2020, including applications for suspension of action, are illustrated in figure IV. The applications that were informally resolved or withdrawn while they were pending before the Tribunal are included under “Withdrawn by applicant”. When the applicant no longer pursues the case, the Tribunal closes the case for “want of prosecution”.

Figure IV  
Outcome of applications disposed of



**(h) Referral for accountability**

21. In 2020, the Dispute Tribunal made one referral for possible action to enforce accountability pursuant to article 10 (8) of its statute (Judgment No. UNDT/2020/213).

**D. United Nations Appeals Tribunal**

**1. Composition**

22. In 2020, the United Nations Appeals Tribunal consisted of seven judges: Sabine Knierim (Germany), Graeme Colgan (New Zealand), Martha Halfeld (Brazil), John Raymond Murphy (South Africa), Dimitrios Raikos (Greece), Jean-François Neven (Belgium) and Kanwaldeep Sandhu (Canada).

23. The Appeals Tribunal elected a new Bureau for a one-year term effective 1 January 2020 consisting of Judge Knierim as President, Judge Halfeld as First Vice-President and Judge Colgan as Second Vice-President.

**2. Judicial work**

**(a) Sessions**

24. Owing to the COVID-19 pandemic, the Appeals Tribunal held three remote sessions for two weeks each: 16 to 27 March 2020; 15 to 26 June 2020; and 19 to 30 October 2020.

**(b) Caseload**

25. On 1 January 2020, 64 cases were pending. During the reporting period, 159 new cases<sup>2</sup> were received and 118 cases were disposed of. On 31 December 2020, 105 cases remained. Table 8 shows the distribution of the caseload and disposal for 2009–2020.

<sup>2</sup> Cases include appeals against Dispute Tribunal judgments and against decisions of the neutral first instance of specialized agencies and the Standing Committee of the United Nations Joint Staff Pension Board, and applications for correction, execution, interpretation and revision.

Table 8  
**United Nations Appeals Tribunal cases received, disposed of and pending and interlocutory motions received, as reported, 2009–2020**

<i>Year</i>	<i>Cases received</i>	<i>Cases disposed of</i>	<i>Cases pending</i>	<i>Interlocutory motions received</i>
2009	19	– <sup>a</sup>	19	–
2010	167	95	91	26
2011	96	104	83	38
2012	142	103	122	45
2013	125	137	110	39
2014	137	146	101	84
2015	191	145	147	81
2016	170	221	96	45
2017	88	152	40	40
2018	84	89	35	38
2019	124	95	64	45
2020	159	118	105	39
<b>Total</b>	<b>1 502</b>	<b>1 405</b>	<b>–</b>	<b>520</b>

<sup>a</sup> The United Nations Appeals Tribunal did not hold a session in 2009; it held its first session in the spring of 2010.

**(c) Sources of cases**

26. The 159 new cases filed in 2020 included 113 appeals against judgments and orders of the United Nations Dispute Tribunal (93 filed by staff members and 20 filed on behalf of the Secretary-General); 27 appeals against judgments rendered by the Dispute Tribunal of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) (24 filed by UNRWA staff members and 3 on behalf of the Commissioner-General); 8 appeals against decisions of entities that have accepted the jurisdiction of the United Nations Appeals Tribunal, including the United Nations Joint Staff Pension Fund; and 11 applications for revision, interpretation, correction or execution of Appeals Tribunal judgments. Overall, 136 appeals were filed by staff members and 23 on behalf of the Secretary-General or the executive head.

27. Table 9 presents a breakdown of Appeals Tribunal judgments, orders and hearings for the period 2009–2020.

Table 9  
**United Nations Appeals Tribunal judgments, orders and hearings, as reported, 2009–2020**

<i>Year</i>	<i>Judgments</i>	<i>Orders</i>	<i>Hearings</i>
2009	–	–	–
2010	102	30	2
2011	88	44	5
2012	91	45	8
2013	115	47	5
2014	100	42	1

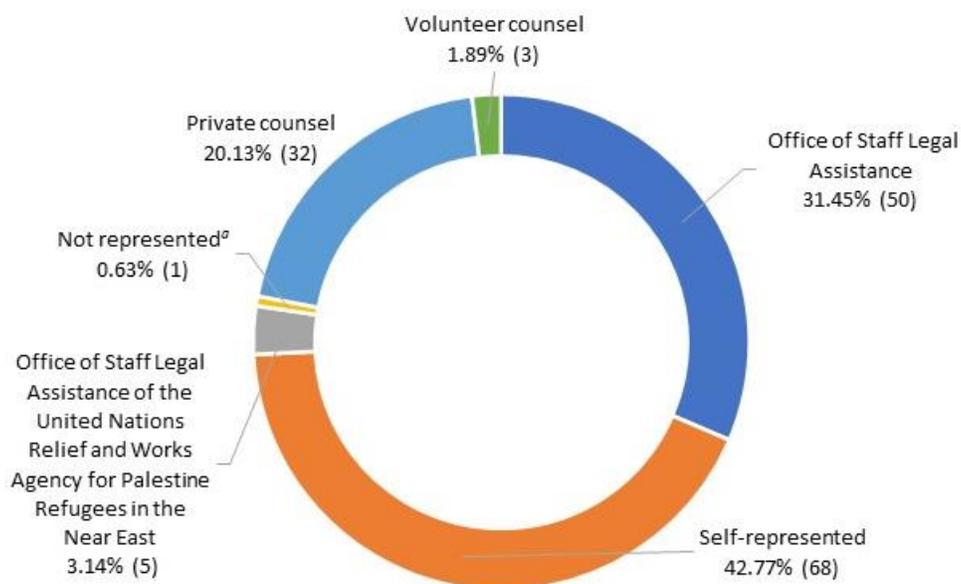
<i>Year</i>	<i>Judgments</i>	<i>Orders</i>	<i>Hearings</i>
2015	114	39	2
2016	101	27	2
2017	100	31	–
2018	86	31	–
2019	82	23	–
2020	100	34	–
<b>Total</b>	<b>1 079</b>	<b>393</b>	<b>25</b>

**(d) Representation of staff members**

28. Figure V provides a breakdown of the representation of staff before the Appeals Tribunal.

Figure V

**Breakdown of the representation of staff members for all United Nations Appeals Tribunal cases, 2020**



<sup>a</sup> “Not represented” refers to staff members who do not file an answer in response to appeals or cross-appeals.

**(e) Outcomes**

29. In 2020, the Appeals Tribunal disposed of 111 appeals and applications in 100 judgments. It closed 5 appeals by judicial order. Two appeals were closed administratively.

30. Of the 111 appeals, 65 were filed against United Nations Dispute Tribunal judgments and orders. In 2 of those appeals, both parties appealed the same Dispute Tribunal judgment. The Appeals Tribunal disposed of 4 appeals from staff members against Dispute Tribunal judgments by judicial order. Two appeals against Dispute Tribunal judgments were closed administratively. In 2020, the Appeals Tribunal remanded 5 cases to the Dispute Tribunal.

**(f) Relief***(i) Appeals against Dispute Tribunal judgments and orders*

31. Of 65 Dispute Tribunal judgments and orders appealed, the Appeals Tribunal affirmed 49 judgments and one order, and vacated 14 judgments in full or in part.

*(ii) Appeals against decisions of the International Civil Aviation Organization*

32. The Appeals Tribunal reviewed two appeals filed by staff members of the International Civil Aviation Organization (ICAO) and remanded them to the ICAO Advisory Joint Appeals Board.

*(iii) Appeal against a decision of the International Seabed Authority*

33. The Appeals Tribunal reviewed one appeal filed by a staff member of the International Seabed Authority and remanded the appeal to the Joint Appeals Board of the Authority.

*(iv) Appeal against a decision of the International Maritime Organization*

34. The Appeals Tribunal reviewed one appeal filed by a staff member of the International Maritime Organization and dismissed it on the merits.

*(v) Appeals against decisions of the Standing Committee of the United Nations Joint Staff Pension Board*

35. The Appeals Tribunal issued three judgments disposing of three appeals against decisions of the Standing Committee of the United Nations Joint Staff Pension Board. One case was dismissed as not receivable. In the other two cases, the Appeals Tribunal affirmed the Standing Committee's decisions and dismissed the appeals.

*(vi) Appeals against judgments of the Dispute Tribunal of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*

36. The Appeals Tribunal disposed of 23 appeals against judgments of the UNRWA Dispute Tribunal. Of the 23 appeals, 19 were filed by staff members and 4 were filed by the Commissioner-General. The Appeals Tribunal affirmed 15 UNRWA Dispute Tribunal judgments and partially or fully vacated 6 appeals. Two applications for interpretation and execution of UNRWA Dispute Tribunal judgments were disposed of by the Appeals Tribunal.

*(vii) Appeals against decisions of the World Meteorological Organization*

37. The Appeals Tribunal reviewed three appeals filed by WMO staff members and remanded them to the United Nations Dispute Tribunal for adjudication in accordance with the acceptance by WMO of the jurisdiction of the Dispute Tribunal.

*(viii) Applications for revision, interpretation, correction and execution*

38. In 2020, the Appeals Tribunal disposed of 11 applications for revision, interpretation, correction or execution. The Appeals Tribunal dismissed 9 and granted 2 in full or in part.

**(g) Referral for accountability**

39. In 2020, the Appeals Tribunal made one referral for possible action to enforce accountability pursuant to article 9 (5) of its statute (Judgment No. 2020-UNAT-1014).

## E. Office of Staff Legal Assistance

40. The Office of Staff Legal Assistance provides a wide range of legal services to staff.

41. The trends in the workload of the Office since its establishment in 2009 are illustrated in table 10. In 2020, the Office received 1,728 new requests for assistance and closed 891 requests through settlement or otherwise.

Table 10

### Treatment of requests for legal assistance received by the Office of Staff Legal Assistance, 2009–2020

<i>Year</i>	<i>Summary advice</i>	<i>Management evaluation matters</i>	<i>Representation before the United Nations Dispute Tribunal</i>	<i>Representation before the United Nations Appeals Tribunal</i>	<i>Disciplinary matters</i>	<i>Other</i>	<i>Total</i>	<i>Pending requests</i>
2009	171	62	168	13	155	31	600	377
2010	309	90	77	39	70	12	597	261
2011	361	119	115	21	55	10	681	293
2012	630	198	96	31	46	28	1 029	234
2013	491	116	70	33	37	18	765	213
2014	798	210	102	15	44	11	1 180	222
2015	830	196	415	16	33	12	1 502	278
2016	1 006	319	71	322	35	3	1 756	232
2017	1 190	1 132	1 761	8	50	6	4 147	1 896
2018	1 187	975	918	17	94	25	3 216	1 965
2019	1 548	164	116	12	101	37	1 978	1 734
2020	871	120	79	574	69	15	1 728	837
<b>Total</b>	<b>9 392</b>	<b>3 701</b>	<b>3 988</b>	<b>1 101</b>	<b>789</b>	<b>208</b>	<b>19 179</b>	<b>–</b>

42. While the Office receives a very large number of requests for assistance, only a small proportion of those requests proceed to the Tribunals. In 2020, the Office filed 120 requests for management evaluation and 79 applications to the United Nations Dispute Tribunal and represented staff before the United Nations Appeals Tribunal, including in 6 appeals from 568 staff members. Fifty-five per cent of cases were resolved informally or otherwise concluded by the Office through summary advice, informal settlement, or by the Office determining that legal proceedings would not have a reasonable prospect of success. Some staff in the latter category may pursue cases through the formal system nonetheless and may be self-represented.

## **F. Legal offices representing the Secretary-General as respondent**

### **1. Representation before the United Nations Dispute Tribunal**

#### **Various legal offices in the Secretariat and separately administered funds and programmes<sup>3</sup>**

43. Various legal offices in the Secretariat and the separately administered funds and programmes represent the Secretary-General in written and oral proceedings before the Dispute Tribunal. During 2020, the offices representing the Secretary-General handled 216 new applications brought by staff from the Secretariat and the separately administered funds and programmes, in addition to 323 applications pending before the Dispute Tribunal from 2019 and previous years. In addition, these offices are engaged in efforts to resolve disputes informally and ensure the implementation of Dispute Tribunal judgments once they become executable.

### **2. Representation of the Secretary-General before the United Nations Appeals Tribunal**

#### **Office of Legal Affairs**

44. The responsibilities of the Office of Legal Affairs in the area of administration of justice are multifaceted. The Office is responsible for representing the Secretary-General before the Appeals Tribunal for all United Nations entities. This involves, inter alia, the preparation of written submissions and oral advocacy at hearings. In 2020, the Appeals Tribunal rendered 66 judgments in cases in which the Secretary-General was a party. The Office analysed all 321 judgments of the Tribunals that were rendered in 2020.

## **III. Responses to questions related to the administration of justice**

### **A. Overview**

45. In its resolution [75/248](#), the General Assembly made a number of requests for consideration at its seventy-sixth session. The responses to those requests are set out below.

### **B. Responses**

#### **1. Outreach and access to jurisprudence**

46. In paragraph 7 of resolution [75/248](#), the General Assembly requested information relating to the establishment of a searchable database of Dispute Tribunal and Appeals Tribunal decisions. Following the successful issuance of the Digest of Case Law containing key judgments and orders of the Dispute Tribunal and the Appeals Tribunal in the first 10 years of the internal justice system, the Office of

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<sup>3</sup> Secretariat: Appeals and Accountability Section (which comprises the Appeals Unit and the Disciplinary Unit) and Critical Incident Response Service in the Office of Human Resources at Headquarters and the Legal and Policy Advisory Section of the Human Resources Management Service at the United Nations Office at Geneva and at the United Nations Office at Nairobi. Separately administered funds and programmes and other entities: United Nations Development Programme, United Nations Environment Programme, United Nations Population Fund, Office of the United Nations High Commissioner for Refugees, United Nations Children's Fund, United Nations Office for Project Services, United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), Economic Commission for Africa and United Nations Human Settlements Programme (UN-Habitat).

Administration of Justice, as part of the comprehensive outreach strategy, has developed a fully searchable database of judgments and orders. Following the planning and development phase, project implementation began in the second half of 2020 and entailed work on two parallel tracks: requirement analysis and database design by the Information Technology Officer; and preparation of categorization levels and judgment and order summaries by Legal Officers, including input from the Registries supporting the Tribunals. The Office consulted stakeholder offices in the system to ensure that the database addresses the needs of key users. The new searchable jurisprudence database will be launched as the administration of justice Caselaw portal with a powerful faceted search of relevant judgment attributes (metadata). The portal will enable guided navigation of judgments and orders by integrating seamless browsing and robust searching. The portal will provide a hierarchical display, with judgments and orders grouped in predefined case categories and subcategories. The filters on the search portal will allow users to refine the large search results to a manageable subset of judgments. The search results will provide a snapshot of the judgment summary and the possibility to download the judgment and case summary. Finally, the data entry mechanism required for the Caselaw portal has been integrated within the new Court Case Management System to save development costs and time (see para. 74 below). The jurisprudence data entry module in the System streamlines the process by allowing Registry users to create the jurisprudence-related metadata and the case summary and assign the case subject-matter category during the judgment and order generation. This integrates the judgment summary process into the work of the Registries to ensure continuity as each judgment is issued by the Tribunals. The Caselaw portal is currently under development by the Office of Information and Communications Technology and is expected to be completed by the end of 2021. The database will enhance transparency in the operation of the formal judicial mechanisms in the internal justice system and is expected to be a key resource for staff members, managers, human resources practitioners, parties appearing before the Tribunals and stakeholders, to support access to justice and better inform decision-making.

47. Outreach efforts continued in 2020, in accordance with paragraph 7 of resolution [75/248](#). While the number of in-person outreach events undertaken by the Office of Administration of Justice decreased in 2020 owing to the COVID-19 pandemic, the Office continued to disseminate information and materials through its website, through articles published on iSeek and through staff representatives and offices within the organization. Notably, the Office prepared two publications: a booklet “How do I appeal an administrative decision?” and a wallet card with important timelines in the internal justice system, having previously identified that a number of applications by self-represented staff members were dismissed by the Dispute Tribunal as time-barred. The two publications were widely circulated across the Organization and are available on the website of the internal justice system. They will also be available in hard copy when unlimited physical presence at Headquarters and at other United Nations premises is resumed.

48. The outreach strategy is implemented in cooperation with, or as a complement to, outreach efforts by other offices and departments, including the Management Evaluation Unit, the Human Resources Services Division of the Department of Operational Support, the Legal and Policy Advisory Section at the United Nations Office at Geneva, the separately administered funds and programmes and the Office of the United Nations Ombudsman and Mediation Services. In 2020, the Office of the United Nations Ombudsman and Mediation Services held over 100 information sessions, including townhall meetings and briefing sessions, and about 100 skill-building sessions to enhance the capacity of staff and managers to handle conflict effectively. They included workshops on dignity and civility, as well as dialogue sessions on racism in the United Nations workplace. More information is available in

the report of the Secretary-General on the activities of the Office of the United Nations Ombudsman and Mediation Services ([A/76/140](#)).

49. In paragraph 21 of resolution [75/248](#), the General Assembly requested information on measures taken to ensure the availability of outreach documents in all official languages. All key outreach materials and tools are being made available in all six official languages of the United Nations: the website of the internal justice system, the publication “A staff member’s guide to resolving disputes”, the booklet “How do I appeal an administrative decision?” and the wallet card with important timelines in the system. In addition, the statutes and rules of procedure of the Dispute Tribunal and the Appeals Tribunal, the code of conduct for the judges of the Dispute Tribunal and the Appeals Tribunal, the mechanism for addressing complaints regarding alleged misconduct or incapacity of the judges of the Dispute Tribunal and the Appeals Tribunal, and the code of conduct for legal representatives and litigants in person have been translated into Arabic, Chinese, French, Russian and Spanish and will be uploaded to the website in 2021. Efforts to further promote multilingualism in the internal justice system are ongoing.

## **2. Accountability of managers**

50. In paragraph 9 of resolution [75/248](#), the General Assembly requested the Secretary-General to continue to ensure a strong culture of accountability throughout the Secretariat. The Secretariat remains committed, in accordance with responsibilities delegated to the head of each Secretariat entity, to implementing the United Nations three-pronged strategy of preventing acts of misconduct, addressing reports of misconduct and holding those who have engaged in misconduct accountable and providing remedial actions, where applicable. To that effect, the Department of Management Strategy, Policy and Compliance has requested that each Secretariat entity, in addition to missions where capacity already existed, appoint a conduct and discipline focal point to support its respective head of entity in taking action to implement the strategy. While more generally engaging with leadership and staff alike on the implementation of the three-pronged strategy, including through the United to Respect programme, the Department is building the capacity of the conduct and discipline focal points, through activities and the dissemination of policies and guidance through the ALD Connect platform, which was established in conjunction with the request made for entities to appoint the focal points. For example, following exchanges through the ALD Connect platform, entities were assisted in using the misconduct risk management toolkit, briefed on receiving, recording and handling complaints of possible misconduct, as well as using the Victim Assistance Tracking System to more efficiently keep a record of victims of sexual exploitation and abuse and the assistance and support offered or provided to them. Entities are also using the Case Management Tracking System to record and track progress on addressing reports of misconduct and the system is also used to provide data, currently for missions, on allegations received and the related outcome. The Secretary-General has also strengthened leadership accountability in this area in his compacts with heads of Secretariat entities, including heads of mission, by adding language on their strategic role and accountability with regard to conduct and discipline. In addition, the Department is working to integrate accountability for conduct and discipline, including that of staff members and managers, into the new competency framework.

51. In paragraph 10 of resolution [75/248](#), the General Assembly requested the Secretary-General to continue to hold managers accountable when their decisions had been established to be grossly negligent according to the applicable Staff Regulations and Rules of the United Nations and had led to litigation and subsequent financial loss, and to report thereon to the Assembly.

52. Accountability for gross negligence is one element of the overall framework of accountability of managers, which includes disciplinary and administrative mechanisms. The practice of the Secretary-General in disciplinary matters and cases of possible criminal behaviour, including those involving managers, for the period from 1 January to 31 December 2019 is set out in the relevant report of the Secretary-General (A/75/648). In addition, managers, like other staff members, are subject to the performance appraisal system, while the members of the leadership team of the Secretariat are required to sign senior management compacts. Managers may also be required, pursuant to staff rule 10.1 (b), to reimburse the United Nations for financial loss suffered as a result of their grossly negligent actions that constitute misconduct. However, an adverse outcome in a Tribunal judgment leading to an award of compensation should not necessarily be understood as reflecting an instance of gross negligence leading to financial loss. The standard of gross negligence is a significant threshold: gross negligence is an extreme form of negligence, requiring a conscious and voluntary disregard of the need to use reasonable care. During the reporting period, there were no findings that a manager had been grossly negligent in a decision leading to litigation and subsequent financial loss.

53. In paragraph 10 of resolution 75/248, the General Assembly also requested the Secretary-General to include in his report an analysis of the issue of publishing the results of action taken in response to the referrals for accountability by the Tribunals, such as in the compendium of disciplinary measures, and to report thereon to the Assembly.

54. The compendium of disciplinary measures provides high-level anonymous information about disciplinary sanctions imposed on Secretariat staff members. Referrals for accountability by the Tribunal are not anonymized, as reference is made to a specific person in the judgments, and the compendium is therefore not an appropriate repository for such information. If, after investigation and a disciplinary process, a disciplinary measure was imposed on a Secretariat staff member referred for accountability by the Tribunal, the sanction and a high-level anonymized description of the conduct would be set out in the compendium.

55. When a matter concerning a staff member is referred for accountability, action is always taken by the Administration in accordance with the accountability framework. Since referrals for accountability are acted upon by the applicable United Nations entity for the referred staff member, for instance, where appropriate, by issuing formal allegations, the report on the administration of justice at the United Nations is the appropriate vehicle for information to be given on that action. Such information would need to be very high-level, with due regard being given to confidentiality and privacy concerns.

56. During 2020, the Dispute Tribunal issued one judgment that included a referral of a staff member for possible action to enforce accountability. That matter is currently under review in accordance with the Organization's accountability framework. During 2020, the Appeals Tribunal also issued one judgment that included a referral of a staff member for possible action to enforce accountability. That matter is also currently under review in accordance with the Organization's accountability framework.

### **3. Protection against retaliation**

57. In relation to the implementation of orders to protect complainants and witnesses against retaliation, pursuant to paragraph 11 of resolution 75/248, it is reported that there were no orders issued by either the Dispute Tribunal or the Appeals Tribunal in 2020 that were aimed at protecting complainants or witnesses against retaliation.

58. As previously reported (see [A/75/162](#), paras. 61–70), the existing legal framework contains adequate protection from retaliation for witnesses who appear before the Tribunals, including in the Staff Rules (see staff rule 1.2 (g)), the Secretary-General’s bulletin on protection against retaliation for reporting misconduct and for cooperating with duly authorized audits or investigations ([ST/SGB/2017/2/Rev.1](#)) and the Secretary-General’s bulletin on addressing discrimination, harassment, including sexual harassment, and abuse of authority ([ST/SGB/2019/8](#)), and by the authority of the Tribunals to act in such matters by orders, directions and referrals for accountability. In particular, pursuant to [ST/SGB/2019/8](#), heads of entities, who are notified in writing, are obliged to monitor the situation of a staff member appearing as a witness or applicant before the Tribunals to ensure that no misconduct, harassment or abuse of authority or other adverse action is directed against such staff member and to take action to address such circumstances if they arise. As noted above, in 2020 the Tribunals did not issue any protective orders aimed at protecting witnesses from retaliation. That was also the case in 2019.

59. In paragraph 12 of resolution [75/248](#), the General Assembly encouraged the Secretary-General, in his capacity as the Chair of the United Nations System Chief Executives Board for Coordination, to promote protection against retaliation across the system. During the twelfth meeting of the Ethics Network of Multilateral Organizations, held virtually in July 2020, a panel discussion was held on retaliation policies to discuss issues relating to reputational risks for organizations that did not have an adequate protection framework. The discussion was focused on written policies and the practical aspects of policy implementation. The importance of the “tone from the top” was highlighted, both in terms of providing a supportive environment for a “speak-up” culture and accountability for senior staff who may be implicated in a retaliation complaint. The panel also discussed interim and final corrective measures for protection against retaliation. In a separate meeting, the Ethics Officers of the United Nations System Chief Executives Board for Coordination entities discussed follow-up to the 2018 Joint Inspection Unit review of the whistle-blower policies and practices in United Nations system organizations.

60. In paragraph 13 of resolution [75/248](#), the General Assembly requested information on the implementation of the policy on protection against retaliation for all categories of personnel. The Secretary-General’s bulletin on protection against retaliation for reporting misconduct and for cooperating with duly authorized audits or investigations ([ST/SGB/2017/2/Rev.1](#)) applies to any staff member (regardless of the type of appointment or its duration), intern, United Nations volunteer, individual contractor or consultant where detrimental action has been recommended, threatened or taken against them because of their engagement in a protected activity. In 2020, all of the requests for protection received by the Ethics Office were from staff members.

#### **4. Informal dispute resolution**

61. Information requested by the General Assembly in paragraphs 16, 19, 20, 22 and 23 of resolution [75/248](#) is addressed separately in the report of the Secretary-General on the activities of the Office of the United Nations Ombudsman and Mediation Services ([A/76/140](#)).

#### **5. Root causes of conflict, mental health component and reported harassment of female managers**

62. The requests of the General Assembly set out in paragraphs 17, 24 and 25 of resolution [75/248](#) relating to the root causes of conflict, the absence of a mental health component within the legal framework to process cases of harassment, discrimination and abuse of authority, and the reported harassment of female managers will be addressed in a separate report of the Secretary-General.

## 6. Remedies available to non-staff personnel

63. In paragraph 18 of resolution [75/248](#), the General Assembly welcomed the continued efforts to improve the prevention and resolution of disputes involving non-staff personnel, and requested the Secretary-General to report on progress on this issue. In response, the following information is provided:

(a) The Human Resources Services Division of the Department of Operational Support of the Secretariat has completed a study on the use of non-staff personnel within the Secretariat;

(b) Concerning efforts that could be undertaken to prevent disputes, following the completion of the aforementioned study, the Human Resources Services Division incorporated information on conflict resolution mechanisms available for non-staff personnel in its briefings and guidance materials, for example, in the briefing to the intern network about their rights and options to seek support. In addition, the draft interns induction package and the information package for consultants and individual contractors that is being drafted will include relevant information. The new draft process guides on interns, consultants and individual contractors and other non-staff categories of personnel will include specific information on remedies and also on how to avoid the most common issues;

(c) Information on the pilot project to offer access to informal dispute resolution services to non-staff personnel is provided in the report of the Secretary-General on the activities of the Office of the United Nations Ombudsman and Mediation Services ([A/76/140](#));

(d) A potential opportunity has been identified for the United Nations to collaborate with a neutral entity that would undertake the role of vetting arbitrators, maintaining arbitrator rosters, appointing arbitrators and providing certain administrative functions during an arbitration between the United Nations and non-staff personnel. Such potential collaboration is currently under examination;

(e) Furthermore, a simplified dispute resolution mechanism has been developed for inclusion in the form contract that will be part of a revised administrative issuance that is currently being drafted concerning the engagement of consultants and individual contractors.

## 7. Case disposal plan and cause list of the United Nations Dispute Tribunal

64. In paragraph 26 of resolution [75/248](#), the General Assembly requested information on the implementation of the case disposal plan of the Dispute Tribunal and on the further measures introduced by the Assembly in resolution [74/258](#). The case disposal and judgment targets established in January 2019 operated through 2020. Of the 404 cases pending on 31 December 2018, 97 per cent (392) had been disposed of by 31 December 2020; the cases that had been pending for over 401 days were almost entirely disposed of. The Dispute Tribunal caseload on 31 December 2020 was 189 cases.

65. In paragraph 26 of resolution [75/248](#), the General Assembly requested that the Secretary-General report on the efficient use of the six half-time judges of the Dispute Tribunal.

66. In view of the caseloads at the different locations, the President made six deployments to Nairobi and three each to Geneva and New York, thereby deploying each half-time judge twice. Three deployments took place during the first quarter of 2020 and included on-site and telecommuting work. Deployments were fully remote owing to the pandemic from the second quarter, except for one deployment, where a

judge faced connectivity issues and travelled to a United Nations facility in country to conduct a hearing and participate in a plenary.

67. Eight deployments were for three months each and four were divided over shorter time periods. Short-term deployments were made for remote plenaries in May and December 2020. In assigning cases to half-time judges, the registrars ensured that the assignments included all types of cases. Judicial capacity was deployed based on caseload.

68. The Dispute Tribunal composition of three full-time and six half-time judges supported increased outputs. The flexibility that the half-time judges model offers is highlighted by the fact that, following the six deployments to Nairobi and with one full-time judge on site, 159 cases were disposed of at that location. The number of transfers of cases among duty stations (“rebalancing”) was significantly reduced from 2019 to 2020.

69. In 2020, overall, half-time judges disposed of 155 of 350 cases and delivered 108 of 221 Dispute Tribunal judgments.

Table 11  
**Deployments of half-time judges in 2020**

<i>Location</i>	<i>Deployment</i>	<i>Judge</i>	<i>On-site deployment</i>
Geneva	15 January to 14 April	Buffa	26 January to 1 February 23–29 February
Geneva	11–15 May (plenary) 22 June to 14 August 14 September to 9 October 5–6 November 30 November to 4 December (plenary)	Buffa	None
Geneva	11–15 May (plenary) 1 October to 30 December	Belle	None
Nairobi	1 January to 31 March	Sikwese	16 February to 21 March
Nairobi	1 April to 30 June	Tibulya	None
Nairobi	16 April to 15 July 1–10 September 29 November to 5 December (includes plenary)	Donaldson- Honeywell	None
Nairobi	11–15 May (plenary) 6 July to 30 September	Belle	None
Nairobi	1 July to 15 September 27 November to 6 December (includes plenary)	Sikwese	In-country travel to a United Nations office in Lilongwe, Malawi, owing to connectivity problems: 8–12 September (case hearing); 29 November to 5 December (plenary)
Nairobi	1 October to 31 December	Tibulya	None

<i>Location</i>	<i>Deployment</i>	<i>Judge</i>	<i>On-site deployment</i>
New York	16 December 2019 to 15 March 2020	Donaldson- Honeywell	23–29 February
New York	1 April to 30 June	Hunter	None
New York	1 October to 30 December	Hunter	None

70. In paragraph 26 of resolution 75/248, the General Assembly requested the Secretary-General to report on the measures taken to further address the backlog of cases, with priority given to cases that had been pending for more than 400 days. As a result of the implementation of the case disposal plan, the number of cases that had been pending for more than 400 days was steadily reduced. On 31 December 2018, 205 such cases had been pending (50.7 per cent of the caseload). On 31 December 2019, 104 such cases had been pending (32.2 per cent of the caseload). By 31 December 2020, disposals had reduced the number to 69 cases (36.5 per cent of the caseload).

71. Of the 69 cases pending on 31 December 2020, 54 had been assigned to judges and had been progressing as shown in chart 6 of the caseload dashboard for 2020.<sup>4</sup> The remaining 15 of the 69 cases were assigned to judges in January 2021.

72. Cases may be delayed owing to factors such as informal resolution and requests for extension of time by the parties. Delays can also occur if pending cases are procedurally or materially related to other cases on appeal before the Appeals Tribunal that may be resolved by an Appeals Tribunal judgment.

73. In paragraph 27 of resolution 75/248, the General Assembly requested the Secretary-General to ensure that the real-time case-tracking dashboard was made publicly available. The caseload dashboard for 2020 is available in all official languages from the website of the Dispute Tribunal.<sup>5</sup> The caseload dashboard for 2021 is currently available in English<sup>6</sup> and the versions in Arabic, Chinese, French, Russian and Spanish will be uploaded shortly. Each caseload dashboard contains 10 graphs and tables and a legend. The dashboards add transparency to the management of the caseload.

74. The Court Case Management System implemented in 2012 does not allow for the provision of data in real time. In order to meet current and emerging operational needs of the internal justice system, and to enhance user access, a number of upgrades have become necessary. By 31 December 2020, a new Court Case Management System 2.0 on a new information technology platform had been brought to an advanced stage of development by the Office of Administration of Justice and is being developed within existing resources. The Court Case Management System 2.0 and the e-filing system are currently in the final stages of testing and deployment. The benefits of the new System include strong cybersecurity controls and streamlined processes, which will help to improve productivity and increase efficiency. The application is being hosted at the Global Service Centre and access to the system is protected through stringent compliance controls approved by the cybersecurity office of the Office of Information and Communications Technology. The improved performance and availability of the new system will result in a quicker page load and faster transaction processing. The highly reliable system has been designed with 99.9 per cent uptime to account for Tribunal deadlines. The database has also been designed to be able to handle the

<sup>4</sup> The dashboard for 2020 can be accessed on the website of the internal justice system: [www.un.org/en/internaljustice/pdfs/Caseload-dashboard-UNDT-2020.pdf](http://www.un.org/en/internaljustice/pdfs/Caseload-dashboard-UNDT-2020.pdf).

<sup>5</sup> See [www.un.org/en/internaljustice/undt/](http://www.un.org/en/internaljustice/undt/).

<sup>6</sup> The dashboard for 2021 can be accessed on the website of the internal justice system: [www.un.org/en/internaljustice/pdfs/Caseload-dashboard-UNDT-2021.pdf](http://www.un.org/en/internaljustice/pdfs/Caseload-dashboard-UNDT-2021.pdf).

expected increase in transactional, data and user volume in the coming years without performance issues. The system ensures backward operability, where data from the old system will be migrated to the new system to ensure business continuity and historical record-keeping. The application provides a user-friendly interface, with effective data integrity controls, versioning techniques and validation tools. Lastly, the System also complies with the multilingualism requirements: the e-filing portal is available in English and French and it is possible to add documents in other official United Nations languages. The new system is expected to go live by mid-2021.

75. In paragraph 29 of resolution [75/248](#), the General Assembly decided to extend the practice of publishing the schedule and cause list for each half-time judge on the website of the internal justice system to the full-time judges. The cause lists for the cases assigned to the full-time judges was published in February 2021. The cause lists for the full-time judges and the deployment schedule and cause lists for the half-time judges are periodically updated.

## **8. Trends and statistics in the system**

76. Information on caseloads and emerging trends in the system, with the Secretary-General's observations thereon, is provided above in section II.A of the present report.

## **9. Self-representation before the Tribunals**

77. In paragraph 30 of resolution [75/248](#), the General Assembly requested the Secretary-General to continue to monitor the issue of self-representation and to report thereon to the Assembly.

78. Self-representation is a continuing feature of the internal justice system. The percentage of incoming cases in which applicants were self-represented before the Dispute Tribunal declined from 45 per cent in 2019 to 32 per cent in 2020 and remained almost constant for appeals to the Appeals Tribunal, at 43 per cent. The percentage of applications that were rejected by the Dispute Tribunal on the grounds of receivability declined by almost 10 per cent from 2019 to 2020. Targeted outreach was continued for self-represented applicants, including through informational material (see paras. 46 and 47 above).

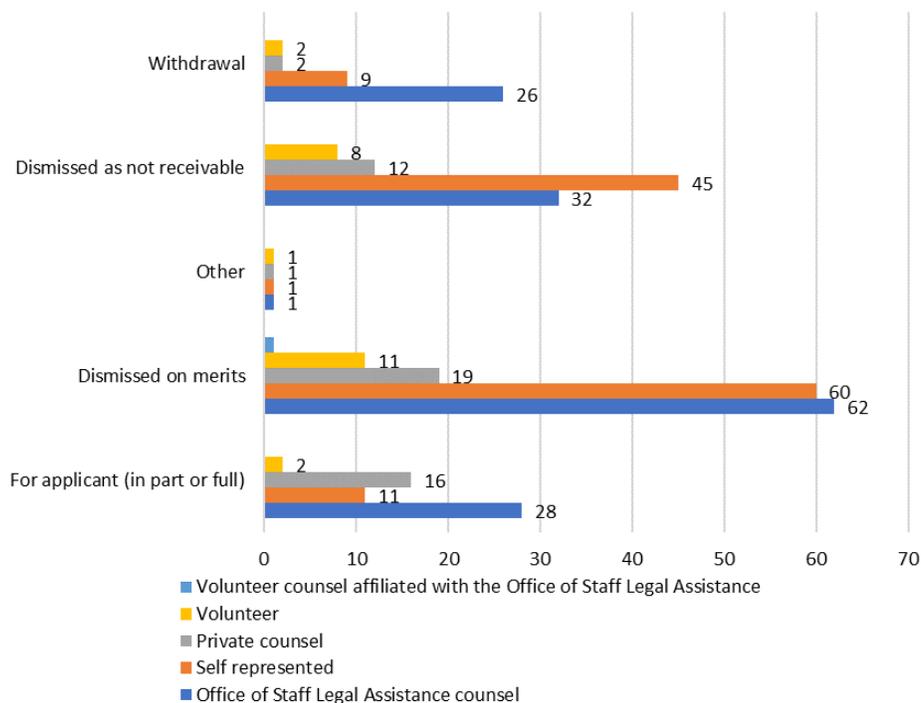
79. The Office of Administration of Justice continues to provide targeted information to self-represented applicants. From 1 January to 31 December 2020, the website registered 868 page views<sup>7</sup> of the toolkit for self-represented applicants (Dispute Tribunal) and 366 page views of the respective toolkit (Appeals Tribunal). A booklet "How do I appeal an administrative decision?" and a wallet card on timelines were issued in 2020 (see para. 47 above). The Department of Global Communications is working to enable analytics on these pages, which are expected to be available by the end of 2021.

80. Figure VI shows that in 2020 the percentage of self-representation before the Dispute Tribunal in the categories of cases filed varied across the outcomes of cases. Where the Dispute Tribunal decided in favour of the applicant in full or in part, there were several cases where the applicants were self-represented.

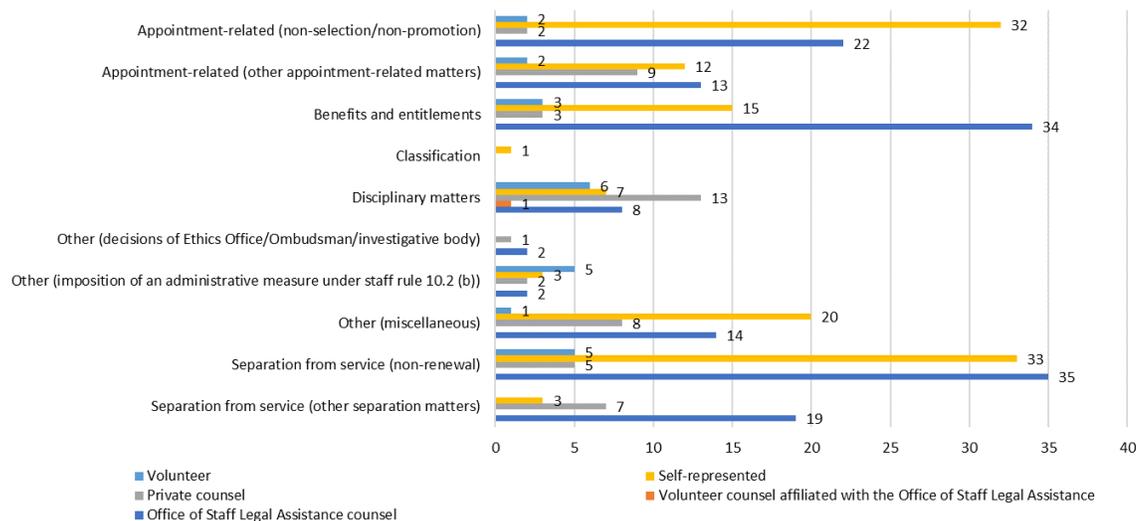
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<sup>7</sup> Page views are the total number of pages viewed, including repeated views of a single page.

**Figure VI**  
**Outcome of United Nations Dispute Tribunal applications filed in 2020 by type of legal representation: disposals**



**Figure VII**  
**Disposals by type of representation and by subject matter in 2020**



81. As indicated in figure VII, the proportion of self-representation was fairly low in disciplinary cases, which may have a determinative impact on an applicant’s contractual status, and high in non-selection and non-promotion matters, which concern opportunities for career advancement.

82. In 2019, the Dispute Tribunal issued 61 judgments finding cases not receivable. The grounds on which cases were deemed not receivable, set out in table 12, changed

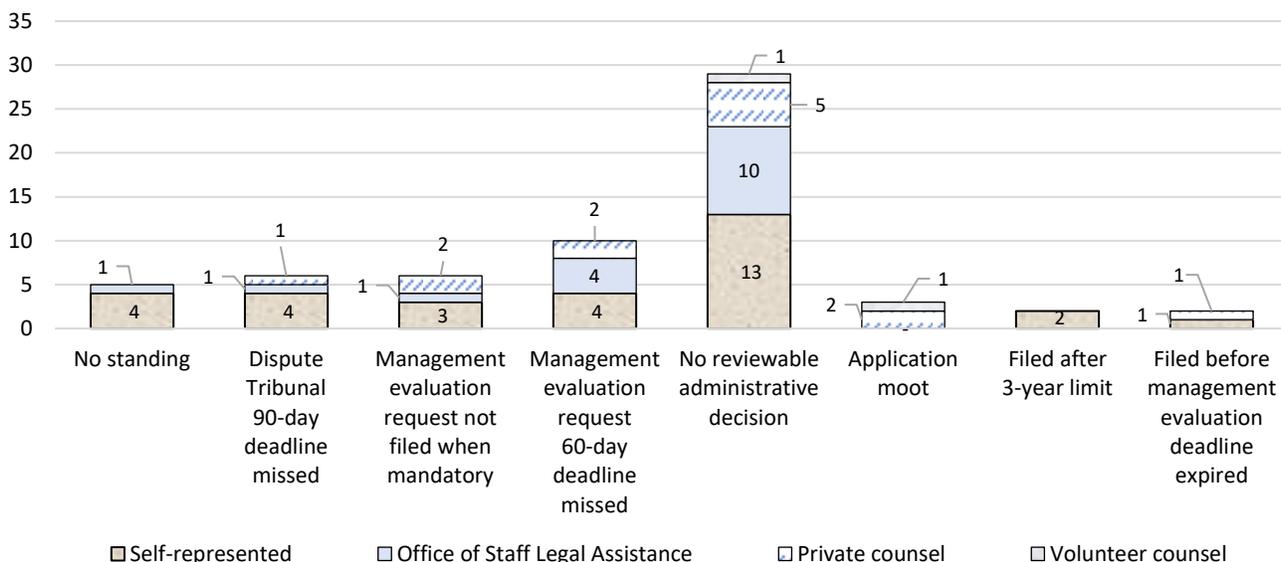
from 2019 to 2020. Only 28.51 per cent of applications were deemed irreceivable by the Tribunal in 2020, almost a 10 per cent decline from 2019. There was a decline in cases deemed irreceivable on the basis of straightforward receivability conditions, such as not filing a management evaluation request or missing a deadline, which indicates that applicants were more mindful of the deadlines.

Table 12

**Grounds for cases rejected as not receivable in United Nations Dispute Tribunal judgments in 2019 and 2020**

Categories	Number of cases deemed irreceivable 2019	Percentage of cases deemed irreceivable 2019	Number of cases deemed irreceivable 2020	Percentage of cases deemed irreceivable 2020	All judgments: percentage of cases deemed irreceivable 2020
No standing	4	6.55	5	7.94	2.26
Dispute Tribunal 90-day deadline missed	9	14.75	6	9.53	2.71
Management evaluation request not filed when mandatory	21	34.42	6	9.53	2.71
Management evaluation request 60-day deadline missed	7	11.48	10	15.87	4.52
No reviewable administrative decision	13	21.32	29	46.03	13.12
Application moot	7	11.48	3	4.76	1.39
Application filed after 3-year limit	–	–	2	3.17	0.90
Application filed before management evaluation deadline expires	–	–	2	3.17	0.90
<b>Total</b>	<b>61</b>	<b>100</b>	<b>63</b>	<b>100</b>	<b>28.51</b>

Figure VIII

**Representation in United Nations Dispute Tribunal cases that were deemed not receivable in judgments in 2020**

83. In cases deemed not receivable by the Dispute Tribunal in 2020, the only category in which a significant number of applicants were self-represented was the cases in which the Tribunal found no reviewable administrative decision, which is a

more complex legal issue. The number of self-represented and represented applicants was almost equal for such cases.

84. In cases in which the Office of Staff Legal Assistance declines to represent a client, the client is referred to the toolkits for self-represented litigants. The Registries also refer self-represented litigants to the toolkits. In the Court Case Management System operated by the Registries for the Tribunals, the web page through which applicants file also includes a reference and a link to the respective toolkit.

#### **10. Voluntary supplemental funding mechanism for the Office of Staff Legal Assistance**

85. In order to strengthen incentives for staff not to opt out of the voluntary supplemental funding mechanism, in accordance with paragraph 33 of General Assembly resolution [75/248](#), and in addition to the efforts described in the previous report of the Secretary-General on the administration of justice at the United Nations ([A/74/172](#)), legal officers from the Office of Staff Legal Assistance take every opportunity to encourage staff to sign up for the voluntary contributions if they have previously opted out. These initiatives usually receive a favourable response.

86. The mechanism, which refers to voluntary contributions by staff, is an invaluable resource for the Office of Staff Legal Assistance. The average monthly contribution in 2020 was \$105,350.70 from staff in the Secretariat and separately administered funds and programmes. In paragraph 28 of its resolution [73/276](#), the General Assembly decided to extend the mechanism for a period of three years, from 1 January 2019 to 31 December 2021. The voluntary supplemental funding mechanism is currently experimental and requires the approval of the Assembly. Moreover, the costs of the Office, as currently established and mandated, constitute “expenses of the Organization” to be borne by Member States in accordance with Article 17 (2) of the Charter of the United Nations. Therefore, while the extension of the mechanism for another three years is requested, such extension would be without prejudice to a final determination as to whether expenditures incurred pursuant to the Office’s mandate constitute “expenses of the Organization” within the meaning of the Charter.

#### **11. Proposed amendments to the statute of the Appeals Tribunal on pension matters**

87. In paragraph 37 of resolution [75/248](#), the General Assembly requested the Secretary-General to provide further analysis of and clarification on the proposed amendments to articles 2 and 7 of the statute of the Appeals Tribunal on pension matters.

88. The United Nations Joint Staff Pension Board considered, at its sixty-fifth session in 2018, an amendment to article 48, on the jurisdiction of the Appeals Tribunal, of the Regulations, Rules and Pension Adjustment System of the United Nations Joint Staff Pension Fund. The amendment was adopted by the Pension Board in 2018 and requires a corresponding amendment to articles 2.9 and 7 of the statute of the Appeals Tribunal to be approved by the General Assembly in order to ensure uniformity of language between the amended text of article 48 of the Fund’s Regulations (if approved by the Assembly) and the statute, as well as legal certainty with respect to the jurisdiction of the Appeals Tribunal.

89. This matter was initially brought to the attention of the General Assembly at its seventy-third session in the addendum to the report of the Secretary-General on the administration of justice at the United Nations ([A/73/217/Add.1](#)).

90. In a letter dated 13 November 2018 from the Chair of the Sixth Committee, on the administration of justice at the United Nations, addressed to the Chair of the Fifth Committee ([A/C.5/73/11](#), annex), the “Sixth Committee noted that, in order to ensure

uniformity of language as well as legal certainty with respect to the jurisdiction of the Appeals Tribunal, it would be advisable for the Assembly to approve the amendment to article 48 of the Regulations of the United Nations Joint Staff Pension Fund and the corresponding amendments to articles 2 and 7 of the statute of the United Nations Appeals Tribunal at the same time. Having reviewed the proposals of the Secretary-General (see [A/73/217/Add.1](#)), the Committee recommended approval of the amendments to the statute of the United Nations Appeals Tribunal”.

91. In its resolution [73/274](#), the General Assembly requested the Pension Board to provide further analysis on the impact of the proposed amendments to article 48 of the Regulations of the Pension Fund and to report thereon in the next report of the Pension Board.

92. At its sixty-sixth session, the Pension Board determined that it would maintain its recommendations for the amendment of article 48 and that the matter be referred back to the General Assembly with the explanations provided by the secretariat of the Pension Fund. In its report to the General Assembly on the work of its sixty-sixth session ([A/74/331](#)), the Pension Board noted that the “objective of the amendment to article 48 was to make clear the situations where the [Appeals] Tribunal has jurisdiction over the decisions of the Standing Committee with regard to appeals that are considered by the Standing Committee over decisions of the Staff Pension Committees and of the Secretary/Chief Executive Officer”. Such decisions are on questions of the rights of participants and beneficiaries of the Pension Fund in respect of their participation, contributory service and benefit entitlements and are to be distinguished from matters of governance which are for the Pension Board and the General Assembly. The objective of the amendment to article 48 is to insulate such governance matters, which are the prerogative of the Assembly, from the oversight of the Appeals Tribunal or contrary decisions of the Appeals Tribunal. It was further noted by the Pension Board that a similar amendment to that to article 48 of the Regulations of the Pension Fund had been submitted by the Secretary-General to the Assembly for article 2.9 of the statute of the Appeals Tribunal.

93. In a letter dated 11 November 2019 from the Chair of the Sixth Committee, on the administration of justice at the United Nations, addressed to the Chair of the Fifth Committee ([A/C.5/74/10](#), annex), the “Sixth Committee noted that, in order to ensure uniformity of language as well as legal certainty with respect to the jurisdiction of the Appeals Tribunal, it would be advisable for the General Assembly to approve the amendment to article 48 of the Regulations of the United Nations Joint Staff Pension Fund, currently under consideration before the Fifth Committee, and the corresponding amendments to articles 2 and 7 of the statute of the United Nations Appeals Tribunal at the same time. Recalling the relevant proposals of the Secretary-General (see [A/73/217/Add.1](#)), the Committee recommended approval of the amendments to the statute of the United Nations Appeals Tribunal”.

94. At its sixty-seventh session, the Pension Board reaffirmed its approval of the amendments to article 48 and that reaffirmation was reported to the General Assembly in the report of Pension Board to the General Assembly on the work of its sixty-seventh session ([A/75/9](#)).

95. In a letter dated 20 November 2020 from the Chair of the Sixth Committee, on the administration of justice at the United Nations, addressed to the Chair of the Fifth Committee ([A/C.5/75/16](#), annex), the “Sixth Committee noted that, in order to ensure uniformity of language, as well as legal certainty with respect to the jurisdiction of the Appeals Tribunal, it would be strongly advisable for the General Assembly to approve the amendment to article 48 of the Regulations of the United Nations Joint Staff Pension Fund, currently under consideration before the Fifth Committee, and the corresponding amendments to articles 2 and 7 of the statute of the Appeals

Tribunal at the same time. In order to achieve this uniformity of language and legal certainty, recalling the relevant proposals of the Secretary-General (see [A/73/217/Add.1](#)), the Sixth Committee recommended approval of the amendments to the statute of the United Nations Appeals Tribunal” as set out in paragraphs 36–38 of the letter.

96. The proposed amendments to article 48 of the Regulations of the Pension Fund and the corresponding amendments to articles 2.9 and 7 of the statute of the Appeals Tribunal are in line with the amendments approved by the Pension Board and the General Assembly with regard to the jurisdiction of the Appeals Tribunal, after the reform of the United Nations administration of justice system some 10 years ago. The proposed amendment to article 48 does not have any negative impact on the rights affecting participation, contributory service and benefit entitlements of staff members, Pension Fund participants or any other person who had succeeded to such rights after the participant’s death. The judicial review of the adherence to the Regulations of the Pension Fund on matters affecting participation, contributory service and benefit entitlements of individual staff members, Pension Fund participants or any other person who had succeeded to such rights after the participant’s death therefore remains intact.

97. The proposed amendments to article 48 clarify the current provision regarding the jurisdiction of the Appeals Tribunal, as it applied similarly to the United Nations Administrative Tribunal since the inception of the Pension Fund. The extent of the Appeals Tribunal’s jurisdiction was agreed to by the Pension Board and all 25 member organizations of the Pension Fund at the time of their admission to the membership of the Pension Fund and when the statute of the Appeals Tribunal was adopted by the General Assembly and the agreement between the United Nations and the Pension Fund on access to the United Nations internal justice system was concluded.<sup>8</sup> The judicial review in respect of the decisions made by the Chief Executive of Pension Administration or of a staff pension committee remains intact under the Pension Fund’s review and appeals framework.

98. The clarification also reflects the existing accountability framework vis-à-vis the Pension Board, the General Assembly and the Appeals Tribunal. The clarification ensures that the Pension Board and the Assembly continue to decide on matters of governance of the Pension Fund, which are the ultimate province of the Assembly, and insulates the Assembly’s ultimate decision-making on such matters from oversight or interference by the Appeals Tribunal. Decision-making on matters of governance of the Pension Fund are reflected in the applicable legal framework, that is the Regulations of the Pension Fund, which are approved by the Assembly.

99. This distinction is similar to a staff member’s ability to challenge decisions that have a direct impact on the terms and conditions of appointment of the individual staff member under the respective staff regulations and rules of his or her employing organization (each member organization of the Pension Fund has its own staff regulations and rules), but not to challenge decisions on general matters of policy by the Board or the legality of a General Assembly decision or action, unless the staff member can show that such decision or action has a direct effect on his or her terms and conditions of employment. In the case of the Pension Fund, the decisions appealed under the Regulations of the Pension Fund are those made by the Chief Executive of Pension Administration of the Fund in respect of individual pension rights of staff members belonging to the 25 different member organizations of the Fund. Those rights derive from the individual’s participation in the Pension Fund under article 21 of the Fund’s Regulations, which is explicitly referred to in article 48

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<sup>8</sup> See, for example, the report of the Advisory Committee on Administrative and Budgetary Questions on the United Nations pension system ([A/63/556](#), para. 26).

of the Fund's Regulations and in article 2.9 of the statute of the Appeals Tribunal. This means that entitlements of individual staff members and Fund participants, their relevant family members or successors in interest, concerning participation, contributory service and benefit entitlements under the Fund's Regulations are within the jurisdiction of the Appeals Tribunal under article 48 of the Fund's Regulations and article 2.9 of the statute of the Appeals Tribunal.

100. In the same way as United Nations staff members cannot appeal the decisions of the General Assembly (for example, decisions amending the Staff Regulations and Rules of the United Nations) or of any of its Main Committees, or challenge the rules of procedure of those bodies, the revised language in article 48 of the Fund's Regulations (and article 2.9 of the statute of the Appeals Tribunal) ensures that issues related to internal governance and oversight of the Pension Fund (such as the composition of the Pension Board, actuarial matters, management reporting, audits and budget) and the operations of the Pension Board, including its rules of procedure, remain under the authority of the Pension Board with review by the General Assembly as the ultimate decision-making and oversight body for the Pension Board, and that those decisions are not appealable to the Appeals Tribunal.

101. Should the General Assembly approve the proposed amendments to article 48, the following corresponding amendments (shown in bold text) will need to be made to articles 2.9 and 7 of the statute of the Appeals Tribunal to ensure uniformity of language between the amended text of article 48 and the statute and legal certainty with respect to the jurisdiction of the Appeals Tribunal:<sup>9</sup>

*Article 2*

9. The Appeals Tribunal shall be competent to hear and pass judgment on an appeal of a decision of the Standing Committee acting on behalf of the United Nations Joint Staff Pension Board **under Section K of the Administrative Rules** of the United Nations Joint Staff Pension Fund, alleging non-observance of the **Regulations of the Fund in regard to rights affecting participation, contributory service and benefit entitlements under its Regulations**, submitted by:

(a) Any staff member of a member organization of the Pension Fund which has accepted the jurisdiction of the Appeals Tribunal in Pension Fund cases who is eligible under article 21 of the Regulations of the Fund as a participant in the Fund, even if his or her employment has ceased, and any person who has acceded to such staff member's rights upon his or her death;

(b) Any other person who can show that he or she is entitled to rights under the **Regulations** of the Pension Fund by virtue of the participation in the Fund of a staff member of such member organization.

In such cases, remands, if any, shall be to the Standing Committee acting on behalf of the United Nations Joint Staff Pension Board.

*Article 7*

2. For purposes of applications alleging non-observance of the **Regulations** of the United Nations Joint Staff Pension Fund arising out of a decision of the **Standing Committee acting on behalf of** the United Nations Joint Staff Pension Board, an application shall be receivable if filed within 90 calendar days of receipt of the **Standing Committee's** decision.

<sup>9</sup> As initially proposed in [A/73/217/Add.1](#).

102. Therefore, with respect to article 2.9 of the statute of the Appeals Tribunal, the amendments would clarify the scope of the jurisdiction of the Appeals Tribunal in the context of article 21 of the Fund's Regulations referred to in existing article 48 (a) (i) and (ii) of the Fund's Regulations and thereby bring legal certainty to the legal framework of the Pension Fund.

103. The time limits prescribed in article 7 of the statute of the Appeals Tribunal are reckoned from the date of the communication of the contested decision of the Standing Committee acting on behalf of the Pension Board. The proposed amendment to article 7 reflects the terminology that is consistent with the proposed amendment to article 48 (a) of the Fund's Regulations.

104. As set forth above, the proposed amendments to article 48 of the Fund's Regulations as approved by the Pension Board at its sixty-fifth, sixty-sixth and sixty-seventh sessions are under consideration by the General Assembly at its seventy-sixth session.

## **IV. Other matters**

### **A. Compensation awards**

105. Information on compensation paid in 2020 in accordance with the recommendations of the Management Evaluation Unit, compensation awarded by the Tribunals in 2020 and compensation paid in 2020 in respect of previous awards made by the Tribunals is set out in annex II to the present report.

### **B. Effects of the pandemic and the financial situation on the internal justice system**

106. The most immediate impact of the COVID-19 pandemic was that, in mid-March 2020, all Dispute Tribunal and Appeals Tribunal activities and the Registries' support operations transitioned to a virtual setting, including Dispute Tribunal case management discussions, hearings and plenaries of judges. The Appeals Tribunal cancelled travel for the spring session and continued to hold virtual sessions for the entire year.

107. Case files and drafts were shared electronically; the Registries created virtual document channels to facilitate collaboration between judges and support from the Registries on cases. With the Dispute Tribunal and Appeals Tribunal judges, Registry staff and counsel for the applicants and respondents being located across broad-ranging time zones, they often had to work outside normal working hours to facilitate hearings, sessions and work in general. Staff, counsel and parties familiarized themselves with online communication and file management features and training was provided to the judges on the use of the platform.

108. Initially, there was no public gallery available for Dispute Tribunal hearings. The Registries and information technology staff developed a virtual public gallery, which, after consultation with the Dispute Tribunal, was implemented. A link on the court calendar on the Dispute Tribunal website enables interested parties to follow hearings in the virtual public gallery, except where the judge has decided that a hearing is closed to the public. A public gallery, live or virtual, may create risks for divulging sensitive information. The Dispute Tribunal prohibits anyone present at a hearing from making recordings.

109. The adaptation to virtual work generated lessons learned and best practices on conducting the work of the Dispute Tribunal and the Appeals Tribunal in a different

setting.<sup>10</sup> While the face-to-face interactions of the Dispute Tribunal judges with the parties and witnesses in hearings and the Appeals Tribunal judges meeting in sessions add value, after mid-March 2020 the Tribunals managed to carry out their activities remotely. Remote work, however, posed significant challenges in several areas: simultaneous interpretation of witness testimony was initially not available at hearings held virtually; judges who reside in countries with unreliable internet infrastructure experienced connectivity issues; judges who reside in countries in significantly different time zones than that of the Tribunal's seat and who were not able to travel to the seat of the Tribunal were required to adapt by working outside of normal work hours in order to address cases and partake in judicial deliberations.

110. Conducting Dispute Tribunal hearings that require simultaneous interpretation online required both scheduling changes and financial resources. For a three-day hearing in Nairobi, the dates had to be split to allow for interpretation capacity to be available from the Department for General Assembly and Conference Management. Simultaneous interpretation had not been available from March to November 2020. Remote interpretation had to be facilitated by a contractor that utilized software not available in the Organization. This resulted in additional and unexpected costs of \$14,058.61 that had to be covered by the budget of the Office of Administration of Justice. It is expected that, through 2021, further costs for facilitating simultaneous interpretation will be incurred.

111. The number of incoming cases dropped from 308 in 2019 to 216 in 2020. Incoming caseloads had been consistently over 300 in previous years. There was a noticeable drop in cases regarding separation from service and appointment and promotion, which may have been related to the Secretariat hiring freeze (for posts under the regular budget) and the lockdowns imposed in response to the pandemic. As the profound effects of the COVID-19 pandemic and the financial liquidity situation in the Secretariat are mitigated, the caseload is expected to return to pre-2020 levels by 2022.

Table 13

**United Nations Dispute Tribunal cases received in 2020 by category**

<i>Subject matter</i>	<i>Received in 2019</i>	<i>Received in 2020</i>	<i>Percentage difference</i>
Appointment-related	85	44	-48.23
Benefits and entitlements	33	24	-27.27
Disciplinary	38	36	-5.26
Separation from service	118	55	-53.38
Matters relating to the Ethics Office, the Office of the United Nations Ombudsman and Mediation Services or investigations	4	3	-25
Administrative leave without pay	2	17	+750
Miscellaneous	28	37	+32.14
<b>Total</b>	<b>308</b>	<b>216</b>	<b>-29.87</b>

<sup>10</sup> Because screenshots from a remote hearing were published by an external individual, the United Nations Dispute Tribunal issued an order of contempt on 9 November 2020, Dispute Tribunal Order No. 179 (NY/2020).

112. As a consequence of the financial liquidity issues and related hiring freeze, two legal officer posts in the Geneva Registry of the Dispute Tribunal could not be filled and were vacant for most of 2020; one remains vacant.

### **C. Rules of procedure of the United Nations Dispute Tribunal**

113. In paragraph 27 of resolution [74/258](#), the General Assembly urged the Tribunals to review and amend their respective rules of procedure subject to the approval of the Assembly, with a view to streamlining and harmonizing their approach to case management, including by ensuring that the first judicial action in a case is taken no later than 90 days from the date on which an application is filed. In response to that request, the Dispute Tribunal proposed amendments to its rules of procedure on 8 June 2020. The proposed amendments were set out in annex II to the previous report of the Secretary-General on administration of justice at the United Nations ([A/75/162](#)) and submitted for the Assembly's consideration at its seventy-fifth session, together with comments thereon prepared by the legal offices representing the Secretary-General before the Tribunals and by the Office of Staff Legal Assistance ([A/75/162/Add.1](#)). In paragraph 38 of resolution [75/248](#), the General Assembly decided to consider the proposed amendments to the rules of procedure of the Dispute Tribunal at its seventy-sixth session. In the light of extensive comments submitted by the legal offices representing the Secretary-General before the Tribunals and the Office of Staff Legal Assistance, the Dispute Tribunal decided to consult with the legal offices representing the Secretary-General before the Tribunals, the Office of Staff Legal Assistance and private counsel who regularly represent staff members before the Dispute Tribunal. As reported by the Dispute Tribunal, the consultations are progressing. In view of the ongoing consultations, the Dispute Tribunal wishes to withdraw the proposed amendments that were submitted for consideration by the General Assembly in annex II to the previous report of the Secretary-General ([A/75/162](#)) and to submit a revised proposal for consideration by the Assembly at its seventy-seventh session.

### **D. Rules of procedure of the United Nations Appeals Tribunal**

114. On 19 October 2020, in accordance with article 32 (1) of its rules of procedure, the Appeals Tribunal adopted amendments to articles 24, 25, 26, and 27 of the rules. The rules, as amended, remain in force provisionally until approved by the General Assembly, as provided in article 32 (2) of the rules. The amended rules are set out in annex I to the present report and submitted for consideration by the General Assembly.

115. It is recalled that, on 24 October 2019, the Appeals Tribunal adopted amendments to articles 8.2 (a) and 9.2 (a) of its rules of procedure. The amendments were set out in annex I to the previous report of the Secretary-General ([A/75/162](#)), and the General Assembly is requested to consider them in line with paragraph 38 of resolution [75/248](#).

## **V. Action to be taken by the General Assembly**

116. **The Secretary-General requests the General Assembly:**

- (a) **To take note of the information provided in the present report;**
- (b) **To extend the voluntary supplemental funding mechanism for the Office of Staff Legal Assistance from 1 January 2022 until 31 December 2024, without prejudice to a final determination as to whether expenditures incurred**

**pursuant to the Office's mandate constitute "expenses of the Organization" within the meaning of Article 17 (2) of the Charter of the United Nations;**

**(c) To approve the amendments to articles 2.9 and 7.2 of the statute of the Appeals Tribunal as set out in paragraph 101 above;**

**(d) To note the withdrawal of the proposed amendments to the rules of procedure of the Dispute Tribunal as set out in annex II to the previous report of the Secretary-General (A/75/162);**

**(e) To consider the amendments to the rules of procedure of the Appeals Tribunal as set out in annex I to the present report and in annex I to the previous report of the Secretary-General (A/75/162).**

## Annex I

### Amended rules of procedure of the United Nations Appeals Tribunal<sup>1</sup>

#### Article 24

##### Revision of Judgements

Either party may apply to the Appeals Tribunal, on a prescribed form, for a revision of a judgement on the basis of the discovery of a decisive fact that was, at the time the judgement was rendered, unknown to the Appeals Tribunal and to the party applying for revision, always provided that such ignorance was not due to negligence. The application for revision will be sent to the other party, who has 30 days to submit comments to the Registrar on a prescribed form. 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. **The brief that accompanies the application for revision and the comments thereon shall not exceed five pages.**

#### Article 25

##### Interpretation of judgements

Either party may apply to the Appeals Tribunal for an interpretation of the meaning or scope of a judgement on a prescribed form. The application for interpretation shall be sent to the other party, who shall have 30 days to submit comments on the application on a prescribed form. The Appeals Tribunal will decide whether to admit the application for interpretation and, if it does so, shall issue its interpretation. **The brief that accompanies the application for interpretation and the comments thereon shall not exceed two pages.**

#### Article 26

##### Correction of Judgements

Clerical or arithmetical mistakes, or errors arising from any accidental slip or omission, may at any time be corrected by the Appeals Tribunal, either on its own initiative or on the application by any of the parties on a prescribed form. **The brief that accompanies the application for correction shall not exceed two pages.**

#### Article 27

##### Execution of judgements

Where a judgement requires execution within a certain period of time and such execution has not been carried out, either party may apply to the Appeals Tribunal for an order for execution of the judgement. **The brief that accompanies the application for execution shall not exceed two pages.**

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<sup>1</sup> Proposed amendments are shown in bold text.

## Annex II

**Settlement payments recommended by the Management  
Evaluation Unit and monetary compensation awarded by the  
Tribunals in 2020 or paid in 2020**

**A. Settlement payments made in accordance with recommendations  
of the Management Evaluation Unit<sup>a</sup>**

<i>Department of decision maker</i>	<i>Compensation</i>	<i>Level of staff member</i>	<i>Amount (United States dollars)</i>	<i>Reason for compensation</i>
UNMISS	Fixed amount	GL-3	18 000.00	Settlement in the context of work-related injury
UNMISS	Fixed amount	P-3	700.00	Settlement in the context of staff selection process
MONUSCO	12 months of net base salary	P-5	96 449.00	Settlement in the context of non-renewal of appointment
UNISFA	Partial daily subsistence allowance	P-4	18 519.12	Settlement in the context of an entitlement matter
UNJSPF	3 months of net base salary	Not applicable	17 090.75	Settlement in the context of an offer of employment
DOS/Tax Unit	Fixed amount	FS-5	758.85	Settlement in the context of tax payments by the Organization
UNDOF	3 months of net base salary	P-5	23 283.50	Settlement in the context of staff selection process
<b>Total</b>			<b>174 755.60</b>	

*Abbreviations:* DOS, Department of Operational Support; FS, Field Service; GL, General Service at non-headquarters duty stations; MONUSCO, United Nations Organization Stabilization Mission in the Democratic Republic of the Congo; P, Professional; UNDOF, United Nations Disengagement Observer Force; UNISFA, United Nations Interim Security Force for Abyei; UNJSPF, United Nations Joint Staff Pension Fund; UNMISS, United Nations Mission in South Sudan.

<sup>a</sup> Reflects compensation paid in cases received in 2020 as well as compensation paid in 2020 for cases carried over from 2019 and earlier years.

## B. Monetary compensation awarded by the Tribunals in 2020 or paid in 2020

<i>United Nations Dispute Tribunal Judgment No.</i>	<i>Registry</i>	<i>Entity of decision maker</i>	<i>Compensation awarded/costs ordered by the Dispute Tribunal</i>	<i>United Nations Appeals Tribunal Judgment No.</i>	<i>Affirmed/vacated rejected/compensation awarded by the Appeals Tribunal</i>	<i>Net amount paid (United States dollars, unless otherwise indicated)</i>	<i>Date of payment</i>
UNDT/2019/029	Nairobi	UNOPS	(a) Non-renewal of appointment upheld (b) Placement on special leave with pay upheld (c) Placement of material in official status file upheld	2019-UNAT-951	(a) Vacated (b) Affirmed (c) Vacated (d) Award of compensation equivalent to six months' net base salary	45 192.50	3 February 2020
UNDT/2019/109	Nairobi	WFP	(a) Rescission of the disciplinary measure separating the applicant from service with compensation in lieu of notice and with termination indemnities, and reinstatement (b) Payment of compensation in the amount of 12 months' net base salary, in lieu of rescission and reinstatement	2020-UNAT-1033	Affirmed	8 436.10	9 October 2020
UNDT/2019/129/ Corr.1	Geneva	OIOS	(a) The investigation exceeded the time limits (b) The respondent shall pay the applicant compensation of \$5,000 for moral damages	2020-UNAT-1001	Affirmed	5 265.15	12 January 2021
UNDT/2019/137	Nairobi	ECA	(a) The decision on non-extension of the applicant's appointment was unlawful (b) As compensation for financial damage, the respondent is ordered to pay the applicant eight months' net base salary plus attendant entitlements	2020-UNAT-1040	Affirmed	87 813.48	15 November 2019
UNDT/2019/150	New York	MONUSCO	(a) The applicant's candidacy for the post did not receive full and fair consideration (b) Payment of compensation in an amount equivalent to 50 per cent of the difference between his salary at the P-5 level and the salary he would have obtained at the D-1 level for two years for loss of chance (c) \$3,000 for manifestly abusing the process	2020-UNAT-1014	(a) Modified: The non-selection decision is rescinded (b) Payment of compensation in an amount equivalent to three months' net base salary at the D-1 level, in lieu of rescission (c) Affirmed	33 201.09	23 September 2020

<i>United Nations Dispute Tribunal Judgment No.</i>	<i>Registry</i>	<i>Entity of decision maker</i>	<i>Compensation awarded/costs ordered by the Dispute Tribunal</i>	<i>United Nations Appeals Tribunal Judgment No.</i>	<i>Affirmed/vacated rejected/compensation awarded by the Appeals Tribunal</i>	<i>Net amount paid (United States dollars, unless otherwise indicated)</i>	<i>Date of payment</i>
UNDT/2019/164	New York	UNFPA	Termination of fixed-term appointment upheld	2020-UNAT-1021	Vacated. Payment of compensation equivalent to six months' net base salary, in lieu of rescission	51 120.00	30 September 2020
UNDT/2019/172	New York	DM	(a) Rescission of the disciplinary measure of separation from service with compensation in lieu of notice and with termination indemnity, replaced by demotion with deferment, for three years, of eligibility for consideration for promotion (b) Payment of compensation equivalent to 24 months' of net base salary at the rate that the applicant would have been paid had he been demoted at the time of his separation, plus the applicable organization's contribution to the pension fund and medical insurance, minus termination indemnity received upon separation, in lieu of rescission	2020-UNAT-1070	Vacated	--	--
UNDT/2019/178	Nairobi	UNISFA	Decision not to renew the applicant's fixed-term appointment is upheld	2020-UNAT-1068	(a) Vacated, decision not to renew the applicant's fixed-term appointment is rescinded (b) Payment of compensation equivalent to four months' net base salary in lieu of rescission	28 771.00	2 March 2021
UNDT/2019/186	Geneva	UNON	Non-selection of the applicant for the post of translator (P-3) at UNON is upheld	2020-UNAT-1067	(a) Vacated, decision to remove appellant from the selection process is rescinded (b) Payment of compensation equivalent to two months' net base salary, in lieu of rescission	13 777.06	3 February 2021
UNDT/2019/188	Nairobi	UNMIL	(a) The organization engaged in retaliatory acts against the applicant (b) By way of compensation for non-pecuniary damages the respondent shall pay the applicant an equivalent of six months' net base salary	2020-UNAT-1069	Affirmed	52 362.84	29 January 2021

<i>United Nations Dispute Tribunal Judgment No.</i>	<i>Registry</i>	<i>Entity of decision maker</i>	<i>Compensation awarded/costs ordered by the Dispute Tribunal</i>	<i>United Nations Appeals Tribunal Judgment No.</i>	<i>Affirmed/vacated rejected/compensation awarded by the Appeals Tribunal</i>	<i>Net amount paid (United States dollars, unless otherwise indicated)</i>	<i>Date of payment</i>
UNDT/2020/003	New York	UNOG	Decision not to select applicant for the post and to exclude applicant from the process for not submitting the written test within the specified time is upheld	2020-UNAT-1063	(a) Vacated (b) Payment of compensation in the amount of 10,000.00	10 000.00	10 March 2021
UNDT/2020/007	Geneva	UNAMA	(a) Non-renewal of fixed-term appointment rescinded (b) Payment of compensation equivalent to nine months' net base salary, in lieu of rescission	–	–	62 950.82	9 April 2020
UNDT/2020/016	Geneva	UNICEF	(a) Decisions removing applicant from position, placing on Special Leave Without Pay, and not to renew appointment rescinded (b) Payment of compensation equivalent to one year's net base salary, being the gross salary less staff assessment, at the time of non-renewal, in lieu of rescission (c) Provision of certificate of service (d) Payment of applicant's return travel expenses	–	–	86 854.00	13 April 2021
UNDT/2020/017	New York	UNSMIL	(a) Decision that applicant is not entitled to mobility allowance for assignment with UNSMIL in Tripoli from 1 April 2012 through 30 June 2013 rescinded (b) Applicant shall be paid the allowance (c) Payment of compensation in the amount of \$1 for the delay in payment of mobility allowance	–	–	13 703.03	22 May 2020
UNDT/2020/024	Nairobi	MONUSCO	Decision to terminate the applicant's fixed-term appointment is upheld	2020-UNAT-1077	(a) Vacated, decision to terminate the applicant's fixed-term appointment is rescinded (b) Payment of compensation equivalent to eight months' net base salary in lieu of rescission	49 922.89	13 April 2021

<i>United Nations Dispute Tribunal Judgment No.</i>	<i>Registry</i>	<i>Entity of decision maker</i>	<i>Compensation awarded/costs ordered by the Dispute Tribunal</i>	<i>United Nations Appeals Tribunal Judgment No.</i>	<i>Affirmed/vacated rejected/compensation awarded by the Appeals Tribunal</i>	<i>Net amount paid (United States dollars, unless otherwise indicated)</i>	<i>Date of payment</i>
					(c) Payment of compensation in the amount of \$5,000 for moral damages		
UNDT/2020/032	Geneva	UNOG	(a) Decision to separate applicant from service rescinded (b) Payment of compensation equivalent to two years' net base salary in lieu of rescission	2020-UNAT-1042	(a) Affirmed (b) Affirmed	177 664.33	5 January 2021
UNDT/2020/038	Geneva	UNOG	(a) Claims regarding non-selection and Special Leave Without Pay rejected (b) Decision not to extend the applicant's appointment rescinded (c) Payment of compensation equivalent to 12 months' net base salary, in lieu of rescission	2020-UNAT-1043	(a) Affirmed (b) Affirmed (c) Affirmed	71 684.83	5 January 2021
UNDT/2020/045	Nairobi	UNMISS	Respondent shall pay applicant the difference between interest previously paid and outstanding compounded interest on compensation awarded by judgment UNDT/2015/004, taking as the basis the prime United States rate from 18 March 2015 until 17 May 2015 and with an additional 5 per cent counted from 18 May 2015 until the day of payment	–	–	22 142.31	15 June 2020
UNDT/2020/051	New York	UNDP	(a) Decision not to renew the applicant's fixed-term appointment rescinded (b) Payment of compensation equivalent to two months' net base salary, in lieu of rescission	2021-UNAT-1097	(a) Affirmed (b) Affirmed	–	–
UNDT/2020/053	Geneva	UNCCD	(a) Decision not to renew the applicant's fixed-term appointment rescinded (b) Payment of compensation equivalent to six months' net base salary at P-5, step X, level, in lieu of rescission (c) Payment of compensation for pecuniary damage in the amount of 18 months' net base salary at P-5, step X, level, minus \$132,833.00, but only if a	–	–	77 276.61	25 June 2020

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			balance in the applicant's favour results from this calculation				
			(d) Payment of compensation for moral damages in the amount of \$10,000				
UNDT/2020/054	Geneva	UNOPS	(a) Decision not to extend applicant's fixed-term appointment rescinded	–	–	65 067.83	29 July 2020
			(b) Payment of compensation equivalent to three months' net base salary at D-2, step I, level, in lieu of rescission				
			(c) Payment of compensation for pecuniary damages equivalent to two months' net base salary at D-2, step I, level				
			(d) Payment of compensation for pecuniary damages equivalent to the difference between 22 months' net base salary at D-2, step I, level and D-1, step II level				
			(e) Payment of compensation for moral damages in the amount of \$5,000				
UNDT/2020/061	New York	MONUSCO	(a) Decision terminating applicant's fixed-term appointment rescinded	2021-UNAT-1088	(a) Affirmed (b) Affirmed	–	–
			(b) In lieu of rescission, payment of compensation equivalent to five months and 15 days' net base salary				
UNDT/2020/077	New York	UNOPS	(a) Applicant to be paid 20 per cent of the net base salary he would have obtained had he been selected for the relevant post	2021-UNAT-1095	(a) Affirmed (b) Affirmed	–	–
			(b) Commensurate pension adjustment				
UNDT/2020/090	Nairobi	DM	(a) Decision to separate applicant from service rescinded	Appealed	–	–	–
			(b) Payment of compensation equivalent to 10 months' net base salary, in lieu of rescission				
			(c) Payment of compensation for moral damages in the amount of 10 months' net base salary				

<i>United Nations Dispute Tribunal Judgment No.</i>	<i>Registry</i>	<i>Entity of decision maker</i>	<i>Compensation awarded/costs ordered by the Dispute Tribunal</i>	<i>United Nations Appeals Tribunal Judgment No.</i>	<i>Affirmed/vacated rejected/compensation awarded by the Appeals Tribunal</i>	<i>Net amount paid (United States dollars, unless otherwise indicated)</i>	<i>Date of payment</i>
UNDT/2020/093	Nairobi	UNAMID	(a) Applicant's reassignment determined to be unlawful (b) Payment of compensation for stress and anxiety in the amount of one month's net base salary	Appealed	—	—	—
UNDT/2020/094	New York	IRMCT	(a) Decision not to refer another staff member for accountability following the applicant's complaint of misconduct is referred back to IRMCT (b) Payment of compensation for moral damages in the amount of \$12,500	Appealed	—	—	—
UNDT/2020/101	Geneva	UNICEF	(a) Decision not to renew the applicant's fixed-term appointment deemed unlawful (b) Payment of compensation for moral damages in the amount of two months' net base salary	Appealed	—	—	—
UNDT/2020/110	Nairobi	UNIFIL	(a) Applicant was not fully and fairly considered for the position and the non-selection decision is rescinded (b) Payment of compensation in lieu of rescission in the amount of 13 months of 22 per cent of the difference between the net base salary at the time of the contested decision and the amount due had the applicant been selected (c) Payment of compensation in the amount of one month's net base salary for stress and resulting medical ailments of the applicant	Appealed	—	—	—
UNDT/2020/116/ Corr.1	New York	UNICEF	(a) Decision of the Advisory Board on Compensation Claims that the applicant's medical compensation claim was time-barred is rescinded, and Advisory Board to consider applicant's claim on its merits under the applicable appendix D (b) Payment of compensation in the amount of three months' net base salary for procedural delays	Appealed	—	—	—

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			(c) Payment of compensation in the amount of \$20,000 in compensation for additional harm				
UNDT/2020/119	New York	UNMIL	(a) The decision on compensation for loss of function based on an Advisory Board on Compensation Claims recommendation is modified	Appealed		-	-
			(b) Payment of the difference between the amount of \$30,412.29 already paid and the amount recalculated based on pensionable remuneration scale at the date of the decision				
			(c) Advisory Board on Compensation Claims to provide a reasoned/itemized decision on applicant's request for reimbursement of out-of-pocket expenses				
UNDT/2020/134	Nairobi	UNHCR	(a) Non-selection decision rescinded	Appealed		-	-
			(b) Payment of compensation equivalent to six months' net earnings that the applicant could have earned if appointed to the position				
			(c) Respondent is directed to place a copy of the judgment in the applicant's personnel file				
UNDT/2020/139/ Corr.1	Nairobi	MONUSCO	Disciplinary sanction of dismissal is rescinded and replaced with separation from service with compensation in lieu of notice without termination indemnity	Appealed		-	-
UNDT/2020/147	Nairobi	UNHCR	(a) Disciplinary measure of separation from service with compensation in lieu of notice and without termination indemnity is rescinded	Appealed		-	-
			(b) Payment of compensation of 23 months' net base salary, in lieu of rescission				
UNDT/2020/164/ Corr.1	Nairobi	DM	(a) The disciplinary measure of separating the applicant from service with compensation in lieu of notice without termination indemnity is rescinded	Appealed		-	-

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			(b) Payment of compensation in the amount of two years' net base salary in compensation, in lieu of rescission				
			(c) Payment of compensation in the amount of \$5,000 for moral damages				
UNDT/2020/165	Nairobi	DM	(a) Disciplinary measure of separating the applicant from service with compensation in lieu of notice and termination indemnity is rescinded	Appealed		-	-
			(b) The applicant is to be reinstated				
			(c) Payment of compensation of one year's net base salary in lieu of rescission, from the date of the filing of the application, to the date of judgment, to compensate for the two-year delay in concluding the determination				
UNDT/2020/189	Geneva	UNHCR	(a) Disciplinary measure of separating applicant from service with compensation in lieu of notice and termination indemnity is rescinded and replaced by a suspension without pay for a period of 12 months effective the date of separation from service	Appealed	-	-	-
			(b) The applicant is subsequently to be placed on special leave with full pay and receive retroactive payment of salary and related benefits				
			(c) Payment of compensation of two years' net base salary, in lieu of rescission				
UNDT/2020/192	New York	DSS	(a) The applicants were not afforded full and fair consideration in the selection exercise for the post	Appealed	-	-	-
			(b) Payment of compensation to two applicants each at an amount equivalent to 9.8 per cent of the difference between their salaries or the salaries that they would have obtained at the S-4 level for one year				

<i>United Nations Dispute Tribunal Judgment No.</i>	<i>Registry</i>	<i>Entity of decision maker</i>	<i>Compensation awarded/costs ordered by the Dispute Tribunal</i>	<i>United Nations Appeals Tribunal Judgment No.</i>	<i>Affirmed/vacated rejected/compensation awarded by the Appeals Tribunal</i>	<i>Net amount paid (United States dollars, unless otherwise indicated)</i>	<i>Date of payment</i>
			(c) Payment of compensation to four applicants each an amount equivalent to 9.8 per cent of the difference between their salaries or the salaries that they would have obtained at the S-4 level for the period between the unlawful decision and the prospective date of their retirement, with a cap of two years' net base salary				
UNDT/2020/193	New York	UNICEF	(a) Decisions imposing the disciplinary measure of written censure to be placed in applicant's official status file for five years and to remove all supervisory functions from the applicant for two years rescinded	Appealed	—	—	—
			(b) Payment of compensation in the amount of three months' net base salary				
UNDT/2020/195	Nairobi	ECA	(a) Disciplinary measure of separation from service with compensation in lieu of notice and with termination indemnity for serious misconduct is rescinded	Appealed	—	—	—
			(b) Payment of compensation in the amount of two years' net base salary in lieu of rescission				
UNDT/2020/198	Geneva	UNIC	(a) Respondent to reimburse the applicant the full amount of the Geneva-Islamabad round-trip ticket he purchased in November 2017, deducting the amount already reimbursed	—	—	2 017.48	23 February 2021
			(b) Respondent is to pay for storage costs charged to the applicant by the shipping company				
UNDT/2020/204	Nairobi	DM	(a) Disciplinary measure of separation from service with compensation in lieu of notice but without termination indemnity rescinded	Appealed	—	—	—
			(b) Payment of compensation in the amount of two years' net base salary in lieu of rescission				

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UNDT/2020/215	New York	UNEP	(a) Decision to consider the “Accessory Services – Specialized Technology Services” fees as inadmissible expenses for payment of education grant for the school year 2017/18 is rescinded  (b) Decision to consider the “Accessory Services – Specialized Technology Services” fees as inadmissible expenses for payment of education grant for the school year 2018/19 is rescinded  (c) Payment of the additional education grant entitlements to the applicant with respect to the school years 2017/18 and 2018/19 by treating the “Accessory Services – Specialized Technology Services” fees as admissible expenses	Appealed	–	–	–
UNDT/2020/219	Geneva	OCHA	(a) Decision to terminate the applicant’s fixed-term appointment following abolition of her post is rescinded  (b) Applicant is entitled to be reinstated at the P-4 level  (c) Payment of compensation in the amount of two years’ net base salary at the P-4 level in lieu of rescission  (d) Payment of compensation in the amount of \$5,000 for moral damages	Appealed	–	–	–

*Abbreviations:* UNMISS, United Nations Mission in South Sudan; MONUSCO, United Nations Organization Stabilization Mission in the Democratic Republic of the Congo; ECA, Economic Commission for Africa; UNICEF, United Nations Children’s Fund; OIOS, Office of Internal Oversight Services; UNIFIL, United Nations Interim Force in Lebanon; UNHCR, Office of the United Nations High Commissioner for Refugees; DSS, Department of Safety and Security; UNMIL, United Nations Mission in Liberia; UNOPS, United Nations Office for Project Services; WFP, World Food Programme; UNFPA, United Nations Population Fund; UNISFA, United Nations Interim Security Force for Abyei; UNON, United Nations Office at Nairobi; UNOG, United Nations Office at Geneva; UNAMA, United Nations Assistance Mission in Afghanistan; UNSMIL, United Nations Support Mission in Libya; UNDP, United Nations Development Programme; UNCCD, United Nations Convention to Combat Desertification; DM, Department of Management; UNAMID, African Union-United Nations Hybrid Operation in Darfur; IRMCT, International Residual Mechanism for Criminal Tribunals; UNIC, United Nations information centres; UNEP, United Nations Environment Programme; OCHA, Office for the Coordination of Humanitarian Affairs.