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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 2021 and offers observations with respect thereto.

The present report also includes a consolidated response to requests made by the General Assembly in its resolution 76/242.

The General Assembly is invited to take action as set out in paragraph 129.

* A/77/150.

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Contents

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 report of the Secretary-General on the administration of justice at the United Nations to the General Assembly at its seventy-fourth session (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 administration of justice system for 2021 and responds to the specific requests of the General Assembly in its resolution 76/242.

II. Review of the formal system of justice

A. Trends and observations

3. In paragraph 19 of resolution 76/242, the General Assembly requested the Secretary-General to continue to track the data on the number of cases received by the Management Evaluation Unit and the Dispute Tribunal in order to identify any emerging trends, and to report thereon in the context of his next report.

4. In the Secretariat, the Management Evaluation Unit received 652 requests in 2021, an increase compared with 404 requests received in 2020 (see table 1). Of the requests received in 2021, the Unit closed 600 by 31 December 2021, which, as a percentage of the total number of requests received (92 per cent), is in line with the output in previous years. Most requests received by the Unit during the year involved separation from service (approximately 26 per cent), appointment and promotion (approximately 18 per cent) and staff relations (primarily made up of a group case regarding an increase in workload) (16 per cent). As in past years, a significant number of requests were received from staff members in the peace and special political missions (approximately 56 per cent). In 2021, the overwhelming majority of requests for management evaluation in the Secretariat (85 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.

5. As the coronavirus disease (COVID-19) pandemic persisted throughout 2021, the justice system continued to function using flexible work arrangements. The Tribunals, counsel for the parties and the registries worked mainly in a virtual environment, facilitated by a virtual courtroom and other electronic workspaces. In August 2021, the Office of Administration of Justice launched an enhanced and updated version of the Court Case Management System, which includes an e-filing system for applicants and respondents. Further enhancements to the Court Case Management System were undertaken to add French-language capability to reinforce multilingualism. The launch of the new system facilitated the real-time case-tracking dashboard of the Dispute Tribunal, which is updated three times a day. The Office of Administration of Justice continued the development of the Caselaw portal and electronic digest of all judgments of the Tribunals, which was ready for launch mid-2022.

6. A key lesson learned from the operational arrangements during the pandemic is that while remote operations can be undertaken as circumstances demand, in many instances, flexible working arrangements are not a substitute for in-person presence. For example, in-person hearings in the courtroom and on-site deployments of half-time judges can contribute to the effective adjudication of complex cases, such as disciplinary cases.

7. The case disposal and judgment targets for the Dispute Tribunal established in January 2019 were maintained in 2021. All 404 cases pending on 31 December 2018 were disposed of by 25 July 2021.

8. In 2021, 215 new cases were registered with the Dispute Tribunal, compared with 216 in 2020. The Dispute Tribunal had 131 cases pending on 31 December 2021. Of those 131 cases, 28 had aged over 400 days (20 of those were disciplinary cases). Some of the cases crossed the 400-day mark owing to the unavailability of the applicants or ongoing informal dispute resolution.

9. The composition of the Dispute Tribunal with full-time and half-time judges facilitated the deployment of judicial resources where they were needed. Each half-time judge was deployed twice in 2021 for six months in total. Given the higher caseload in Nairobi and Geneva during 2021, the President made several deployments to both locations. Seven deployments of half-time judges to Nairobi supported the full-time judge with the disposal of 121 cases. Five deployments to Geneva supported the full-time judge in the disposal of 98 cases. Eleven of those deployments were carried out entirely by telecommuting owing to the ongoing pandemic.

10. No deployments of judicial resources were necessary in New York, where the full-time judge disposed of 59 cases. In addition, short-term deployments were made for a plenary meeting of the Dispute Tribunal held on-site in Geneva, with three full-time judges and five half-time judges attending in person, and one half-time judge attending remotely.

11. In 2021, the Dispute Tribunal disposed of 278 cases, transferred 22 cases and issued 168 judgments (see table 4). Half-time judges disposed of 120 of the 278 cases, or 43 per cent. Half-time judges delivered 83 of the 168 judgments, or 49 per cent.

12. In 2021, the United Nations Appeals Tribunal held three virtual sessions in which it delivered 109 judgments and disposed of 122 cases. This represents an increase over 2020, when the Tribunal delivered 100 judgments and disposed of 118 cases. The number of cases received by the Appeals Tribunal decreased to 140 in 2021 from 159 in 2020.

B. Management evaluation function

13. Management evaluation, which is described in annex I to A/74/172, is the first step in the formal system of administration of justice.

14. The numbers of management evaluation requests received from 2009to 2021 in the Secretariat and 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 2021. Table 3 provides numbers for the outcomes of cases before the Dispute Tribunal, following management evaluation in 2021. 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, 2009–2021

	Requests received						
Year	*Secretariat*	*UNDP*	*UNHCR*	*UNOPS*	*UNFPA*	*UNICEF*	*UN-Women*
2009	184	20	36	1	n/a	2	–
2010	427	13	22	1	4	16	–
2011	952	17	77	4	5	33	–
2012	837	11	56	4	18	60	–

	Requests received						
Year	*Secretariat*	*UNDP*	*UNHCR*	*UNOPS*	*UNFPA*	*UNICEF*	*UN-Women*
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
2021	652	30	64	21	18	25	5
Total	**11 521**	**390**	**897**	**143**	**147**	**391**	**32**

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 2021

Entity	*Requests decided in 2021*[a]	*Decisions upheld*	*Decisions reversed*	*Requests otherwise resolved*	*Decisions appealed to the United Nations Dispute Tribunal in 2021*	*Requests carried forward to 2022*[b]
Secretariat	648	443	21	184	98	52
UNDP	28	19.5	8.5	0	0	0
UNHCR	68	47	1	20	7	19
UNOPS	21	12	7	2	2	0
UNICEF	27	21	1	5	6	1
UNFPA	22	22	0	0	7	1
UN-Women	4	4	0	0	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.

[a] Includes cases received in 2021 and cases carried over from 2020 and earlier.

[b] Includes all open cases that were not resolved in 2021 and were carried over to 2022.

Table 3
Outcome of cases before the United Nations Dispute Tribunal in 2021, following management evaluation

Entity	*Total number of cases*[a]	*Settled or withdrawn*	*Upheld*	*Partially upheld*	*Overturned*
Secretariat	111	20	67	4	20
UNDP	11	0	10	0	1
UNHCR	4	1	3	0	0
UNOPS	2	0	2	0	0

Entity	*Total number of cases*[a]	*Settled or withdrawn*	*Upheld*	*Partially upheld*	*Overturned*
UNICEF	14	4	8	0	2
UNFPA	5	0	4	0	1
UN-Women	5	0	3	0	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.

[a] 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 2021, regardless of when the application was received.

C. United Nations Dispute Tribunal

1. Composition, presidency and plenary

15. In 2021, 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).

16. Judge Adda was elected as President in November 2019 and re-elected for a one-year term in December 2020. In December 2021, Judge Adda was re-elected for a further term running from 1 January to 30 June 2022 and Judge Klonowiecka-Milart was elected as President for a term running from 1 July to 31 December 2022.

17. The judges of the Dispute Tribunal held one in-person plenary meeting from 27 September to 1 October 2021 in Geneva.

2. Judicial activities

(a) Caseload

18. As at 1 January 2021, the Dispute Tribunal had 189 cases pending, including 69 cases that had been pending for over 400 days. In 2021, the Tribunal received 215 new cases and disposed of 278 cases. Of those 278 disposals, 168 were judgments. On 31 December 2021, the Tribunal had 131 cases pending, including 28 cases that had been pending for over 400 days.

19. Table 4 lists the numbers of Dispute Tribunal applications received, disposed of and pending from 2009 to 2021. For the period from 2018 to 2021, the applications received and disposed of have been disaggregated into dispositive judgments and orders, suspension-of-action orders and inter-Registry transfers. A breakdown of the number of Dispute Tribunal suspension-of-action applications received and the number of judgments issued per year (2009–2021) is provided in table 5. Table 6 provides a breakdown of the number of Dispute Tribunal applications received, disposed of, or pending per year (2009–2021), by duty station.

Table 4
United Nations Dispute Tribunal applications received, disposed of and pending, as reported, 2009–2021

Year	*Applications received*[a]	*Applications disposed of*	*Applications pending (end of year)*
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	352	189
2021	237[b]	300[b]	131
Total	**4 185**	**4 063**	**–**

	Merits	*Suspension of action*	*Transfer*	*Merits*	*Suspension of action*	*Transfer*	*Merits*	*Suspension of action*	*Transfer*
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	–
2021	155	60	22	216	62	22	131	–	–

[a] 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.
[b] Includes 22 transfers.

Table 5
United Nations Dispute Tribunal suspension-of-action applications received and judgments delivered, as reported, 2010–2021

Year	*Suspension-of-action applications received*	*Judgments delivered*
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

Year	*Suspension-of-action applications received*	*Judgments delivered*
2021	62	168

Table 6
United Nations Dispute Tribunal applications received, disposed of and pending, as reported, by duty station, 2009–2021

	Applications received			*Applications disposed of*			*Applications pending (end of year)*		
Year	*Geneva*	*Nairobi*	*New York*	*Geneva*	*Nairobi*	*New York*	*Geneva*	*Nairobi*	*New York*
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[a]	67	158	83	136	134	119	94	137	92
2020	62	103	51	74	159	117	82	80	27
2021	65	107	43	98	121	59	43	55	33
Total	**1 546**	**1 451**	**1 120**	**1 499**	**1 364**	**1 130**	–	–	–

[a] 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

20. Table 7 lists the total number of judgments, orders and court sessions from 1 July 2009 to 31 December 2021, 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, 2009–2021

	Judgments				*Orders*				*Court sessions*[a]			
Year	*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

	Judgments				*Orders*				*Court sessions*[a]			
Year	*Geneva*	*Nairobi*	*New York*	*Total*	*Geneva*	*Nairobi*	*New York*	*Total*	*Geneva*	*Nairobi*	*New York*	*Total*
2017	35	46	19	100	262	219	282	763	97	71	43	211
2018[b]	48	56	24	128	207	193	258	658	88	55	27	170
2019[b]	44	66	49	159	123	235	212	570	24	28	10	62
2020	46	92	83	221	132	244	204	580	16	77	25	118
2021	63	64	41	168	182	262	126	570	22	63	13	98
Total	**718**	**794**	**681**	**2 193**	**2 354**	**3 154**	**3 495**	**9 003**	**576**	**1 007**	**796**	**2 379**

[a] 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".

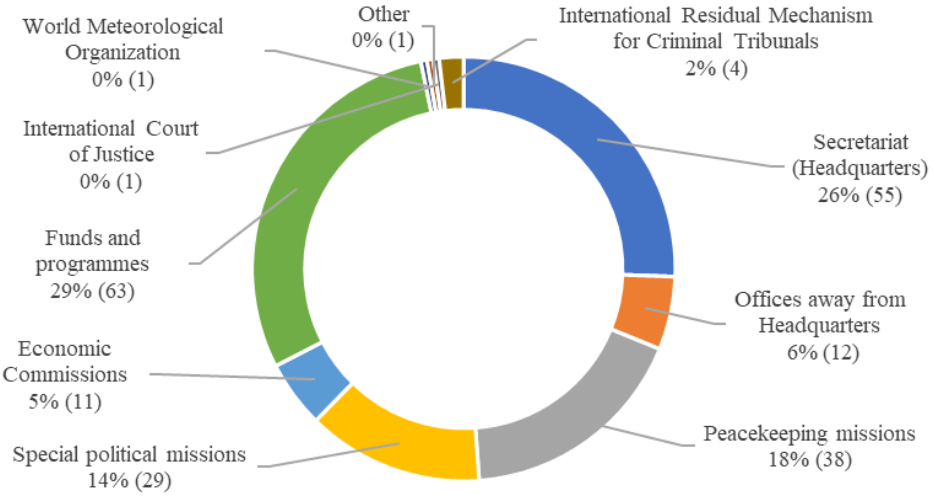
[b] Does not include withdrawal judgments.

(c) Sources of applications

21. The categories of staff who filed the 215 applications in 2021 were as follows: Under-Secretary-General (1), Assistant Secretary-General (3), Director (10), Professional (133), General Service (25), Field Service (21), Security (1), National Professional Officers (17), Trades and Crafts (1) and others (3).

22. The new applications received in 2021 originated from various entities, as illustrated in figure I.

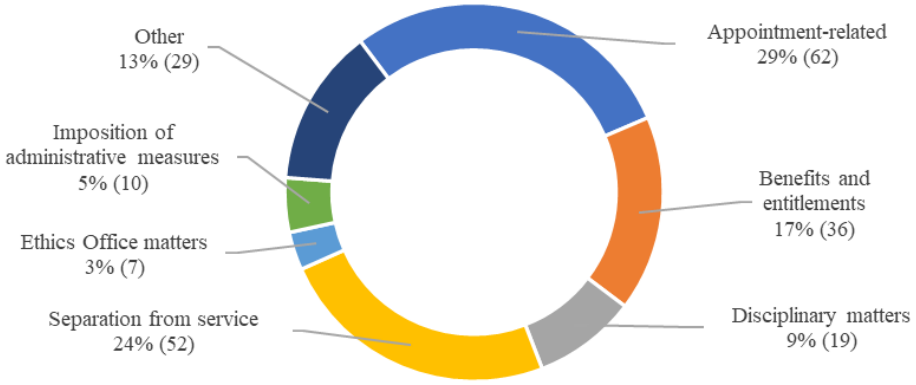
Figure I
Breakdown of applications by entity of the staff member



(d) Subject matter of applications

23. The nature of the cases received in 2021 is 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) Informal resolution

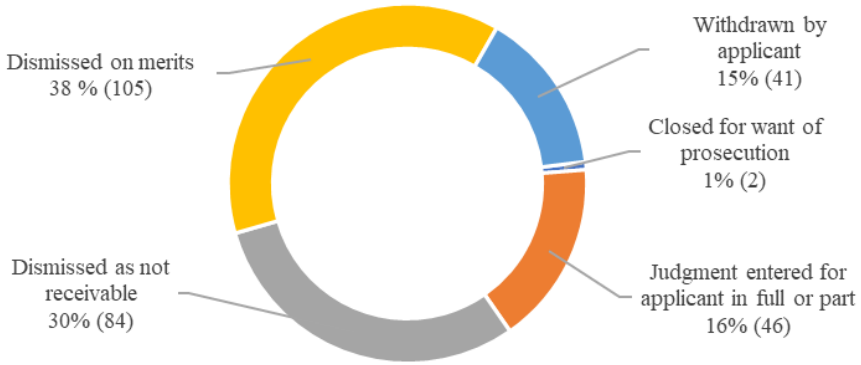
24. In 2021, altogether 32 applications pending before the Dispute Tribunal were resolved informally, including by mediation, and withdrawn by the applicants. Those included cases resolved with or without case management by the Tribunal.

25. Over the course of 2021, nine applications were referred from the Dispute Tribunal to mediation under article 10 (3) of its statute, and in the case of one application, the parties requested mediation without a referral from the Tribunal. Five of the nine applications referred were mediated successfully in 2021 and the applicants withdrew their cases. The application for which the parties themselves had sought mediation was also successfully mediated and the application was withdrawn. Three referrals from the Tribunal did not result in successful mediation and the matter was returned to the Tribunal in 2021. Two of those applications were disposed of by judgment in 2021 and one was ongoing at the end of that year. One application referred to mediation by the Tribunal was pending informal resolution at the end of 2021.

(f) Outcomes

26. The outcomes of the applications disposed of by the Dispute Tribunal in 2021, including applications for suspension of action, are illustrated in figure III. 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 III
Outcome of applications disposed of



(g) Referral for accountability

27. In 2021, the Dispute Tribunal made one referral for possible action to enforce accountability pursuant to article 10 (8) of its statute (Judgment No. UNDT/2021/090). The judgment is under appeal.

D. United Nations Appeals Tribunal

1. Composition

28. In 2021, the Appeals Tribunal consisted of seven judges: Martha Halfeld (Brazil), Graeme Colgan (New Zealand), Kanwaldeep Sandhu (Canada), John Raymond Murphy (South Africa), Dimitrios Raikos (Greece), Sabine Knierim (Germany) and Jean-François Neven (Belgium).

29. The Appeals Tribunal elected a new Bureau for a one-year term effective 1 January 2021 consisting of Judge Halfeld as President, Judge Colgan as First Vice-President and Judge Sandhu as Second Vice-President. Judge Neven resigned on 10 January 2022.

2. Judicial work

(a) Sessions

30. Owing to the pandemic, the Appeals Tribunal held three remote sessions for two weeks each: 8 to 19 March 2021, 14 to 25 June 2021 and 18 to 29 October 2021.

(b) Caseload

31. On 1 January 2021, a total of 105 cases were pending. During the reporting period, 140 new cases [1] were received and 122 cases were disposed of. On 31 December 2021, altogether 123 cases remained pending. Table 8 shows the distribution of the caseload and disposal for the period from 2009 to 2021.

Table 8
United Nations Appeals Tribunal cases received, disposed of and pending and interlocutory motions received, as reported, 2009–2021

Year	*Cases received*	*Cases disposed of*	*Cases pending*	*Interlocutory motions received*
2009	19	–[a]	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

[1] Cases include appeals against judgments and orders handed down by the Dispute Tribunal, against decisions of the neutral first instance of entities that have accepted the jurisdiction of the Appeals Tribunal, against decisions of the Standing Committee of the United Nations Joint Staff Pension Board and applications for correction, execution, interpretation and revision of judgments handed down by the Appeals Tribunal.

Year	*Cases received*	*Cases disposed of*	*Cases pending*	*Interlocutory motions received*
2018	84	89	35	38
2019	124	95	64	45
2020	159	118	105	39
2021	140	122	123	34
Total	**1 642**	**1 527**	**–**	**554**

[a] The Appeals Tribunal did not hold a session in 2009; it held its first session in the spring of 2010.

(c) Sources of cases

32. The 140 new cases filed in 2021 included 91 appeals against judgments and orders of the Dispute Tribunal (66 filed by staff members, 24 filed on behalf of the Secretary-General of the United Nations and 1 filed on behalf of the Secretary-General of the World Meteorological Organization); 25 appeals against judgments rendered by the Dispute Tribunal of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) (22 filed by UNRWA staff members and 3 on behalf of the Commissioner-General); 4 appeals against decisions issued by the International Fund for Agricultural Development (IFAD); 2 appeals against decisions issued by the International Maritime Organization (IMO); 3 appeals against decisions of the Standing Committee of the United Nations Joint Staff Pension Board; 1 appeal against a decision of the International Seabed Authority (ISA); 1 appeal against a decision of the Registry of the International Tribunal for the Law of the Sea; and 13 applications for revision, interpretation, correction or execution of judgments handed down by the Appeals Tribunal. Overall, 107 appeals were filed by staff and 33 on behalf of the Secretary-General or the executive head of an entity.

33. Table 9 presents a breakdown of Appeals Tribunal judgments, orders and hearings for the period 2009–2021.

Table 9
United Nations Appeals Tribunal judgments, orders and hearings, as reported, 2009–2021

Year	*Judgments*	*Orders*	*Hearings*
2009	–	–	–
2010	102	30	2
2011	88	44	5
2012	91	45	8
2013	115	47	5
2014	100	42	1
2015	114	39	2
2016	101	27	2
2017	100	31	–
2018	86	31	–
2019	82	23	–
2020	100	34	–
2021	109	40	–
Total	**1 188**	**433**	**25**

(d) Outcomes

34. In 2021, the Appeals Tribunal disposed of 119 appeals and applications in 109 judgments. It closed two appeals by judicial order. One appeal was closed administratively.

35. Of the 119 appeals and applications, 85 had been filed against Dispute Tribunal judgments and orders. In four cases, both parties had appealed the same Dispute Tribunal judgments. In one case, the Appeals Tribunal consolidated two applications for interpretation filed by the executive head of an entity and issued one judgment disposing of those applications. The Appeals Tribunal disposed of two appeals from staff members by judicial order, one against a Dispute Tribunal judgment and the other concerning a decision by an entity that has accepted its jurisdiction. One appeal against a Dispute Tribunal judgment was closed administratively. In 2021, the Appeals Tribunal remanded 12 cases, 5 to the Dispute Tribunal, 3 to the UNRWA Dispute Tribunal and 4 to other entities that have accepted the jurisdiction of the Appeals Tribunal.

(e) Relief

(i) Appeals against Dispute Tribunal judgments and orders

36. Of 90 Dispute Tribunal judgments and orders appealed, the Appeals Tribunal affirmed 64 judgments and 6 orders, and vacated 20 judgments, in full or in part.

(ii) Appeals against decisions of the International Seabed Authority

37. The Appeals Tribunal reviewed two appeals filed by staff members of ISA, dismissed one appeal and remanded the other appeal to the ISA Joint Appeals Board.

(iii) Appeals against decisions of the International Maritime Organization

38. The Appeals Tribunal reviewed two appeals filed by IMO staff members and remanded both to the IMO Staff Appeals Board.

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

39. The Appeals Tribunal issued two judgments disposing of two appeals against decisions of the Standing Committee of the United Nations Joint Staff Pension Board. Both appeals were dismissed.

(v) Appeals against decisions of the Registry of the International Tribunal for the Law of the Sea

40. The Appeals Tribunal reviewed one appeal filed by a staff member of the International Tribunal for the Law of the Sea and remanded the case to the Joint Appeals Board of International Tribunal.

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

41. The Appeals Tribunal disposed of 19 appeals against the judgments and orders of the UNRWA Dispute Tribunal. Of the 19 appeals, 16 had been filed by staff members and 3 by the Commissioner-General. The Appeals Tribunal affirmed 12 judgments and one order of the UNRWA Dispute Tribunal. It vacated 6 UNRWA Dispute Tribunal judgments, in full or in part. It remanded 3 cases to the UNRWA Dispute Tribunal.

(vii) Appeals against decisions of the International Fund for Agricultural Development

42. The Appeals Tribunal reviewed an appeal filed by a former IFAD staff member against a decision of the IFAD Joint Appeals Board. The probationary appointment of

the former staff member had been terminated for unsatisfactory performance. The Joint Appeals Board had found that the termination decision had been taken within the broad discretionary powers of the President of the Fund. The Appeals Tribunal reversed the decision and ordered rescission of the termination decision or an in-lieu compensation equivalent to two years' net base salary, plus interest until payment.

(viii) Applications for revision, interpretation, correction and execution of Appeals Tribunal judgments

43. In 2021, the Appeals Tribunal disposed of eight applications for revision, interpretation or correction of the Appeals Tribunal judgments. The Appeals Tribunal dismissed seven and granted one in part.

(f) Referral for accountability

44. In 2021, the Appeals Tribunal made one referral for possible action to enforce accountability pursuant to article 9 (5) of its statute (judgment No. 2021-UNAT-1172). The matter is currently under review in accordance with the Organization's accountability framework.

E. Office of Staff Legal Assistance

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

46. The trends in the workload of the Office since its establishment in 2009 are illustrated in table 10. In 2021, the Office received 1,123 new requests for assistance and closed 792 requests through settlement or otherwise.

Table 10
Treatment of requests for legal assistance received by the Office of Staff Legal Assistance, 2009–2021

Year	*Summary advice*	*Management evaluation matters*	*Representation before the United Nations Dispute Tribunal*	*Representation before the United Nations Appeals Tribunal*	*Disciplinary matters*	*Other*	*Total*	*Pending requests*
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
2021	758	163	66	5	122	9	1 123	331
Total	**10 150**	**3 864**	**4 054**	**1 106**	**911**	**217**	**20 302**	**–**

47. While the Office received a large number of requests for assistance, only a small proportion proceeded to the Tribunals. In 2021, the Office filed 163 requests on behalf of staff members for management evaluation and 66 applications to the Dispute Tribunal and represented 5 staff members before the Appeals Tribunal. Seventy-nine per cent of cases were resolved informally or otherwise concluded by the Office through summary advice, settlement, or by the Office determining that legal proceedings would not have had 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 Dispute Tribunal

Various legal offices in the Secretariat and separately administered funds and programmes[2]

48. 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 2021, the offices representing the Secretary-General, handled 215 new applications brought by staff of the Secretariat and the separately administered funds and programmes, in addition to 189 applications that had been pending before the Dispute Tribunal from 2020 and previous years. In addition, these offices were engaged in efforts to resolve disputes informally and ensured the implementation of Dispute Tribunal judgments once they became executable.

2. Representation of the Secretary-General before the Appeals Tribunal

Office of Legal Affairs

49. The responsibilities of the Office of Legal Affairs in the 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 2021, the Appeals Tribunal rendered 79 judgments in cases in which the Secretary-General was a party. The Office analysed all 277 judgments of the Tribunals that were rendered in 2021.

III. Responses to questions related to the administration of justice

A. Overview

50. In its resolution 76/242, the General Assembly made a number of requests for consideration at its seventy-seventh session. The responses to those requests are set out below.

[2] 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).

B. Responses

1. Accountability of managers

51. The Secretary-General, in his management reform agenda, called for a new management paradigm – one that would transform the United Nations into a more nimble, effective, accountable and decentralized organization. An extensive consultation process was conducted that covered, among other topics, a pilot of the new agile performance management approach and the working conditions that arose from the pandemic, as well as lessons learned and reflections of key stakeholders. After the consultations were completed, the Office of Human Resources of the Department of Management Strategy, Policy and Compliance launched a new, more agile performance management approach for the 2021–2022 cycle.

52. With the new approach, performance management has been streamlined and is now supported by performance conversations and feedback. The new end-of-cycle includes a questionnaire on effective people management for all Director-level staff across the Secretariat.

53. The multi-rater/360-degree feedback methodology and the related people management index lets Director-level staff receive feedback from their first or second reports. This enables upward feedback. The ultimate aim of including this feedback methodology in the new performance management approach is to support the Organization in creating a culture of two-way feedback, build accountability for effective people management, and help managers in cultivating a mindset oriented towards growth. Going forward, the people management index will be rolled out to all first reporting officers with four or more first and second reports.

54. The Secretary-General continues to stress that all staff, including senior managers, are accountable for the decisions they make on the basis of the authority delegated to them.

55. In the area of prevention, senior managers are made aware of their significant decision-making authority and their accountability through various forms of outreach, including:

(a) Induction training on the system of administration of justice and the disciplinary process;

(b) Information sessions on risk management;

(c) Direct advisory services offered as needed when they are faced with difficult decisions.

56. A decision by a senior manager that could amount to misconduct may become the subject of an investigation together with any action associated with it. If warranted by the facts thus established, a disciplinary process may be initiated.

57. As would be the case for any other staff member subject to the Staff Regulations and Rules of the United Nations, appropriate disciplinary measures will be imposed on senior managers if, as a result of that process, it is determined that misconduct has occurred.

58. In paragraph 8 of resolution 76/242, 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.

59. 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 2020 is set out in the relevant report of the Secretary-General (A/76/602). In addition, managers, like other staff members, are subject to the performance appraisal system, while the heads of entity at the most senior levels are required to sign senior management compacts. Managers may further 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 resulting from a disciplinary process that a manager had been grossly negligent in a decision leading to litigation and subsequent financial loss.

2. Multilingualism

60. Following the successful issuance of the *Digest of Case Law 2009–2019* containing key judgments of the Dispute Tribunal and the Appeals Tribunal in the first 10 years of the internal justice system, the Office of Administration of Justice, as part of the comprehensive outreach strategy, has developed a fully searchable database of judgments.

61. The database, which will be made available as the administration of justice Caselaw portal, provides a powerful faceted search of relevant judgment attributes (metadata). The portal will enable guided navigation of judgments by integrating seamless browsing, robust searching. The portal will provide a hierarchical display, with judgments 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, launched in August 2021, to save development costs and time. This integrates the judgment summary process into the work of the Registries and streamlines the process by allowing the Registry to create the jurisprudence-related metadata and the case summary and assign the case subject-matter category during the judgment and order generation. The Caselaw portal has been under development by the Office of Information and Communications Technology and was expected to be completed by the end of 2021, but constraints in information technology development have delayed the availability for launch until the third quarter of 2022.

62. The Caselaw portal will contribute to a more transparent and accessible justice system. It is expected to be a key resource for staff members, managers, human resources practitioners, parties appearing before the Tribunals and stakeholders.

63. The Caselaw portal search criteria and filters, and the case judgment summaries will be available in English and French, the two working languages of the Tribunals. The database will include judgments in other official languages where available. This is in line with the statutory framework of the Tribunals, including the provision in the statute of the Dispute Tribunal that provides that the applicant is to receive a copy of the judgment in the language in which the application was submitted, unless it is requested in another official language of the United Nations.

64. The second phase of the project will include a summary of the orders issued by the Tribunals and multiple system enhancements such as real-time connectivity to the

Court Case Management System so that case summaries can be uploaded seamlessly, and visibility on appeal status of Dispute Tribunal judgments, among other features. The registry module of the Court Case Management System has been successfully upgraded to allow case processing in French.

65. The internal justice system website is available in the six official languages of the Organization. Since May 2021, the Office of Administration of Justice has been publishing relevant documentation in those six languages on the website, such as the statutes and rules of procedure of the Tribunals, the code of conduct for the judges of the United Nations Dispute Tribunal and the United Nations Appeals Tribunal, the mechanism for addressing complaints regarding alleged misconduct or incapacity of the judges of the United Nations Dispute Tribunal and the United Nations Appeals Tribunal, and the code of conduct for legal representatives and litigants in person. The provision of other documents, such as practice directions, court schedules and lists of pending cases, as well as updates to such documents, will remain a challenge for the Office, as those documents would require translation by the Department for General Assembly and Conference Management. The resources provided to that Department in support of the administration of justice (A/62/294, para. 171) have been centred on simultaneous interpretation services, the translation of judgments and documentary evidence, and training on the informal and formal elements of the internal justice system, but do not provide for additional documentation on the website, for which additional resources will be required.

66. Multilingualism is implemented as part of the procedural framework of the Dispute Tribunal. Article 8.6 of the statute of the Dispute Tribunal provides that an application and other submissions are to be filed in any of the official languages of the United Nations.

67. Article 11 of the statute further provides that judgments of the Dispute Tribunal are to be drawn up in any of the official languages of the United Nations and that the applicant is to receive a copy in the language in which the application was submitted, unless he or she requests a copy in another official language. The same is reflected in article 25 of the rules of procedure of the Dispute Tribunal.

68. Counsel representing the Secretary-General before the Dispute Tribunal conducts proceedings in English or French in accordance with the Secretary-General's bulletins on the use of working languages of the Secretariat (ST/SGB/201 and ST/SGB/212). Other languages can be accommodated with the allocation of additional resources to counsel for translation and interpretation of submissions into and from other official languages.

69. Staff members of the Office of Staff Legal Assistance are able to respond to requests for legal assistance in most of the official languages of the United Nations. Staff are availing themselves of language training provided by the Organization to enhance their capacity in other official languages. Office counsel representing staff before the Dispute Tribunal may participate in proceedings in English or French.

70. Under a delegation of authority (ST/SGB/2011/2) the Executive Director of the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) has authority to decide on requests for management evaluation under staff rule 11.2. UN-Women has adopted a set of rules to handle such matters. They are available in English only, but assistance can be provided in English, French or Spanish. The policies with regard to the conditions of service for staff members are available in English, French and Spanish. In addition, the Office of Staff Legal Assistance is currently able to respond to requests in those same three languages.

71. The Office of the United Nations High Commissioner for Refugees (UNHCR) is of the view that multilingualism in the functions concerned with the administration

of justice at UNHCR promotes efficient and effective dispute resolution and outreach. UNHCR continues to provide outreach at the operational and regional levels on the rights and obligations of UNHCR personnel, the system of administration of justice, informal dispute resolution and the disciplinary process. UNHCR made its management evaluation form available in English and French, and its staff members working on administration of justice matters have capabilities in English, French and Spanish.

3. Protection against retaliation

72. In the Secretariat, 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 (including one serving in the Secretariat), individual contractor or consultant. The Ethics Office implements the policy for all listed categories of personnel under ST/SGB/2017/2/Rev.1.

4. Informal dispute resolution

73. The information requested by the General Assembly in paragraph 14 of its resolution 76/242 is contained in the report of the Secretary-General on the activities of the Office of the United Nations Ombudsman and Mediation Services (A/77/151).

5. Recommendation of the Internal Justice Council to appoint the Presidents of the Tribunals for seven-year terms

74. In paragraph 18 of resolution 76/242, the General Assembly requested the Secretary-General, in consultation with the Dispute Tribunal and the Appeals Tribunal, to include in the present report his views regarding the recommendation of the Internal Justice Council for the appointment of a president for a term of seven years. It is recalled that previous recommendations to extend the President's term from one to two years (see A/73/218, recommendation 12, and A/74/169, recommendation 10) were not followed by the General Assembly.

(a) View of the Dispute Tribunal

75. The judges of the Dispute Tribunal do not support the recommendation. Firstly, it is not clear, from the wording of the recommendation, whether the President should even be a member of the Dispute Tribunal. Secondly, it is unclear what is purported to be achieved, in particular what skill set is being sought and why the judges of the Dispute Tribunal would not be able to identify such a skill set among themselves. The judges are of the opinion that the President must be a judge, elected from among the judges of the Dispute Tribunal, as is the case for nearly all other administrative tribunals of international organizations, in particular the World Bank Administrative Tribunal, the Administrative Tribunal of the Inter-American Development Bank Group, the European Bank for Reconstruction and Development Administrative Tribunal and the Administrative Tribunal of the International Labour Organization. He or she must enjoy the trust of the other judges and must be able to represent the interests of the Dispute Tribunal, in particular the Tribunal's independence, its conditions of service and its efficiency. Moreover, the judges consider it crucial that the President be intimately familiar with the challenges associated with the work of the Tribunal. Particularly, as the President is in charge of deciding the deployment of the half-time judges on the basis of the caseload and any judicial absences affecting the work of the Tribunal, it is important that he or she knows the working environment first-hand and maintains a frequent dialogue with the other judges to assess how best to schedule those deployments. The judges of the Dispute Tribunal meeting in plenary are best placed to assess a candidate's suitability on the basis of the above-stated

criteria. Finally, the position is a highly demanding one that the incumbent assumes in addition to being a judge. The judges are of the opinion that a seven-year term is too long and would prevent any rotation, which allows for representation of judges from the various branches of the Tribunal. Dispute Tribunal experience shows that two years would be the maximum reasonable term length.

(b) View of the Appeals Tribunal

76. The judges of the Appeals Tribunal oppose the recommendation that the President of the Tribunal be appointed by the General Assembly for a term of seven years. Each year, the judges elect for the following calendar year a Bureau consisting of a President, a First Vice-President and a Second Vice-President. Decisions to appoint the President are made collegially and provide a pathway to the leadership of the Tribunal for experienced judges who have the trust and confidence of their colleagues and are prepared and able to serve as President. Administrative decisions taken by the judges are consultative and collegial; and the more important ones have the added benefit of detailed input from the Bureau (the Vice Presidents).

77. The Appeals Tribunal is unlike domestic jurisdictions and a period of learning, adaption and assistance from experienced colleagues is essential to being successful as its President. The rotation of Presidents on an annual or other regular basis enable up to all seven judges to become familiar with the unique role of the Appeals Tribunal before becoming President, usually after serving a term as a Vice-President. The current system ensures that the President has the appropriate previous experience and enhances collegiality and solidarity among the Tribunal's judges. Interlocutory matters requiring judicial involvement before the hearing of a case are currently dealt with expeditiously. A motion or other interlocutory matter, once ready for a judicial decision, is decided within a period of about one month and often sooner. The accumulating substantive caseload of the Appeals Tribunal is dealt with by individual judges being prepared to take more cases for decision so that there remains a reasonable period between the moment a case is ready for a judicial decision and the delivery of that decision with reasons. There is no backlog and there are no workload issues, nor are there any other less-than-optimal aspects of the functioning of the Appeals Tribunal that would require a reconsideration of its arrangements regarding its President.

78. Because the length of judicial terms at the Appeals Tribunal is seven years, following the recommendation would necessarily imply the appointment of a completely inexperienced and potentially even of an unsuited President for a lengthy period, together with the loss of the accumulated wisdom and experience of other more experienced judges. One of the stated advantages of a seven-year term is that it would ensure better long-term case management. If indeed there are case management problems at the Appeals Tribunal (of which the judges are unaware and about the existence of which they are unconvinced), these could be addressed in better ways.

79. If it was thought that the President of the Appeals Tribunal should hold office for more than a year, consideration could be given to a two-year or even a three-year term (with the President still being elected by the judges). Consideration might also be given to making greater use of the Vice-Presidents in the performance of some of the functions concerned.

(c) View of the Secretariat

80. The Secretariat fully acknowledges the need to maintain the operational efficiency of the Tribunals, including through the prompt assignment of cases to judges, a timely delivery of judgments by means of rigorous internal time limits and the prevention of case backlogs. It also acknowledges the important role of the President in that context.

81. Regarding the Dispute Tribunal, the General Assembly may wish to consider the responsibilities of the President and the need to ensure a regulatory framework that empowers the President to fulfil the mandate to monitor the timely delivery of judgments (statute of the Dispute Tribunal, art. 4, para. 7) and examine complaints against judges under the code of conduct. The President plays a central role in ensuring judicial accountability and managing the work of the Tribunal. The Secretariat accepts that, in certain cases, those objectives may better be achieved by setting the President's term in office at more than one year, which may contribute to promoting continuity and building up institutional memory (see A/73/218, recommendation 12).

82. However, it remains unclear why an extension of the President's term to seven years would be necessary to improve case management systems by incorporating, as the Internal Justice Council suggests, measures based on the complexity of the cases and changing the current numeric system of case assignment to a more efficient model. It is also unclear why a seven-year term would be necessary for any President to monitor adherence to applicable timelines by individual judges and panels. A set seven-year mandate could be cumbersome or counterproductive if it comes to light that a given President is less efficient in the assignment of cases or in the general management of the Tribunal's work. In addition, the regulatory framework would need to be amended to allow for removal from office on grounds of poor performance (as opposed to misconduct or incapacity), which is currently not regulated.

83. The Secretariat would support a more flexible approach based on renewable shorter terms of office. Such an approach would enable the internal justice system to respond to relevant trends and the needs of the moment, including by extending the mandate of a President who proves to be particularly effective in ensuring the timely distribution and delivery of judgments. In addition, for the Dispute Tribunal, such a system would require no change to the rules of procedure, as article 1, paragraph 1, already provides for a renewable term of one year without specifying whether renewals are limited in number (this provision made an extension possible for the current President). In the case of the Appeals Tribunal, article 1, paragraph 2 (a), of the rules of procedure provides that until otherwise decided by the Appeals Tribunal, the President and Vice-Presidents are to hold office for one year. This provision also seems to provide for flexibility with regard to term renewal.

6. Voluntary supplemental funding mechanism for the Office of Staff Legal Assistance

84. In paragraph 19 of its report (A/76/499), the Advisory Committee on Administrative and Budgetary Questions recommended that the General Assembly request the Secretary-General to provide in the present report an assessment of the voluntary supplementary funding mechanism for the Office of Staff Legal Assistance and consider alternative options and information on best practices of other organizations. The General Assembly endorsed this recommendation in paragraph 2 of its resolution 76/242. Consequently, the Secretary-General conducted an assessment of the provision of legal assistance to staff in several international organizations. The assessment shows that the voluntary supplementary funding mechanism is unique to the United Nations. UNRWA has a dedicated legal office that provides free legal assistance, but that is not funded in any way by voluntary contributions of staff members. In those organizations that do not provide free legal assistance to staff like the Secretariat and UNRWA do, some staff associations have made legal assistance available to staff by retaining professional lawyers paid for by the association. In one international organization, provision has been made for a full-time legal adviser employed by the staff association.

85. The Office for Staff Legal Assistance may be seen as a best practice and a model to be recommended, as it provides independent, qualified and objective legal advice

and assistance across several fora: it assists staff with informal dispute resolution, mediation, the disciplinary process, management evaluation and representation before the Tribunals. The Office's lawyers present cases in a professional manner, thereby contributing to efficiencies in the internal justice process. In addition, the Office fulfils a substantial filtering function by avoiding litigation whenever possible and helping staff to resolve disputes informally.

7. Information on Dispute Tribunal-related measures introduced by the General Assembly in resolutions 73/276 and 74/258 (para. 9 of the report of the Advisory Committee on Administrative and Budgetary Questions, A/76/499)

86. In resolution 73/276, the General Assembly mandated four measures related to the judicial and operational efficiency of the Dispute Tribunal: (a) the development and implementation of a case disposal plan; (b) performance indicators on the disposal of caseloads; (c) the creation of four additional half-time judge positions; and (d) a real-time case tracking dashboard. The following provides an update on the implementation of these measures.

(a) Case disposal plan

87. The case disposal plan was conceived and implemented in early 2019 to address a backlog of 404 pending cases. By 31 December 2019, the Dispute Tribunal had disposed of 66 per cent of those 404 cases. The last of the 404 cases was disposed of on 25 July 2021. Cases are now systematically assigned to judges on the basis of ageing.

(b) Performance indicators: disposal and judgment targets

88. Under the case disposal plan, the Dispute Tribunal was to issue a minimum of four judgments and dispose of six cases per month at each of its locations. Those targets amounted to at least 144 judgments per year and the disposal of 216 cases.

89. The judgment and disposal numbers from 2019 to 2021 facilitated a continuous reduction in the end-of-year caseload (see table 11).

Table 11
Judgments and disposals by the United Nations Dispute Tribunal

Year	*Judgments*	*Disposals*
2019	159	389
2020	221	350
2021	168	278

(c) Deployment of half-time judges

90. Since their appointment in 2019, the new half-time judges have been seamlessly integrated into the structure and operations of the Dispute Tribunal and have contributed significantly to the disposal of the backlog and caseload of the Dispute Tribunal. To date, the highest number of deployments have been made to Nairobi owing to the traditionally higher caseload at that location.

91. Half-time judges are generally given the same types of cases, including disciplinary cases, and receive dedicated support from the registries to manage their cases.

92. Initial feedback on the impact of the new composition of the Tribunal was included in paragraph 129 of A/75/162. Stakeholders observed that the half-time judges model added flexibility to the Dispute Tribunal and allowed for judicial

capacity to be deployed at locations with higher caseloads. This supported decentralization, a key principle of the internal justice system. Lists of pending cases assigned to the half-time judges were published, adding transparency and efficiency.

93. As experience has shown, short-term deployments of half-time judges, including consecutive deployments, need to be planned carefully to ensure that they do not undermine efficiency and that cases requiring a hearing or more detailed adjudication can be processed in a timely manner. Forward planning by the half-time judges and the registries and effective communication with the parties can facilitate efficient management and the efficient disposal of those cases.

94. Advanced notification of cases that have been assigned to each half-time judge also allows parties and counsel to plan for hearings of cases that, in some instances, had been dormant in the Tribunal pending assignment for extended periods and need substantial preparation by the parties, including organizing their evidence and witnesses.

95. Advance notification of cases requires careful coordination between and scheduling by the President, the half-time judge being deployed, the Registry and counsel for both parties.

96. As a result of the pandemic and its related travel restrictions, the half-time judges worked remotely during their deployments in 2021. This meant that, by the end of 2021, the five new half-time judges appointed in mid-2019 had worked remotely for most of their terms. By early 2022, pandemic-related restrictions in New York, Geneva and Nairobi had eased, and deployments currently include more on-site time for half-time judges. One full-time judge worked remotely during parts of 2021.

97. This will help to better familiarize the judges with the United Nations as workplace, deepen their understanding of the Organization and its policies and practices. In addition, it creates opportunities for training, continuous learning, and raising their awareness of the United Nations Values and Behaviours Framework, including the opportunity to complete relevant mandatory trainings offered by the Secretariat to staff members. This will allow judges to get fully acquainted with the policies of the Organization on accountability, standards and ethics and non-discrimination, among other things. They will be able to receive systematic updates on the accountability framework of the Organization and regular briefings on the issue of prohibited conduct, abuse of authority, discrimination, which includes racial discrimination, harassment, sexual harassment, and sexual abuse and exploitation.

98. While most half-time judges are fully available during deployments and dutifully undertake their casework, it has been observed that two half-time judges sometimes appear to be otherwise engaged during their deployments, which affects the efficiency of the proceedings and the management of cases. The matter was brought to the attention of the President of the Dispute Tribunal in 2021 and to the attention of the Internal Justice Council in 2022.

(d) Case-tracking dashboard

99. In paragraph 24 of resolution 73/276, the General Assembly requested the development of a real-time case-tracking dashboard for the Dispute Tribunal. The case-tracking dashboard was made publicly available on the website of the internal justice system in May 2020. It shows the number of pending cases at any location, their ageing and the number of cases disposed of on a monthly basis. With the implementation of a new Court Case Management System in August 2021, the case-tracking dashboard became a real-time business analytics tool, drawing data directly from the Court Case Management System and updating three times every 24 hours.

100. As a business analytics tool, it supports the visualization of aggregate data related to the size and aging of the caseload, the duration of proceedings before disposal and aggregate outcomes, among other matters. In addition, the dashboard is a critical performance monitoring tool for the stakeholders and an important instrument for the Tribunal and the registries in the planning and allocation of resources to address the caseload. It has increased transparency and access to information.

101. 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.

8. Cost of remote interpretation

102. In 2021, the Dispute Tribunal conducted six hearings requiring remote interpretation. The total cost for the provision of the electronic platform and related services for simultaneous interpretation was $17,659.00.

9. Opportunities to increase the use of mediation

103. In paragraph 2 of resolution 76/242, the General Assembly endorsed the conclusion of the Advisory Committee on Administrative and Budgetary Questions, contained in paragraph 34 of the Committee's report (A/76/499), in which the Committee recalled that the Assembly had requested the Secretary-General to continue to provide detailed information on the mediation activities of the Office of the United Nations Ombudsman and Mediation Services, including measures to increase the use of mediation.

104. The specific requirements for mediation as compared with other forms of informal dispute resolution, together with detailed information on the mediation activities of the Office of the United Nations Ombudsman and Mediation Services, are addressed in the separate report on the work of the Office.

105. The Secretary-General fully supports the increased use of mediation by the Office in appropriate cases at all stages of the internal justice system. Numerous offices throughout the Organization support entities in the informal resolution of disputes at early stages, successfully resolving issues without having resort to litigation, and working closely with stakeholders including the Office of the United Nations Ombudsman and Mediation Services, the Management Evaluation Unit and other entities, as appropriate.

106. Consideration should be given to including a mandatory conversation to explore informal resolution, including mediation, as a first step early in the dispute resolution process and, where feasible, before the initiation of a formal process, when parties may become fixed in their positions. If the possibility of mediation is not considered before a formal process is initiated, then it should be raised at the management evaluation stage. In that case, the parties would be required to have a discussion with a mediator to explore informal resolution options. The Management Evaluation Unit currently encourages efforts to utilize informal resolution at an early stage and, in general, tries to perform a triage of cases to determine which ones could go to mediation.

107. Where mediation is being considered, there should be reliable time limits agreed upon by the parties and the mediator to avoid drawn-out processes with little or no likelihood of success. During the discussions, it would also be important to clarify expectations on both sides regarding the benefits and clarify the limitations of mediation so as to avoid misperceptions.

108. Increased awareness-raising by the Office of the United Nations Ombudsman and Mediation Services among the judges could strengthen the use of mediation at the judicial stage. Judges could be supported in referring appropriate cases to mediation and to encourage parties to engage meaningfully in the process. Judges

should refer cases through early case management and discussions with the parties within 90 days after an application has been filed, especially where the applicant is unrepresented.

109. There is a need to continue outreach and awareness-raising activities across the Organization to better inform staff members and decision makers about the availability and benefits of mediation and about the possibility of having any concluded settlement agreement enforced through the Dispute Tribunal.

110. In some cases, the likelihood of success of mediation will depend on the availability of remedies that may be pursued through informal settlement.

111. The various mechanisms in the formal system support the increased use of mediation in appropriate cases and are willing to participate in a pilot project introducing a mandatory discussion about mediation as a first step.

112. Once a case has reached the Dispute Tribunal, successful mediation outcomes are relatively rare, suggesting that once a dispute has entered the Tribunals, the prospects for successful mediation decrease. Data compiled by the registries of the Tribunal regarding referrals to mediation – and a small number of cases in which the parties entered mediation without an order from the Tribunal – indicate that the success rate of mediation differs from location to location. The time needed to conclude mediation also varies across locations. The data suggest an overall success rate of mediations at that stage of 40 per cent over the past 12 years and 10 months (see table 12).

Table 12
Mediation: success rates and time required, by Tribunal location

Location	*Time frame (until latest completion/ abortion of mediation)*	*Successful/partly successful mediations*	*Unsuccessful mediations*	*Average turnaround time for successful mediations (days)*	*Average turnaround time for unsuccessful mediations (days)*
Geneva	1 July 2009 to 15 September 2021	32 (58%)	23 (42%)	152	72
Nairobi	1 July 2009 to 3 November 2021	33 (30%)	77 (70%)	169	72
New York	1 July 2009 to 15 February 2022	16 (42%)	22 (58%)	116	122
Total		**81 (40%)**	**122 (60%)**		

10. Remedies available to non-staff personnel, and simplified arbitration

113. Further to requests by the General Assembly for new proposals to improve the prevention and resolution of disputes involving non-staff personnel (see resolution 73/276, para. 46) the Secretary-General has brought to the attention of the Assembly – as part of a package of initiatives aimed at addressing relevant concerns – a plan for managing disputes with non-staff personnel within his authority and mandate as the chief administrative officer of the United Nations (see A/74/172, para. 95, subparas. (d) and (e)).

114. The plan involves simplifying and streamlining the existing dispute settlement procedure available to consultants and individual contractors and make it part of the form contract for their engagement under a newly revised administrative issuance (currently still in interdepartmental consultation pending promulgation). The new dispute settlement procedure will include a phase comprising strengthened informal amicable dispute resolution and, if that fails, procedures for a streamlined and simplified expedited arbitration to be adjudicated by a sole arbitrator based on the recently adopted expedited arbitration rules of the United Nations Commission on International Trade Law (UNCITRAL) with effect on 19 September 2021 (see A/76/17,

para. 189).[3] The UNCITRAL Expedited Arbitration Rules are part of the UNCITRAL Arbitration Rules, which have been the standard settlement mechanism for disputes arising from contracts with individuals who do not have access to the Organization's internal justice system, such as persons employed on special service agreements, consultants, individual contractors and United Nations Volunteers (see A/73/217, paras. 96–105, and A/73/79/Add.1). The new dispute settlement procedures for consultants and individual contractors will facilitate dispute settlement by making the process less time-consuming and costly for both non-staff personnel and the United Nations.

115. The Secretary-General is further examining the cost-effective engagement of a neutral entity that would support such ad hoc arbitration proceedings by appointing sole arbitrators and providing registry services, and identified the Permanent Court of Arbitration as well-placed to provide such support. The Court, an intergovernmental organization established by treaty in 1899, has been the only arbitration institution dedicated exclusively to the administration of disputes involving various combinations of States, State-owned entities, intergovernmental organizations and private individuals.

116. The Permanent Court of Arbitration would support the conduct of arbitration proceedings between the United Nations and non-staff personnel under the UNCITRAL Expedited Arbitration Rules[4] for an all-inclusive fee of 3,000 euros per case. This fee would be covered by the United Nations office where the dispute with the non-staff personnel arises, while the arbitrator's fees and costs would be shared equally between the parties pending the allocation of costs in the arbitral award. The Court's support would include appointing a sole arbitrator and providing administrative and registry services to the parties and the arbitrator during the arbitration.[5] The primary purpose of the Court's support would be to reduce the costs that would otherwise be incurred by the sole arbitrator carrying out administrative tasks, including maintaining an archive of filings and correspondence, holding and disbursing the arbitration deposits, organizing hearings and meetings between the sole arbitrator and the parties, offering general secretarial or linguistic support, and any other tasks entrusted to it by the arbitrator or the parties. The all-inclusive fee per case also includes the use, free of charge, of the Court's hearing and meeting facilities in The Hague, Buenos Aires, Hanoi, Port Louis, Singapore and Vienna. The Court's proposed support would thus save costs and lighten of the administrative burden for both non-staff personnel and the United Nations. Furthermore, for the all-inclusive fee per case, the Court would undertake to appoint a sole arbitrator who can take on the case either pro bono or for a reduced fee of around $10,000.00,[6] which is considerably lower than arbitrators have charged in the past.[7]

[3] The United Nations Commission on International Trade Law (UNCITRAL) is currently composed of seventy Member States elected by the General Assembly (see resolution 76/109).

[4] This is consistent with UNCITRAL Arbitration Rules, under which parties can avail themselves of the services of an appointing authority, i.e., a neutral entity designated by the parties to appoint an arbitrator.

[5] Normally Permanent Court of Arbitration appointing services alone cost €3,000 per case. That fee is inclusive of administrative and registry services, for which the Court normally charges $150 to $250 per hour. In the past, the Court's fees for such administrative and registry services in arbitrations involving non-staff personnel have ranged from €9,700 to €13,390, unless those services were being provided pro bono.

[6] The Permanent Court of Arbitration has acted as appointing authority in response to more than 900 requests brought under the UNCITRAL Arbitration Rules. The Court is well placed to identify such arbitrators. See Permanent Court of Arbitration, *Annual Report 2021*, p. 15.

[7] In past arbitration proceedings involving non-staff personnel, arbitral tribunals composed of a sole arbitrator have charged fees ranging from $19,200 to €38,800 (except where the sole arbitrator acted pro bono); three-member tribunals have charged fees ranging from CHF60,000 to $82,968.20.

IV. Other matters

A. Compensation awards

117. Information on compensation paid in 2021 in accordance with the recommendations of the Management Evaluation Unit, compensation awarded by the Tribunals in 2021 and compensation paid in 2021 in respect of previous awards made by the Tribunals is set out in annex V to the present report.

B. Rules of procedure of the United Nations Dispute Tribunal

118. 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. Pursuant to that request, the Dispute Tribunal proposed amendments to its rules of procedure on 8 June 2020. The proposed amendments were presented in annex II to report A/75/162 and submitted to the Assembly for 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 (see A/75/162/Add.1). In paragraph 38 of resolution 75/248, the General Assembly decided, among other matters, to consider at its seventy-sixth session the proposed amendments to the rules of procedure of the Tribunal. In the light of the extensive comments submitted by the legal offices representing the Secretary-General before the Tribunals and by the Office of Staff Legal Assistance, the Tribunal agreed to consult with the legal offices representing the Secretary-General before the Tribunals, the Office of Staff Legal Assistance and private counsel regularly representing staff members before the Tribunal. As a result of the consultations, the Tribunal withdrew the proposed amendments that had been submitted to the General Assembly in annex II to A/75/162 and submitted a revised proposal to the Assembly for consideration at its seventy-seventh session.

119. The revised version prepared by the Dispute Tribunal is contained in annex I to the present report.

120. Comments prepared by the legal offices representing the Secretary-General before the Tribunals, the Office of Administration of Justice and the Office of Staff Legal Assistance are contained in annexes II, III and IV, respectively, to the present report.

C. Jurisprudence of the Tribunals in cases concerning disciplinary matters

121. In a significant departure from past jurisprudence, recent judgments of the Appeals Tribunal that address the authority of the Secretary-General to impose disciplinary measures are inconsistent with the regulatory framework established by the General Assembly. In those judgments, the Tribunal significantly redefines the authority of the Secretary-General under staff regulation 10.1, to impose disciplinary measures on staff who have engaged in misconduct. In so doing, the Tribunal has effectively rewritten staff regulation 10.1, thereby usurping the authority of the General Assembly under Article 101 of the Charter of the United Nations to establish regulations governing the staff. In addition, the authority of the Office of Internal Oversight Services, as established by the General Assembly in its resolution

48/218 B, is being relegated to that of an alleger of misconduct rather than that of an investigator of facts and an institution that assists the Secretary-General in ensuring accountability for misconduct.

122. The Staff Regulations and Rules and the relevant administrative issuances promulgated thereunder provide for the decision to impose disciplinary measures to be taken in accordance with a disciplinary process. At the end of that process, the decision to impose a disciplinary measure is taken under the authority of the Secretary-General, often on the basis of investigation reports produced by the Office of Internal Oversight Services, statements and additional documentary evidence attached to those reports, and the submissions provided by the staff members charged with misconduct and their legal counsel in response to the allegations of misconduct.

123. The role of the Tribunals is to conduct a judicial review of disciplinary decisions and the process leading to such decisions. In article 2.1 (b) of the statute of the Dispute Tribunal, the General Assembly granted the Tribunals jurisdiction to consider appeals by a staff member against administrative decisions by the Secretary-General imposing disciplinary measures. The General Assembly, in its resolution 66/237, reaffirmed that the Tribunals were not to have any powers beyond those conferred under their respective statutes.

124. In recent disciplinary cases, however, among them cases relating to sexual harassment, sexual exploitation and sexual abuse, the Appeals Tribunal has ruled that the Dispute Tribunal, not the Secretary-General, must establish that the misconduct occurred. The Appeals Tribunal has likened the investigation by the Office of Internal Oversight Services to a police inquiry in a criminal case (judgment No. 2022-UNAT-1187, paras. 62 and 70). It has found that an investigative report by the Office of Internal Oversight Services, while useful, is not a substitute for a judicial determination whether misconduct has occurred (judgment No. 2022-UNAT-1210, para. 57) and has considered investigation reports by the Office to be merely hearsay (judgment No. 2022-UNAT-1187, para. 69). The Appeals Tribunal has concluded that it is insufficient for the Secretary-General to defend a decision to impose discipline for misconduct on the basis of the investigative materials provided by the Office and that the Secretary-General must prove, with witness testimony before the Dispute Tribunal, the veracity of the Office's report and the other materials from the investigation and disciplinary process.

125. Under this new direction in the jurisprudence of the Appeals Tribunal, if a decision by the Secretary-General to impose a disciplinary measure on a staff member for having engaged in sexual exploitation and abuse were based solely on an investigation report produced by the Office of Internal Oversight Services, it would not be found lawful by the Tribunals, unless the Secretary-General were able to present to the Tribunals additional evidence, including the presentation of witness testimony, proving the veracity of the report. This jurisprudence therefore shifts the authority to impose disciplinary measures from the Secretary-General to the Tribunals themselves in the sense that the final determination becomes theirs, and significantly limits the capacity of the Secretary-General to impose disciplinary measures in cases of sexual exploitation and abuse. Witnesses in such cases are often in remote locations, far removed from any Dispute Tribunal location. They may not be willing to appear before the Dispute Tribunal for a variety of reasons, including their young age, their vulnerability and cultural restrictions. Moreover, a significant amount of time may have passed since the misconduct occurred.

126. The recent judgments of the Appeals Tribunal demonstrate that the Tribunals no longer view their role as being limited to a judicial review of decisions by the Secretary-General to impose disciplinary measures (i.e., determining whether the Secretary-General has reasonably exercised his discretion to impose disciplinary

measures). Instead, under this recent jurisprudence, the Tribunals see themselves as conducting a de novo trial, which they liken to a criminal trial (judgment No. 2022-UNAT-1187, paragraphs 54, 55 and 70), in which the Dispute Tribunal must itself determine whether the misconduct occurred and those upon whom the Secretary-General has imposed disciplinary measures are presumed innocent until proven guilty before the Dispute Tribunal.

127. In sum, the judgments fail to respect the role of the Secretary-General, who under Article 97 of the Charter is the chief administrative officer of the United Nations and has been entrusted by the General Assembly in staff regulation 10.1 with the authority to impose disciplinary measures on staff members who engage in misconduct. In addition, the judgments fail to respect the operationally independent role of the Office of Internal Oversight Services, which the General Assembly has entrusted, in its resolution 48/218 B, with the function to investigate reports of violations of United Nations regulations, rules and pertinent administrative issuances and transmit to the Secretary-General the results of such investigations together with appropriate recommendations to guide the Secretary-General in deciding on jurisdictional or disciplinary action to be taken.

128. To address the effects of these judgments, which are contrary to the disciplinary legal framework established by the General Assembly, and to clarify the scope of the review to be conducted by the Tribunals in disciplinary cases, the Secretary-General proposes the following addition to the statute of the Dispute Tribunal:

Article 9

4. In hearing an application to appeal an administrative decision imposing a disciplinary measure, the Dispute Tribunal shall pass judgment on the application, determining whether the decision was a reasonable exercise of the Secretary-General's authority based on the evidence before the Secretary-General at the time the administrative decision was taken. The applicant shall bear the burden of showing that the decision was not a reasonable exercise of the Secretary-General's authority.

V. Conclusions and actions to be taken by the General Assembly

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

(a) **To take note of the information provided in the present report;**

(b) **To consider the comments, as set out in annexes II to IV, before deciding whether to approve the amendments to the rules of procedure of the Dispute Tribunal, as set out in annex I;**

(c) **To approve the addition of paragraph 4 to article 9 of the statute of the Dispute Tribunal, as set out in paragraph 128 above.**

Annex I

Proposals by the United Nations Dispute Tribunal concerning amendments to its rules of procedure

Amended rules of procedure of the United Nations Dispute Tribunal, as adopted by the Tribunal on 28 April 2022

Introduction by the United Nations Dispute Tribunal

The rules of procedure of the United Nations Dispute Tribunal currently in force were adopted before the Tribunal became fully operational and were based more on projection than on feedback from practice. The proposed amendments contained in the present annex are intended to address areas in which practical experience has demonstrated the need to streamline proceedings, remove discrepancies and facilitate access to the basic rules for unrepresented applicants. The proposed amendments reflect the deliberations held by the Dispute Tribunal in three plenary meetings in May 2020, October 2021 and April 2022. Input received from registrars and stakeholders has been taken into consideration to the extent considered appropriate and useful. The Dispute Tribunal has considered, in particular, the proposals and comments formulated by a consultative working group comprising 3 judges of the Tribunal, 16 counsel appearing on behalf of the Secretary-General, 2 representatives of the Office of Staff Legal Assistance, 4 private counsel appearing before the Tribunal on behalf of staff members and 1 representative of the Registry. The consultative group worked from April 2021 until April 2022. All changes proposed in the present annex had been submitted for discussion; full consensus was reached for some as indicated in the commentary below, while others were opposed in part, and for some, owing to a lack of sufficient time and coordination on the part of the responding offices, the working group could not conduct thorough deliberations or reach agreement in every linguistic detail. The Tribunal is, however, of the opinion that, to date, sufficient discussion has been held for it to take a fully informed decision to adopt, in accordance with its statutory competence, and propose for approval the amendments detailed below.

A part of the amendments results simply from the statutory change in the number of judges of the Dispute Tribunal and the modalities of their employment. Another part (the amendments concerning arts. 8, 9, 10, 10 bis, 18.3, 18.4 and 19) is intended to strengthen the adversarial nature of the process, the concentration of evidence and the parties' responsibility for presenting their case. A third part is intended to ensure uniformity of practice and put applicants on notice with regard to the protection of vulnerable witnesses, confidential evidence and personal data (arts 17.7, 18 bis and 26 bis). A fourth part was deemed necessary to enable the prompt determination of receivability of applications and thus eliminate a bulk of disputed matter (arts. 7 and 35), to remove inaccuracies (arts. 11 and 22) and to streamline proceedings and explain them to the participants.

The table below contains the proposed amendments. Annotations explaining their rationale have been provided, unless they were deemed self-explanatory. The Dispute Tribunal stresses that court proceedings are not accelerated by imposing deadlines but by providing clarity in areas that are unclear or controversial or involve the balancing of interests, and by enforcing the procedural obligations of the parties.

Text of the rule, as amended	*Comments by the United Nations Dispute Tribunal*
Article 1. Election of the President	
1. The **judges of the United Nations** Dispute Tribunal **("Dispute Tribunal")** shall elect a President from among the full-time judges, for a renewable term of one year, to direct the work of the **Dispute** Tribunal and of the Registries, in accordance with the statute of the Dispute Tribunal **("UNDT statute")**.	The amendments proposed to article 1 are mainly of an editorial nature, with the exception of paragraph 2 (a), which responds to the occasional need to elect the President before the start of a new term of office.
2. ~~Until~~ **Unless** otherwise decided by the Dispute Tribunal:	
(a) The election shall occur at a plenary meeting every year**.** ~~and~~ **Upon election,** the President shall take up his or her duties ~~upon election~~ **on the day set by plenary decision**;	
(b) ~~The retiring President shall remain in office until his or her successor is elected;~~ [Deleted]	
(c) If the President should cease to be a judge of the Dispute Tribunal, should resign his or her office before the expiration of the normal term or is unable to act, an election shall be held for the purpose of appointing a successor for the ~~unexpired portion~~ **remainder** of the term **of office**;	
(d) Elections shall be by majority vote.	
(e) Any judge who cannot attend ~~for that purpose~~ **the election** is entitled to vote by ~~correspondence~~ **proxy**.	
Article 2. Plenary meeting	
1. The Dispute Tribunal shall normally hold a plenary meeting **in person** once a year to deal with questions affecting the administration or operation of the Dispute Tribunal**. In addition, plenary meetings through audio or audiovideo conference may be held as necessary. A judge who is unable to participate in the vote, either in person or through electronic communication, may provide a proxy to another judge.**	The practice demonstrates the need to hold meetings having the rank of plenary meetings more frequently than once a year. Although meetings in person remain indispensable, it is logistically and financially unrealistic to hold in-person plenaries more than once a year. The holding of additional plenary meetings through audiovideo conference will enable ad hoc matters of the Tribunal to be addressed, without creating ambiguity as to whether or not the meeting has the status of a plenary meeting.
2. ~~Three~~ **Five** judges shall constitute a quorum for **the** plenary meetings of the Dispute Tribunal. **Decisions shall be made by a majority vote of the judges participating.**	The number of judges constituting the quorum needed to be adjusted to reflect the fact that, following the reform of the Dispute Tribunal in 2019, there are now nine judges in the Tribunal.
3. The plenary meeting shall be called by the President or at the request of five judges.	
Article 3. Commencement of office	
Unless otherwise decided by the General Assembly, the term of office of the judges of the Dispute Tribunal shall commence on the first day of July following their ~~appointment~~ **election** by the General Assembly.	It was considered that the term "appointment" could be confusing and could obscure the fact that judges of the Dispute Tribunal are elected officials.

Text of the rule, as amended	*Comments by the United Nations Dispute Tribunal*
Article 4. Venue	
1. The judges of the Dispute Tribunal shall exercise their functions in New York, Geneva and Nairobi ~~respectively~~. **The Dispute Tribunal shall determine the venue for the filing of applications in a practice direction.** However, the Dispute Tribunal may decide to hold sessions at other duty stations as required.	Rules determining the distribution of cases based on geographical criteria are not obvious to find. The purpose of this amendment is merely to direct the potential applicants to the relevant legal instrument: the practice direction.
2. A party may apply for a change of venue where the interest of justice so requires.	The two new proposed paragraphs clarify what is being done in practice, with the last sentence of paragraph 3 being the reflection of the established principle of stability of the adjudicating court.
3. A change of venue may be determined by the President of the Dispute Tribunal where so required in the interest of justice on a case-by-case basis or by the need to balance the caseload across the seats of the Tribunal. A change of venue regarding a case already assigned to a judge requires his/her consent.	
Article 4 bis. Electronic communication	
Unless otherwise provided by these Rules or decided by a judge, any action in the course of the proceedings before the Dispute Tribunal may be performed by electronic means. This includes filing and service of documents, taking testimony from witnesses and experts, deliberations, affixation of signatures and issuance of judgements and orders.	
Article 5. Consideration by a panel	
1. Except in cases falling under article 5.2 below, cases shall be considered by a single judge.	
2. As provided for in its statute, the Dispute Tribunal may refer any case to a panel of three judges for a decision.	
3. If a case is examined by a panel of three judges, ~~the~~ **all** decision**s** shall be taken by majority vote. Any concurring, separate or dissenting opinion shall be recorded in the judgement.	
Article 6. Filing of cases	
~~1.~~ An application shall be filed at a Registry of the Dispute Tribunal~~, taking into account geographical proximity and any other relevant material considerations~~. **in accordance with the venue determined in the practice direction. Erroneous filing in a seat of the Tribunal other than determined in the practice direction does not affect receivability of the application.**	The rule that a party may apply for a change of venue has been moved from article 6.2 to article 4. The other sentence in article 6.2, namely “The Dispute Tribunal shall assign cases to the appropriate Registry”, was deemed not to have any substantive contribution.
~~2. The Dispute Tribunal shall assign cases to the appropriate Registry. A party may apply for a change of venue.~~ [Deleted]	

Text of the rule, as amended	*Comments by the United Nations Dispute Tribunal*
Article 6 bis. Access to the case file	
1. Parties to the proceedings and their legal representatives shall have access to the case records through the eFiling portal. The case records include audio and audiovisual recordings of case management discussions and oral proceedings.	Article 6 bis puts the parties on notice of the modalities governing access to the case records and is intended to eliminate unfounded requests to the Registries for individual service email or a hard copy of the case file.
2. Disclosure of the recordings referred to in section 1 without the Tribunal's permission is prohibited.	
Article 7. Time limits for filing applications	
1. Applications shall be submitted to the Dispute Tribunal through the Registrar within **time limits determined by the Staff Rules and the statute.**	The texts repeating the language of the statute have been eliminated and replaced with references to the Dispute Tribunal statute and the Staff Rules. This approach has been taken throughout the draft. Moreover, it was considered useful to group provisions dealing with deadlines under one article.
~~(a) 90 calendar days of the receipt by the applicant of the management evaluation, as appropriate;~~	
~~(b) 90 calendar days of the relevant deadline for the communication of a response to a management evaluation, namely, 30 calendar days for disputes arising at Headquarters and 45 calendar days for disputes arising at other offices; or~~	Paragraphs 2 and 3 fill a gap in the applicable rules, which in the Tribunal's practice has caused avoidable litigation. Compliance with deadlines for undertaking legal action to challenge administrative decisions before the Dispute Tribunal is fundamental for the receivability of an application and jurisprudence insists on the strict enforcement of such deadlines. Receivability of an application should be a matter, by and large, quick to determine. In practice, it is not. Among other problems, there is dating of filing or service.
~~(c) 90 calendar days of the receipt by the applicant of the administrative decision in cases where a management evaluation of the contested decision is not required.~~	
2. ~~Any person making claims on behalf of an incapacitated or deceased staff member of the United Nations, including the Secretariat and separately administered funds and programmes, shall have one calendar year to submit an application.~~ **An application is filed in a timely manner when it has been sent, electronically or by registered mail, on or before the last day of the deadline. An applicant bears the burden of demonstrating a timely filing.**	Specifically, regarding electronic communication, given that the software used for delivery of submissions is not necessarily equipped with a confirmation-of-receipt function, the lack of proof of delivery is conducive to disputes over the effective date of an electronic filing or service, arising on both sides, i.e. the respondent and the applicant. In most cases, it requires establishing such a date through the hearing of witnesses, usually to the disfavour of the respondent, who cannot effectively disprove the testimony, and thus potentially allowing belated applications into the phase of substantive considerations. In general, however, this process delays the disposal of cases and generates costs. The legal presumption of service proposed in article 7.3 removes the problem altogether. This presumption is of a purely procedural character, its operation is limited to the sphere of procedure and is properly placed in these Rules, just as is the case with the presumptions already approved and operating in article 34 in its present form.
3. Where ~~the parties have sought mediation of their dispute, the application shall be receivable if filed within 90 calendar days after mediation has broken down.~~ **a deadline relevant for receivability of an application is triggered by a receipt of communication transmitted by email, absent electronic confirmation of receipt, it will be considered that the communication was delivered on the next calendar day following the dispatch.**	

Text of the rule, as amended	*Comments by the United Nations Dispute Tribunal*
4. ~~Where an application is filed to enforce the implementation of an agreement reached through mediation, the application shall be receivable if filed within 90 calendar days of the last day for implementation as specified in the mediation agreement or, when the mediation agreement is silent on the matter, after 30 calendar days from the date of the signing of the agreement.~~ 5. ~~In exceptional cases, an applicant may submit a written request to the Dispute Tribunal seeking suspension, waiver or extension of the time limits referred to in article 7.1 above. Such request shall succinctly set out the exceptional circumstances that, in the view of the applicant, justify the request. The request shall not exceed two pages in length.~~ 6. ~~In accordance with article 8.4 of the statute of the Dispute Tribunal, no application shall be receivable if filed more than three years after the applicant's receipt of the contested administrative decision.~~	Paragraphs 4, 5 and 6 are proposed for deletion because they are, in part, repetitions of the statute. Conditions for suspending or waiving deadlines, in turn, are specified in general terms in article 35 as proposed below.
Article 8. Applications	
1. An application may be submitted on an application form to be prescribed by the Registrar. 2. The application ~~should~~ **shall** include the following information: (a) The applicant's full name, date of birth and nationality; (b) The applicant's employment status (including United Nations index number and department, office and section) or relationship to the staff member if the applicant is relying on the staff member's rights; (c) Name of the applicant's legal representative (with authorization attached); (d) The address to which documents should be sent; (e) **Specific indication of the contested decision, including** ~~W~~ when and where the contested decision~~, if any,~~ was taken (with the contested decision**, if in writing,** attached); (f) Action and remedies sought; (g) Any supporting documentation (annexed and numbered, including, if translated, an indication thereof). 3. The signed original application form and the annexes thereto shall be submitted together. The documents may be transmitted electronically.	The amendments proposed here are intended to impose greater discipline on the applications, insisting on clarity regarding the scope of proceedings. It has been suggested that unrepresented applicants may experience a greater challenge. However, the requirements here articulated are of a rudimentary nature, whereas time periods for requesting management evaluation and, subsequently, for filing an application, are generous enough to allow for the preparation of an application in accordance with these requirements notwithstanding whether or not the applicant is assisted by counsel. A clear advantage, in any event, is that the requirements are now plainly set out in the Rules. To streamline the procedure, it is necessary to require a clear indication of the contested decision, as proposed in paragraph 2 (e), absent which the application could be rejected as incomplete. The jurisprudence confirms that an applicant must identify and define the impugned administrative decision (judgments Nos. 2010-UNAT-049 and 2019-UNAT-917) and it also confirms that the Dispute Tribunal has the inherent power to individualize and define the administrative decision challenged by an applicant and to identify the subject of judicial review, and as such "may consider the application as a whole … in determining the contested or impugned decisions to be reviewed" (judgment No. 2017-UNAT-765). The proposed amendment does not reject any of these pronouncements; rather, it seeks to establish a proper identification of the impugned decision by the applicant

Text of the rule, as amended	*Comments by the United Nations Dispute Tribunal*
4. After ascertaining that the requirements of the present article have been complied with, the Registrar shall transmit a copy of the application to the respondent and to any other party a judge considers appropriate. If the formal requirements of the article are not fulfilled, the Registrar may require the applicant to comply with the requirements of the article within a specified period of time. Once the corrections have been properly made, the Registrar shall transmit a copy of the application to the respondent.	as a rule, and the Tribunal's intervention in this matter as an exception. The current frequent undertaking by the Tribunal to distil what constitutes the impugned decision from the application taken "as a whole" is overly time-consuming, risks compromising its neutrality, and is conducive to appeals against the Tribunal's interpretation of the application. It is submitted, however, that the problem of significant time and effort consumed by all participants and in all phases of the proceedings on the question of identification of the contested decision stems from the absence of any formalization whatsoever of the issuance of an administrative decision in the vast area of legal relations that follows the act of appointment, namely the absence of any prescribed form, deadline, rank and position of the issuing agent, or even a formula informing a staff member of the fact that the communication constitutes a decision; moreover, not infrequently, the fact of the issuance of a decision appears purposefully obscured.
5. The applicant may not request a remedy not articulated in the original application, unless facts forming the basis of such a request occurred after the filing of the original application.	Paragraph 5 is proposed towards a similar goal as paragraph 2 (e). In the past, the question was dealt with by jurisprudence and attracted conflicting pronouncements. The current prevailing position is that the applicant may amend the request for a remedy until the issuance of the judgment. The practical inconvenience of this position is frequent broadening of the request for damages once the principal requested remedy has been satisfied by the respondent. This practice discourages settlement and prolongs proceedings by reorienting them towards new facts and arguments. The proposed amendment allows a proper response where a late request for remedy is genuinely due to new circumstances. It is moreover expected that limiting the modifications to the remedy may be conducive to greater use of informal resolution mechanisms.
Article 9. Summary judgement **and judgement based on documents**	
1. A party may move for summary judgement when there is no dispute as to the material facts of the case and a party is entitled to judgement as a matter of law. The Dispute Tribunal may determine, on its own initiative, that summary judgement is appropriate.	At present, article 9, which is based on the Webster's Dictionary definition of a summary judgment, does not capture the nature of the disposition of cases based on documents, which is being done in practice and which does not qualify as "summary judgment" in the sense of article 9. Cases in which material facts are not disputed are rare. Rather, in the majority of cases before the Dispute Tribunal, the facts are disputed, or different factual inferences are drawn by the parties from predicate facts, which requires a case management discussion and/or further exchanges of
2. **The Tribunal may proceed to judgement wherever submissions by parties suffice for the determination of the case.**	

Text of the rule, as amended	*Comments by the United Nations Dispute Tribunal*
	documentary filings from either party. The crux of the matter lies not in having the facts undisputed but in having them properly established based on documents, without the need to resort to a hearing. Resignation of a hearing is already envisaged in article 16, which provides that the Tribunal "may hold" a hearing. It is understood that a judgment may be issued at any time, based on documents. In response to concerns expressed by the Office of Staff Legal Assistance, it is noted, however, that, depending on the circumstances of the case, the Tribunal may give the parties additional notice, for example, by inviting them to make closing submissions.
Article 10. Reply	
1. The respondent's reply shall be submitted within 30 calendar days of the date of receipt of the application by the respondent. The signed original reply and the annexes thereto shall be submitted together. The document may be transmitted electronically. **Where the** ~~A~~ respondent **does not** ~~who has not submitted~~ **submit the** reply within the requisite period **of time, the Tribunal may adjudicate the case accepting as true the factual statements contained in the application and other submissions that have been served on the respondent, unless the Tribunal has reason to doubt their veracity**~~ shall not be entitled to take part in the proceedings, except with the permission of the Dispute Tribunal~~.	The last sentence of paragraph 1 is proposed for deletion because it is considered counterproductive for the Tribunal to continue with an inquiry while denying the respondent participation in the proceedings. Rather, a failure to file a reply should be treated as a lack of dispute concerning the facts and should authorize the Tribunal to issue what is commonly known as a "judgment by default". This is expressed in the sentence proposed to replace that deleted.
2. In the reply, the respondent shall, in a precise and comprehensive manner: **(a) Take a position on the receivability of the application;** **(b) Present the legal and factual basis on which the contested administrative decision has been made, and the evidence supporting such factual basis;** **(c) Take a position as to the relevance of legal and factual claims presented in the application and accept or deny the truth of the legal and factual claims, or deny having knowledge or information sufficient to form a belief about their truth;** **(d) Present a general denial of claims or facts not admitted or disputed, but which may later be deemed relevant.**	Paragraph 2 represents an agreed position. It is intended to speed up the proceedings and to foster greater adversariality and concentration of evidence in the Dispute Tribunal proceedings by introducing a fact-based pleading requirement. The Dispute Tribunal observes that the practice of notice-based pleadings, in which the respondent may only signal opposition, does not contribute to speedy proceedings, as it inherently presupposes an evolution of argument and evidence. The proposed amendment is intended to impose greater rigour on the respondent in articulating his or her position, without placing him or her under any undue burden. In general, the respondent, who is the author of the impugned decision and who at all times represents the public interest, is expected to demonstrate, in a transparent manner how the administrative decision was taken. Moreover, in detailing his or her position vis-à-vis the applicant's grievance, the respondent has at his or her disposal the management evaluation stage. Furthermore, it is recalled that, although the deadline for filing a reply is relatively short, the Tribunal may, and in practice often does, adjust the deadlines that it sets to particular situations.

Text of the rule, as amended	*Comments by the United Nations Dispute Tribunal*
~~2~~ **3.** After ascertaining that the requirements of the present article have been complied with, the Registrar shall transmit a copy of the **reply** ~~response~~ to the applicant **and to any other person or entity**, ~~and to any other party a judge considers appropriate.~~ **the intervener and/or the person invited to furnish observations under Article 11**, as **applicable** ~~appropriate~~. If the formal requirements of the article are not fulfilled, the Registrar may require the respondent to comply with the requirements of the article within a specified period of time. Once the corrections have been properly made, the Registrar shall transmit a copy of the reply to the applicant.	For the deletion of a sentence in paragraph 3 (previously paragraph 2), see the comments to articles 11 and 22
4. The Dispute Tribunal may decide that a reply not be requested where the application is manifestly not receivable or unfounded.	
Article 10 bis. Pleadings	
1. At any time following the filing of a reply, the Dispute Tribunal may order that either party submit, within a specified deadline, arguments and evidence that are deemed necessary to the proper adjudication of the issues that have been identified, with an indication of the specific facts for which the evidence is proposed.	Article 10 bis is also an agreed position. It describes a following procedural step in the event that a judge finds that the initial pleadings do not fully address material issues. In principle, it is meant to bring the pleading phase to a close, hence the disciplining authority in paragraph 2, in which the actual practice endorsed by the Appeals Tribunal is described.
2. The Dispute Tribunal may, in consideration of the circumstances, draw an adverse inference from the failure to provide a responsive answer; it may, moreover, prohibit that party from advancing further pleadings or submissions on that matter.	Paragraph 3 provides for an exception in the eventuality of newly obtained or newly discovered evidence.
3. Should a party obtain evidence that was not available to it when the relevant pleading was being made, it may seek leave from the Dispute Tribunal to submit that evidence to supplement its earlier response or amend the argument accordingly.	
Article 11. Joining of a party	
The Dispute Tribunal may at any time, either on the application of a party or on its own initiative, ~~join another party if it appears to the Dispute Tribunal that that party has a legitimate interest in the outcome of the proceedings.~~ **invite observations from a third person when the Dispute Tribunal considers it to be useful.**	This article as originally drafted appears to have been inaccurately translated from French. In the French original, participation in the capacity of a party was not foreseen. Neither is it possible under the applicable legal framework to join another person as party to the proceedings, given that the Tribunal is exercising jurisdiction only over applications submitted in accordance with precise statutory conditions, involving management evaluation and strict deadlines; moreover, this jurisdiction is only over decisions taken in a “precise individual case” (Administrative Tribunal of the United Nations, judgment No. 1157, endorsed by the Appeals

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	Tribunal). The amended version presented here appears to be the most faithful equivalent of the French version. However, the utility of this article is limited, as evidenced by the fact that no use was made of it in 10 years. A joinder of cases (i.e., similar individual applications), in turn, is addressed in a new paragraph added to article 19.
Article 12. Representation	
1. ~~A party~~ **An applicant** may present his or her case to the Dispute Tribunal in person, or may designate counsel from the Office of Staff Legal Assistance or counsel authorized to practice law in a national jurisdiction.	This rule is already applied in practice. Including it explicitly in paragraph 3 helps to prevent disputes concerning the effective date of service.
2. ~~A party~~ **An applicant** may also be represented by a staff member or a former staff member of the United Nations or one of the specialized agencies.	
3. Where a party has representation, documents shall be served on the representative only. The submissions made by the representative are considered as made by the party.	
Article 13. Suspension of action during a management evaluation	
1. The Dispute Tribunal shall order a suspension of action ~~on an application filed by an individual requesting the Dispute Tribunal to suspend, during the pendency of the management evaluation, the implementation of a contested administrative decision that is the subject of an ongoing management evaluation, where the decision appears prima facie to be unlawful, in cases of particular urgency and where its implementation would cause irreparable damage.~~ **where conditions set out in article 2 of the Dispute Tribunal statute are met.**	The deletion in paragraph 1 is to avoid repeating the conditions set out in article 2 of the statute.
2. The Registrar shall transmit the application to the respondent **who may file a reply**.	In paragraph 2, the sentence was completed to clarify that the respondent can decide if he or she wants to file a reply.
3. The Dispute Tribunal shall consider an application ~~for interim measures~~ **for suspension of action** within five working days of the service of the application on the respondent.	In paragraph 3, the expression “suspension of action” replaces “interim measures” for consistency with the title of article 13, which refers to suspension of action during a management evaluation, in order to avoid confusion with “interim measures” under article 14, which refers to “interim measures to provide temporary relief”.
4. The decision of the Dispute Tribunal on such an application shall not be subject to appeal.	

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Article 14. ~~Suspension of action during the proceedings~~ **Interim measures** 1. At any time during the proceedings, the Dispute Tribunal may order interim measures to provide temporary relief ~~the contested administrative decision appears prima facie to be unlawful, in cases of particular urgency and where its implementation would cause irreparable damage. This temporary relief may include an order to suspend the implementation of the contested administrative decision, except in cases of appointment, promotion or termination.~~ **where conditions set out in article 10 of the Dispute Tribunal statute are met.** 2. The Registrar shall transmit the application to the respondent. 3. The Dispute Tribunal shall consider an application for interim measures within five working days of the service of the application on the respondent. 4. The decision of the Dispute Tribunal on such an application shall not be subject to appeal.	The title of the article has been changed to conform to the wording of article 10.2 of the statute. The deletion in paragraph 1 is to avoid re-stating the language of the statute.
Article 15. Referral to mediation 1. At any time during the proceedings, including at the hearing, the Dispute Tribunal may propose to the parties that the case be referred for mediation and suspend the proceedings. 2. Where the judge proposes and the parties consent to mediation, the Dispute Tribunal shall send the case to the Mediation Division in the Office of the Ombudsman for consideration. 3. Where parties on their own initiative decide to seek mediation, they shall promptly inform the Registry in writing. 4. Upon referral of a case to the Mediation Division, the concerned Registry shall forward the case file to the Mediation Division. The proceedings will be suspended during mediation. 5. The time limit for mediation normally shall not exceed three months. However, after consultation with the parties, where the Mediation Division considers it appropriate, it will notify the Registry that the informal **mediation** efforts will require additional time. 6. It shall be the responsibility of the Mediation Division to apprise the Dispute Tribunal of the outcome of the mediation in a timely manner.	

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7. All documents prepared for and oral statements made during any informal conflict-resolution process or mediation are absolutely privileged and confidential and shall never be disclosed to the Dispute Tribunal. No mention shall be made of any mediation efforts in any documents or written pleadings submitted to the Dispute Tribunal.	
Article 16. Hearing	
1. The **Tribunal** ~~judge hearing a case~~ may hold **an** oral hearing whenever necessary for a fair disposal of the case.	In the context of administrative law, it is not easy to express in predetermined criteria the situations in which a case requires a hearing. The matter depends on the scope of the disputed material facts, whether such facts can at all be elucidated through a hearing and whether the relevant oral evidence is available to be produced before the Tribunal. The latter is not a matter of course, given that the Organization operates globally, while the Tribunal has no subpoena powers over witnesses who are not staff members. Judicial determination regarding the holding of a hearing, therefore, necessarily turns on consideration not just of what would be desirable, but also of what is objectively possible. The issue is no different in disciplinary cases. For these reasons, it was considered that the current paragraph 2, which establishes a presumption in favour of a hearing, qualified with a cryptic criterion of normalcy, was not informative; primarily, it was unclear whether paragraph 2 established a right for an applicant to be heard or expressed a recognition that disciplinary matters "normally" involve disputed facts. The proposed change imposes an obligation to consult the parties; at the same time, it clarifies that the ultimate decision belongs to the judge. It implies a reasoned decision as to why the hearing was ultimately necessary.
2. A hearing shall ~~normally~~ be held following ~~an appeal~~ **the filing of an application** against an administrative decision imposing a disciplinary measure**, unless the Tribunal, upon consultation with the parties, decides that it is not necessary.**	
3. The Registrar shall notify the parties of the date and time of ~~a~~ **the** hearing in advance and confirm the names of witnesses **and/**or expert witnesses. ~~for the hearing of a particular case.~~	
4. The parties or their duly designated representatives must be present at the hearing either in person or, where unavailable, by video link, telephone or other electronic means. **The Tribunal may, however, decide to proceed with a hearing in the absence of a party or a representative, provided they have been properly notified.**	The sentence added to paragraph 4 is to prevent stalling of the process by any of the parties. It is believed that the language and placement proposed here is more appropriate than that of existing article 17.2.
5. If the Dispute Tribunal requires the physical presence of a party or any other person at the hearing, the necessary costs associated with the travel and accommodation of the party or other person shall be borne by the Organization.	

Text of the rule, as amended	*Comments by the United Nations Dispute Tribunal*
6. The oral proceedings shall be held in public unless the judge hearing the case decides, at his or her own initiative or at the request of one of the parties, that exceptional circumstances require that the oral proceedings be ~~closed~~ **held in camera**. If appropriate in the circumstances, the oral hearing may be held by video link, telephone or other electronic means.	
Article 17. Oral evidence	
1. The presiding judge directs the course of the hearing.	It was felt that a general authority to determine the order of taking evidence, asking questions, dealing with objections, submissions, deadlines, adjournments, and so forth, should be addressed in a succinct provision, proposed here in paragraph 1.
~~1.~~ **2.** The parties may call witnesses and experts to testify. The opposing party may cross-examine witnesses and experts. The Dispute Tribunal may examine witnesses and experts called by either party and may call any other witnesses or experts it deems necessary. The Dispute Tribunal may make an order requiring the presence of any person or the production of any document.	The content of the current paragraph 2 has been moved to article 16, where it is better placed. The proposed paragraph 2 restates the current paragraph 1, for better logical flow.
~~2. The Dispute Tribunal may, if it considers it appropriate in the interest of justice to do so, proceed to determine a case in the absence of a party.~~	
3. Each witness shall make the following declaration before giving his or her statement: "I solemnly declare upon my honour and conscience that I will speak the truth, the whole truth and nothing but the truth." **Each expert shall make the following declaration before giving his or her statement: "I solemnly declare upon my honour and conscience that my statement will be in accordance with my sincere belief."**	
4. ~~Each expert shall make the following declaration before giving his or her statement: "I solemnly declare upon my honour and conscience that my statement will be in accordance with my sincere belief."~~ **Any party may object to the testimony of a given witness or expert, stating reasons for such objection. The Dispute Tribunal shall decide on the matter. Its decision shall be final.**	The sentence deleted in paragraph 4 has been moved to paragraph 3, whereas the sentence opening paragraph 5 has been moved to paragraph 4, for better flow.
5. ~~Any party may object to the testimony of a given witness or expert, stating reasons for such objection. The Dispute Tribunal shall decide on the matter. Its decision shall be final.~~ **The Dispute Tribunal shall determine the appropriate means for satisfying the requirement for personal appearance of the parties, witnesses and experts. Where physical appearance is**	With respect to paragraphs 5 and 6, it is proposed that for evidence to have a quality of testimony, the witness must deposit it directly before the Tribunal, albeit by electronic means. Exceptions should only apply to expert evidence, and still subject to consultations. Statements adduced otherwise do not qualify as testimony. These may be investigative statements, affidavits, records of testimony given before another

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unfeasible, evidence may be taken by video link, telephone or other electronic means.	court and so forth, which qualify as documentary evidence.
6. The Dispute Tribunal ~~shall decide whether the personal appearance of a witness or expert is required at oral proceedings and determine the appropriate means for satisfying the requirement for personal appearance. Evidence may be taken by video link, telephone or other electronic means.~~**, upon consultation with the parties, may decide to receive expert evidence submitted in writing without calling the expert to testify.**	
7. At the request of a party, a witness or ex officio, the Dispute Tribunal may take measures such as it deems appropriate to protect the interests of vulnerable witnesses, including by preventing direct confrontation with the applicant or another participant where it might cause severe emotional distress.	Paragraph 7 is added following a suggestion from the administration and reflects what is implemented in practice; it is significant mainly in cases involving sexual exploitation, abuse or harassment.
Article 18. Evidence	
1. The Dispute Tribunal shall determine the admissibility of any evidence. **No evidence shall be admissible if obtained by methods that cast substantial doubt on its reliability or if its admission is antithetical to and would damage the integrity of the proceedings. The Dispute Tribunal may exclude evidence that is irrelevant or lacking in probative value; it may also limit oral testimony as it deems appropriate.**	The second sentence as inserted into paragraph 1 reflects agreed language providing for a general exclusion of evidence obtained in violation of rules of ethics. The second sentence is being moved from paragraph 6, as it is logically connected with the preceding sentences.
2. ~~The Dispute Tribunal may order the production of evidence for either party at any time and may require any person to disclose any document or provide any information that appears to the Dispute Tribunal to be necessary for a fair and expeditious disposal of the proceedings.~~ **In deciding whether the matter before it has been proved to the requisite standard, the Dispute Tribunal evaluates evidence in accordance with logic and common sense.**	The proposed new text of paragraph 2, on the evaluation of evidence, also reflects an agreed position. It is intended to state what is a civilizational achievement and a cornerstone of judicial power and reflects the finding of the Appeals Tribunal set out in its judgment No. 2011-UNAT-123: “The Dispute Tribunal has a broad discretion to determine the admissibility of any evidence under Article 18 (1) of its Rules of Procedure and the weight to be attached to such evidence”. This sentence defines the criteria by which the evaluation of evidence is measured, in other words, how the Dispute Tribunal exercises its discretion.
3. ~~A party wishing to submit evidence that is in the possession of the opposing party or of any other entity may, in the initial application or at any stage of the proceedings, request the Dispute Tribunal to order the production of the evidence.~~ **Facts admitted and facts that are not reasonably subject to dispute do not require proof. Subject to article 10, where a party does not take a position regarding relevant facts, the**	The proposed paragraph 3 is a logical continuation of the preceding paragraphs. It addresses situations in which proof is not required. It sets out an agreed position, with the exception of the administration’s opposition to the phrase “not reasonably subject to dispute”. Facts not reasonably subject to dispute are those that are commonly known, such as basic historical facts and laws of nature, and/or facts that can easily be ascertained by accessing publicly

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Tribunal, in consideration of the entirety of the circumstances, may consider such facts as admitted.	available data. The principle that such facts do not require proof is undisputed and is confirmed by Appeals Tribunal jurisprudence. The content of the current paragraph 3 has been moved to paragraph 5 and slightly amended.
4. ~~The Dispute Tribunal may, at the request of either party, impose measures to preserve the confidentiality of evidence, where warranted by security interests or other exceptional circumstances.~~ **The Dispute Tribunal may order the production of evidence for either party at any time and may require any person to disclose any document or provide any information that appears to the Dispute Tribunal to be necessary for a fair and expeditious disposal of the proceedings.**	Paragraph 4 has been moved here from paragraph 2. The provision on the confidentiality of evidence contained in the current paragraph 4, has been moved and expanded to form a separate article 18 bis.
5. The ~~Dispute Tribunal may exclude evidence which it considers irrelevant, frivolous or lacking in probative value. The Dispute Tribunal may also limit oral testimony as it deems appropriate.~~ **A party wishing to submit evidence that is in the possession of the opposing party may, in the initial application or at the first procedural opportunity, request the Dispute Tribunal to order directing the production of that evidence. The Dispute Tribunal may draw adverse inferences from unreasonable refusal to disclose a document, including that, in the totality of the circumstances, it may consider the facts alleged by the opposing party as proven.**	The content of paragraph 5 has been moved, without change, to article 19 as paragraph 6. The new paragraph 5 sets out the principle that, in the current text, is contained in paragraph 3. It was considered, however, that the Tribunal had no powers to address its order to "any other entity". The second sentence of paragraph 5 as proposed sets out the only effective sanction that the Tribunal may practically impose, given that, unlike in national jurisdictions, it does not have at its disposal fines or other measures of compulsion. Drawing adverse inferences is an established way of enforcing compliance with court orders, see, for instance, the agreed text of article 10 bis, paragraph 2.
6. Documentary evidence shall be submitted in the form of scanned copies of the originals. The Tribunal may, however, require that a document be submitted in its original form.	Paragraph 6 is proposed in response to needs arising in the Tribunal's practice.
Article 18 bis. Confidentiality of evidence	
1. The Dispute Tribunal may, at the request of either party or on its own motion, impose measures to preserve the confidentiality of evidence, where warranted by security interests or other exceptional circumstances.	Paragraph 1 has been moved from article 18. The following paragraphs contain exceptions to the principle that evidence forming the basis of a court decision either be presented in open court or be cited in the reasons given for the decision. The Tribunal's practice shows that evidence is quite often filed on a confidential basis. Given its sensitivity, it was agreed that the matter requires regulation in these Rules. The presented version has been proposed by the Office of Staff Legal Assistance and endorsed by all private counsel who attended the working group. It has also, in principle, been endorsed by the administration,
2. On an exceptional basis, a party may seek leave to file confidential evidence under seal. In granting the motion, the Tribunal shall determine appropriate provision for the other party to examine the evidence in a manner consistent with its content and confidential nature.	

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3. When the Tribunal has granted permission for evidence to be filed under seal or to remain under seal, it will not be examined in a public hearing and it will be excluded from disclosure of the case record to any other person. Unless otherwise authorized pursuant to section 1, the parties shall not disclose the content of evidence filed under seal to any other person.	which nevertheless expressed a preference for a broader application of ex parte filing.
4. To the extent evidence filed under seal forms part of the Tribunal's finding of fact, the Tribunal may redact the relevant portion of its decision as appropriate.	
5. The Tribunal may, on an exceptional basis, receive evidence ex parte where the filing party demonstrates that ex parte filing is necessitated by a vital public or private interest.	The Dispute Tribunal wishes to stress that it is principally not in favour of ex parte filing. The amendment proposed for paragraphs 5 and 6 has been added in consideration of the arguments advanced by the administration concerning the necessity dictated by security and safety. It is the Tribunal's understanding that ex parte filing will remain exceptional. The Dispute Tribunal, however, considers, as does the Appeals Tribunal, that basing an adverse finding of fact or law on evidence that a party has had no opportunity to examine is incompatible with the principle of fair trial.
6. Where the Tribunal considers that evidence filed ex parte may sustain a finding of fact or law against the other party, it shall first make appropriate provision for the other party to examine the evidence. Where the party filing ex parte or the Tribunal considers that appropriate provision for the other party's examination of the evidence cannot be made, the ex parte evidence cannot be the basis of a finding of fact or law against the other party.	
Article 19. Case management	
1. The Dispute Tribunal may at any time, either on an application of a party or on its own initiative, issue any order or give any direction which appears to a judge to be appropriate for the fair and expeditious disposal of the case and to do justice to the parties.	
2. The Tribunal shall undertake a judicial action within 90 days from the date when the complete application was filed.	Paragraph 2 responds to the direction of the General Assembly. The content of the judicial action will depend on the facts and issues of the individual case, the state of pleadings and the opinion of the judge monitoring the case. Completeness of pleadings, as proposed in other amendments, will certainly facilitate arriving at a state where the first judicial action is undertaken with a vision as to a concrete direction towards disposal.
3. A judge presiding over a case may hold a case management conference wherever, in the opinion of the judge, it may serve to facilitate a settlement, define issues for adjudication, clarify the extent of disputed facts and outline the course of proceedings.	Paragraph 3 describes what is actually being done at present. Joining of cases is being done at present and is subject to a decision by the presiding judge. Judicial directions specify more precisely where a joinder is preferred; a rule, nevertheless, needs to preserve judicial determination of what course of action will be more efficient. Sometimes cases have the same legal

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	problem, but individual facts are so different that forcing them into a single case would be inefficient.
4. The Dispute Tribunal may order that cases be considered and/or adjudicated jointly where, in its opinion, it is required by judicial efficiency.	In paragraph 4, the proposed text makes a distinction between joining for the purpose of consideration (case management and hearings) and for adjudication. Practical concerns may dictate common case management orders and hearings but with the cases adjudicated separately.
5. The Dispute Tribunal may find that the conduct of natural or legal persons during proceedings before it is improper or that they have failed to comply with the Tribunal's orders. The Dispute Tribunal may: refuse such person's continuing access to the proceedings until amends are made to purge the improper conduct to its satisfaction; require that in order to be heard an applicant must retain a representative; or that a party representative be replaced. The Dispute Tribunal may refer such conduct to the Secretary-General for possible action to enforce accountability when such person is a staff member, or for possible referral to a local professional association, when such person is not a staff member.	Paragraphs 5 and 6 contain an agreed position on various measures available to the Tribunal in the event of insubordination of the participants. The proposed paragraph 6 restates exactly the previous paragraph 5 of article 18.
~~5.~~ **6. The Dispute Tribunal may disregard submissions which are late, irrelevant, frivolous or repetitious, or which exceed the allotted page limit**.	
Article 20. Remand of case for the institution or correction of the required procedure	
Prior to a determination of the merits of a case, should the Dispute Tribunal find that a relevant procedure prescribed in the Staff Regulations and Rules or applicable administrative issuances has not been observed, the Tribunal may, with the concurrence of the Secretary-General, remand the case for the institution or correction of the required procedure, which, in any case, should not take longer than three months. In such cases, the Dispute Tribunal may order the payment of compensation to the applicant for such loss as may have been caused by the procedural delay. The compensation is not to exceed the equivalent of three months' net base salary.	No changes

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Article 21. Registry	
1. The Dispute Tribunal shall be supported by Registries, which shall provide all necessary administrative and support services to it.	Paragraph 5 has been added in order to allow the Dispute Tribunal to specify how all the Registries shall assist the judges.
2. The Registries shall be established in New York, Geneva and Nairobi. Each Registry shall be headed by a Registrar appointed by the Secretary-General and such other staff as is necessary.	
3. The Registrars shall discharge the duties set out in the Rules of Procedure and shall support the work of the Dispute Tribunal at the direction of the President or the judge at each location. In particular, the Registrars shall:	
(a) Transmit all documents and make all notifications required in the Rules of Procedure or required by the President in connection with proceedings before the Dispute Tribunal;	
(b) Establish for each case a master Registry file, which shall record all actions taken in connection with the preparation of the case for hearing, the dates thereof and the dates on which any document or notification forming part of the procedure is received in or dispatched from his or her office;	
(c) Perform any other duties that are required by the President or the judge for the efficient functioning of the Dispute Tribunal.	
4. A Registrar, if unable to act, shall be replaced by an official appointed by the Secretary-General.	
5. The Dispute Tribunal may adopt judicial directions regarding matters of support common to all the Registries.	
Article 21 bis. Assignment of cases	
1. Assignment of cases is done by a Registrar in chronological order unless efficient docket management requires an occasional assignment of more recent cases.	Paragraph 2, as well as article 4, reflect the established principle of stability of court, in that the person of the presiding judge, or the composition of the panel of judges, remains the same throughout the proceedings. This principle is deemed the guarantee for judicial independence, which might be compromised through “judge shopping”.
2. Once a case is assigned to a judge, it shall not be reassigned, other than in the case of recusal, change of venue under article 4.3 or a prolonged or indefinite unavailability of the judge.	

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Article 22. Intervention by persons not party to the case	
1. ~~Any person for whom recourse to the Dispute Tribunal is available under article 2.4 of the statute~~ **A staff member, a former staff member or a person representing the estate of a former staff member** may apply, on an application form to be prescribed by the Registrar, to intervene in a case at any stage thereof on the grounds that he or she has a ~~right that may be affected by the judgement to be issued by the Dispute Tribunal.~~ **legitimate interest in the proceedings**. **The Tribunal may also, on its own motion, invite such person to intervene.** 2. After ascertaining that the requirements of the present article have been complied with, the Registrar shall transmit a copy of the application for intervention to the applicant and to the respondent. 3. The Dispute Tribunal shall decide on the admissibility of the application for intervention. Such decision shall be final and shall be communicated to the intervener and the parties by the Registrar. 4. The Dispute Tribunal shall establish the modalities of the intervention. If admissible, the Dispute Tribunal shall decide which documents, if any, relating to the proceedings are to be transmitted to the intervener by the Registrar and shall fix a time by which any written submissions must be submitted by the intervener. It shall also decide whether the intervener shall be permitted to participate in any oral proceedings.	With respect to paragraph 1, a primary consideration was, just as with article 11, that the Dispute Tribunal judgments may not affect the rights of any other person than the applicant, given that the Tribunal is exercising jurisdiction only over decisions taken in a "precise individual case" (Administrative Tribunal judgment No. 1157, endorsed by the Appeals Tribunal). Thus, intervention may only concern persons whose interests may be indirectly affected, for example by making a determination that will later form the basis for a decision unfavourable for that person. Moreover, it was considered that the reference to "any person for whom recourse to the Dispute Tribunal is available under article 2.4 of the statute" was confusing, given that an intervener may have a legitimate interest notwithstanding that, at a given time, he or she may have no recourse to the Tribunal, for example because a decision concerning him or her has not yet been taken or has already been taken and appealed before the Tribunal. Thus, reference to a staff member or former staff member seems more appropriate as a general *ratione personae* criterion, whereas legitimacy to intervene in a concrete case is to be determined by the criterion of legitimate interest.
Article 23. Intervention procedure	
An application for intervention shall be submitted on a prescribed form, the signed original of which shall be submitted to the Registrar. It may be transmitted electronically	No changes
Article 24. Friend-of-the-court briefs	
1. A staff association may submit a signed application to file a friend-of-the-court brief on a form to be prescribed by the Registrar, which may be transmitted electronically. The Registrar shall forward a copy of the application to the parties, who shall have three days to file any objections, which shall be submitted on a prescribed form. 2. The President or the judge hearing the case may grant the application if it considers that the filing of the brief would assist the Dispute Tribunal in its deliberations. The decision will be communicated to the applicant and the parties by the Registrar.	No changes

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Article 25. Judgements	
1. Judgements shall be issued in writing and shall state the reasons, facts and law on which they are based. 2. When a case is decided by a panel of three judges, a judge may append a separate, dissenting or concurring opinion. 3. Judgements shall be drawn up in any official language of the United Nations, two signed originals of which shall be deposited in the archives of the United Nations. 4. The Registrars shall transmit a copy of the judgement to each party. An individual applicant or respondent shall receive a copy of the judgement in the language in which the original application was submitted, unless he or she requests a copy in another official language of the United Nations. 5. The Registrars shall send to all judges of the Dispute Tribunal copies of all the judgements of the Dispute Tribunal.	No changes
Article 26 Publication of judgements	
1. The Registrars shall arrange for publication of the judgements of the Dispute Tribunal on the website of the Dispute Tribunal after they are delivered. **Once the judgement has been delivered, the Registrars shall arrange for publication notwithstanding the period of deployment of half-time judges.** **2.** The judgements of the Dispute Tribunal shall protect personal data and shall be available at the Registry of the Dispute Tribunal.	The proposed addition in article 26 prevents delay in publication of a judgment caused by a cut-off date of the half-time judges' deployment. The half-time judges do not cease to be judges of the Dispute Tribunal while they are between deployments; therefore, their judgments may be published once delivered, without giving rise to complaints about improper court.
Article 26 bis. Protection of personal data in publication of decisions	
1. The Tribunal shall, on its own motion or upon a party's request, redact the name of the applicant in the published version of its decisions where disclosure of identity is likely to be prejudicial to the applicant or where anonymity otherwise serves the interest of justice. Redaction may extend to personally identifiable information. **2. Where anonymisation was not requested or has been refused, the Tribunal, on its own motion or upon a party's request, may redact other personal confidential information as appropriate.** **3. A party may request anonymity in the application, in the reply, or at the earliest practicable opportunity, considering the circumstances. The**	It is recalled that, under article 11.6 of the statute of the Dispute Tribunal, protecting personal data is mandatory. In the rapidly developing access to digitalized information, including for children, there is a need to inform the applicants before the Dispute Tribunal of the possibility and conditions for name redaction in the version of the judgment that will be placed on the Tribunal's website. Concerns for transparency are best served by publicizing the factual and legal details of the dispute and its outcome, not by publicly stigmatizing individuals. Conversely, automatically publishing names has numerous disproportionally negative consequences. In disciplinary proceedings, in particular, such publication in a non-final judgment may cause serious prejudice to the applicant. Moreover, the Office of Staff Legal Assistance reports that the worldwide publication

Text of the rule, as amended	*Comments by the United Nations Dispute Tribunal*
Tribunal may transmit the request for anonymity to the opposing party for comment. **4. In the published versions of its decisions, the Tribunal shall identify all other relevant individuals by their initials, or by such other method as it deems appropriate. It may, moreover, redact personally identifiable information of these individuals.**	of names has a chilling effect on staff members, who, because of it, refrain from filing of an application. The proposed article 26 bis is a version supported by the Office and private counsel. The administration considered that name redaction should only be allowed in exceptional circumstances, a position with which the Dispute Tribunal disagrees. The proposed standard of name redaction is consistent with that applied by other international administrative tribunals and bodies, namely the Administrative Tribunal of the International Labour Organization, the World Bank Administrative Tribunal, the Administrative Tribunal of the European Space Agency, the Appeals Board of the European Centre for Medium-Range Weather Forecasts and the Appeals Board of the European Organization for the Exploitation of Meteorological Satellites.
Article 27. Conflict of interest	
1. The term “conflict of interest” means any factor that may impair or reasonably give the appearance of impairing the ability of a judge to independently and impartially adjudicate a case assigned to him or her. 2. A conflict of interest arises where a case assigned to a judge involves any of the following: (a) A person with whom the judge has a personal, familiar or professional relationship; (b) A matter in which the judge has previously served in another capacity, including as an adviser, counsel, expert or witness; (c) Any other circumstances that would make it appear to a reasonable and impartial observer that the judge’s participation in the adjudication of the matter would be inappropriate.	No changes
Article 28. Recusal	
1. A judge of the Dispute Tribunal who has or appears to have a conflict of interest as defined in article 27 of the rules of procedure shall recuse himself or herself from the case and shall so inform the President. 2. A party may make a reasoned request for the recusal of a judge on the grounds of a conflict of interest to the President of the Dispute Tribunal, who, after seeking comments from the judge, shall decide on the request and shall inform the party of the decision in writing. A request for recusal of the President shall be referred to a three-judge panel for decision. 3. The Registrar shall communicate the decision to the parties concerned.	No changes

Text of the rule, as amended	*Comments by the United Nations Dispute Tribunal*
Article 29. Revision of judgements	
1. Either party may apply to the Dispute Tribunal 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 Dispute Tribunal and to the party applying for revision, always provided that such ignorance was not due to negligence. 2. An 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. 3. The application for revision will be sent to the other party, who has 30 days after receipt to submit comments to the Registrar.	No changes
Article 30. Interpretation of judgements	
Either party may apply to the Dispute Tribunal for an interpretation of the meaning or scope of a judgement, provided that it is not under consideration by the Appeals Tribunal. The application for interpretation shall be sent to the other party, who shall have 30 days to submit comments on the application. The Dispute Tribunal will decide whether to admit the application for interpretation and, if it does so, shall issue its interpretation.	No changes
Article 31. Correction of judgements	
Clerical or arithmetical mistakes, or errors arising from any accidental slip or omission, may at any time be corrected by the Dispute Tribunal, either on its own initiative or on the application by any of the parties on a prescribed form.	No changes
Article 32. Execution of judgements	
1. Judgements of the Dispute Tribunal shall be binding on the parties, but are subject to appeal in accordance with the statute of the Appeals Tribunal. In the absence of such appeal, it shall be executable following the expiry of the time provided for appeal in the statute of the Appeals Tribunal. 2. Once a judgement is executable under article 11.3 of the statute of the Dispute Tribunal, either party may apply to the Dispute Tribunal for an order for execution of the judgement if the judgement requires execution within a certain period of time and such execution has not been carried out.	No changes

Text of the rule, as amended	*Comments by the United Nations Dispute Tribunal*
Article 33. ~~Titles~~ **Interpretation of the Rules of Procedure** The titles of the articles in the Rules of Procedure are for reference purposes only and do not constitute an interpretation of the article concerned.	
Article 34. Calculation of time limits The time limits prescribed in the Rules of Procedure: (a) Refer to calendar days and shall not include the day of the event from which the period runs; (b) Shall include the next working day of the Registry when the last day of the period is not a working day **in the venue where the case is filed**; (c) Shall be deemed to have been met if the documents in question were dispatched by reasonable means on the last day of the period.	
Article 35. **Suspension or w**aiver of time limits ~~Subject to article 8.3 of the statute of the Dispute Tribunal, the President, or the judge or panel hearing a case, may shorten or extend a time limit fixed by the rules of procedure or waive any rule when the interests of justice so require.~~ [Deleted]	The first sentence is proposed for deletion given that it was, in part, repetitious of the statute and not precisely drafted.
1. A request for suspending or waiving statutory deadlines made under article 8.3 of the statute may be granted when the below conditions are cumulatively satisfied: **(a) The delay was caused by exceptional circumstances;** **(b) The delay is not attributable to negligence of the applicant;** **(c) The applicant filed the request at the first reasonable opportunity.**	Paragraph 1 clarifies what is being done in practice in accordance with the Appeals Tribunal jurisprudence on the suspension and waiving of deadlines.
2. Suspension, waiver or extension of time limits established by these Rules of Procedure or by the judge presiding over a case may be decided on request or proprio motu where so required in the interest of justice.	Paragraph 2 underlines the difference between the statutory deadlines and deadlines established by a court. In the former case, the conditions needs to be specified explicitly, as it is provided for in paragraph 1, whereas in the latter case the court may have greater latitude in deciding on the restoration of a deadline; it may also amend it as convenient.

Text of the rule, as amended	*Comments by the United Nations Dispute Tribunal*
Article 36. Procedural matters not covered in the rules of procedure	
1. All matters that are not expressly provided for in the rules of procedure shall be dealt with by decision of the Dispute Tribunal on the particular case, by virtue of the powers conferred on it by article 7 of its statute.	No changes
2. The Dispute Tribunal may issue practice directions related to the implementation of the rules of procedure.	
Article 37. Amendment of the ~~rules of procedure~~ **Rules of Procedure**	
1. The Dispute Tribunal in plenary meeting may adopt amendments to the **R**ules of **P**rocedure ~~which shall be submitted to the General Assembly for approval.~~**by the vote of at least seven (7) judges.**	Paragraph 1 establishes a qualified majority for the adoption of the Rules of Procedure, in consideration of the current number of judges of the Dispute Tribunal.
2. ~~The~~ Amendments ~~shall operate provisionally until approved~~ **to the Rules enter into force following approval** by the General Assembly**.** ~~or until they are amended or withdrawn by the Dispute Tribunal in accordance with a decision of the General Assembly.~~	With regard to the former paragraph 2, it was felt that it presupposed an unnecessarily cumbersome process and potentially confusing state of regulation based on provisional operation of the rules. Deferring the entry into force of the amendments is not likely to pose a problem, assuming that the General Assembly will act promptly. Issues of deciding internal matters of the Dispute Tribunal resulting from the increase in the number of judges of the Dispute Tribunal have been so far satisfactorily resolved by interpretation.
3. The President, after consultation with the judges of the Dispute Tribunal, may instruct the Registrars to revise any forms from time to time in the light of experience, provided that such modifications are consistent with the Rules of Procedure.	
Article 38. Entry into force	
~~1.~~ The Rules of Procedure shall enter into force on the first day of the month following their approval by the General Assembly.	It was considered that paragraph 2 had been meant as a transitional provision devised for the period where no rules of procedure existed and thus the provisional operation of the rules was a means for enabling the Tribunal's work. There is no longer such a need at present.
~~2. The rules of procedure shall operate provisionally from the date of their adoption by the Dispute Tribunal until their entry into force.~~ [Deleted]	

Annex II

Comments on the proposed amendments to the rules of procedure of the United Nations Dispute Tribunal, submitted by the legal offices representing the Secretary-General before the United Nations Appeals Tribunal and the United Nations Dispute Tribunal

1. Under article 7.1 of the statute of the United Nations Dispute Tribunal, adopted by the General Assembly, the Dispute Tribunal is to establish its own rules of procedure, which are subject to approval by the General Assembly.

2. The General Assembly, in its resolution 64/119, first approved the rules of procedure of the Dispute Tribunal, following their adoption by the Dispute Tribunal meeting in plenary. Since then, the Dispute Tribunal has adopted only one amendment. The purpose of that amendment was to increase the number of its plenary meetings per year. The Advisory Committee on Administrative and Budgetary Questions recommended against the approval of that amendment (see A/67/547) and, in its resolution 67/241, the General Assembly endorsed the Advisory Committee's recommendation. The amendment to the rules of procedure adopted by the Dispute Tribunal was, therefore, not approved by the General Assembly.

3. In its resolution 74/258, the General Assembly urged the Dispute Tribunal to review and amend the rules of procedure to ensure that the first judicial action in a case is taken no later than 90 days from the date on which an application is filed.

4. Pursuant to that resolution, the Dispute Tribunal submitted to the General Assembly for approval at its seventy-fifth session amendments to 25 of the 38 articles of the rules of procedure (see A/75/162). The legal offices representing the Secretary-General and the Office of Staff Legal Assistance submitted their commentary to the amendments (A/75/162/Add.1).

5. Following the decision of the General Assembly in its resolution 75/248 to consider the proposed amendments at its seventy-sixth session, the Dispute Tribunal decided to withdraw the proposed amendments and to consult with the legal offices representing the Secretary-General and with counsel representing staff members (the Office of Staff Legal Assistance and independent private counsel) before submitting a proposal containing a revised set of amendments. The Dispute Tribunal consulted with counsel on many, but not all, proposed amendments.

6. The proposal that the Dispute Tribunal is submitting to the General Assembly for approval in the present report contains amendments to 27 of the 38 articles of the rules of procedure and six new articles. The legal offices representing the Secretary-General have no comment on the majority of the proposed amendments and consider that several amendments concerning the form and content of parties' initial submissions will enable the Dispute Tribunal to take action on cases more quickly.

7. The legal offices representing the Secretary-General are, however, concerned that some of the proposed amendments affect substantive matters that should be addressed only by the General Assembly through changes to the statute of the Dispute Tribunal. Those amendments relate to issues of transparency, appellate authority and evidentiary standards and require consideration of their impact on the entirety of the system of administration of justice, including the United Nations Appeals Tribunal.

8. Of specific concern to the legal offices representing the Secretary-General are the following amendments:

(a) The proposed amendments to article 18 and the proposed addition of article 18 bis address substantive issues of evidence that could only be addressed by the General Assembly in amendments to the statute of the Dispute Tribunal. Furthermore, they could have significant practical consequences, potentially limiting the ability of the administration to place staff members on administrative leave to protect investigations and the integrity of any subsequent disciplinary processes;

(b) The proposed addition of article 26 bis on the anonymization of judgments would likely make redaction of the names of applicants and of managers responsible for contested decisions the norm.

Text of the rule, as amended	*Comments by legal offices representing the Secretary-General*
Article 7. Time limits for filing applications	
3. Where ~~the parties have sought mediation of their dispute, the application shall be receivable if filed within 90 calendar days after mediation has broken down.~~ **a deadline relevant for receivability of an application is triggered by a receipt of communication transmitted by email, absent electronic confirmation of receipt, it will be considered that the communication was delivered on the next calendar day following the dispatch.**	This amendment effectively extends the deadline for the submission of applications to the Dispute Tribunal in a manner that is not consistent with the statute of the Dispute Tribunal. The statute of the Dispute Tribunal provides that applications are receivable only if filed within specific time limits. By creating a presumption that communications sent by email, are received on the next calendar day, this amendment effectively extends the time limit for filing applications to the Tribunal. Extending the length of time for filing applications beyond the specific time limits set in the statute of the Dispute Tribunal is inconsistent with the statute. Disputes that may arise regarding the date on which documents were received should be resolved through the evaluation of evidence. Email delivery receipts produced by the email system are not a sound basis on which to determine the date of receipt, as the transmission of a receipt is controlled by the recipient, who can turn the receipt function off. The legal offices representing the Secretary-General have serious concerns about these proposed amendments.
Article 11. Joining of a party	
The Dispute Tribunal may at any time, either on the application of a party or on its own initiative, ~~join another party if it appears to the Dispute Tribunal that that party has a legitimate interest in the outcome of the proceedings.~~ **invite observations from a third person when the Dispute Tribunal considers it to be useful.**	A party that is not already part of the proceedings may request leave to make submissions either as an intervening party under article 2.4 of the statute of the Dispute Tribunal and article 23 of the Tribunal's rules of procedure, or as a friend of the court under article 2.3 of the statute and article 24 of the rules of procedure. Under article 2.3 of the statute and article 24 of the rules of procedure, a friend-of-the-court brief can be filed only by a staff association and not by any third party.

Text of the rule, as amended	*Comments by legal offices representing the Secretary-General*
	The proposed amendment appears to address the matter of friend-of-the-court briefs and would allow any third party deemed useful by the Tribunal to file submissions. As drafted, the proposed amendment exceeds the parameters of the statute of the Dispute Tribunal and any changes along these lines would require a prior change to the statute. Only the General Assembly has the authority to make changes to the statute. The judges of the Tribunal have no such authority. The legal offices representing the Secretary-General have serious concerns about these proposed amendments.
Article 16. Hearing	
2. A hearing shall ~~normally~~ be held following ~~an appeal~~ **the filing of an application** against an administrative decision imposing a disciplinary measure**, unless the Tribunal, upon consultation with the parties, decides that it is not necessary.**	Both the Dispute Tribunal and the Appeals Tribunal have increasingly sought to rewrite the Staff Regulations and Rules with respect to the imposition of disciplinary measures, which are currently the sole prerogative of the Secretary-General. By jurisprudence, the Tribunals are seeking to have a role in determining whether disciplinary measures are warranted and supported by evidence, rather than the traditional administrative tribunal role of reviewing whether an administrative decision, i.e., imposing disciplinary measures, has been taken appropriately. Consequently, the Secretary-General is proposing an amendment to the statute of the Dispute Tribunal to ensure respect for the current regulatory framework that governs the roles and responsibilities with regard to the imposition of disciplinary measures for misconduct. In the light of the proposed amendments to the statute of the Dispute Tribunal regarding the review of administrative decisions to impose disciplinary sanctions, the legal offices representing the Secretary-General recommend that paragraph 2 of article 16 be deleted in its entirety.
Article 17. Oral evidence	
4. ~~Each expert shall make the following declaration before giving his or her statement: "I solemnly declare upon my honour and conscience that my statement will be in accordance with my sincere belief."~~ **Any party may object to the testimony of a given witness or expert, stating reasons for such objection. The Dispute Tribunal shall decide on the matter. Its decision shall be final.**	The final sentence of the proposed amendment to paragraph 4 of article 17 provides that the decision of the Dispute Tribunal is final. The jurisdiction of the Appeals Tribunal cannot be limited by the rules of procedure of the Dispute Tribunal. The legal offices representing the Secretary-General recommend that the last sentence of the proposed amendment to paragraph 4 be deleted.

Text of the rule, as amended	*Comments by legal offices representing the Secretary-General*
6. The Dispute Tribunal ~~shall decide whether the personal appearance of a witness or expert is required at oral proceedings and determine the appropriate means for satisfying the requirement for personal appearance. Evidence may be taken by video link, telephone or other electronic means.~~**, upon consultation with the parties, may decide to receive expert evidence submitted in writing without calling the expert to testify.**	It is important for parties to be provided with an opportunity to test the testimony of any witness, expert or otherwise, whether the testimony is oral or written. Under the proposed amendment, as drafted, an expert may provide evidence in writing without being called to testify. The proposed amendment does not contain any provision to require that if expert evidence is submitted in writing, the opposing party shall be provided with an opportunity to test such evidence. This may be interpreted as enabling the Dispute Tribunal to "waive" the cross-examination of expert witnesses by an opposing party despite that party's objections and wishes to test the expert witness's testimony. The only the way this provision would be acceptable, is if the Dispute Tribunal could accept written testimony from an expert witness provided that the parties do not object, rather than upon mere consultation with the parties. The legal offices representing the Secretary-General have serious concerns about these proposed amendments as currently drafted.
7. At the request of a party, a witness or ex officio, the Dispute Tribunal may take measures such as it deems appropriate to protect the interests of vulnerable witnesses, including by preventing direct confrontation with the applicant or another participant where it might cause severe emotional distress.	The legal offices representing the Secretary-General welcome the proposed amendment, which addresses the protection of vulnerable witnesses during the proceedings. The legal offices representing the Secretary-General note, however, that the proposed amendment sets a very high threshold for the applicability of this provision: not merely emotional distress, but severe emotional distress. Addressing this issue, the Appeals Tribunal has held that, as long as an applicant is provided with a fair opportunity to present his or her case, vulnerable witnesses should be protected from a confrontation that would cause emotional distress (judgment No. 2021-UNAT-1136, para. 43). Consequently, the legal offices representing the Secretary-General recommend that this provision be adopted without the word "severe".
Article 18. Evidence	
2. ~~The Dispute Tribunal may order the production of evidence for either party at any time and may require any person to disclose any document or provide any information that appears to the Dispute Tribunal to be necessary for a fair and expeditious disposal of the proceedings.~~ **In deciding whether the matter before it has been proved to the requisite standard, the**	The legal offices representing the Secretary-General consider that the proposed amendment to paragraph 2 of article 18 creates a substantive evidentiary rule, not a rule of procedure, and should, therefore, not be enacted through a rule of procedure but rather, if at all, through an amendment of the statute of the Dispute Tribunal by the General Assembly.

Text of the rule, as amended	*Comments by legal offices representing the Secretary-General*
Dispute Tribunal evaluates evidence in accordance with logic and common sense.	
5. The ~~Dispute Tribunal may exclude evidence which it considers irrelevant, frivolous or lacking in probative value. The Dispute Tribunal may also limit oral testimony as it deems appropriate.~~ **A party wishing to submit evidence that is in the possession of the opposing party may, in the initial application or at the first procedural opportunity, request the Dispute Tribunal to order directing the production of that evidence. The Dispute Tribunal may draw adverse inferences from unreasonable refusal to disclose a document, including that, in the totality of the circumstances, it may consider the facts alleged by the opposing party as proven.**	The legal offices representing the Secretary-General consider that the last sentence of the proposed amendment to paragraph 5 of article 18 creates a substantive evidentiary rule, not a rule of procedure, and should, therefore, not be enacted through a rule of procedure but rather, if at all, through an amendment of the statute of the Dispute Tribunal by the General Assembly.
Article 18 bis. Confidentiality of evidence	
6. Where the Tribunal considers that evidence filed ex parte may sustain a finding of fact or law against the other party, it shall first make appropriate provision for the other party to examine the evidence. Where the party filing ex parte or the Tribunal considers that appropriate provision for the other party's examination of the evidence cannot be made, the ex parte evidence cannot be the basis of a finding of fact or law against the other party.	The legal offices representing the Secretary-General agree that ex parte evidence should be used sparingly and only when absolutely necessary. The approach of the Dispute Tribunal is, however, overly restrictive. In the course of investigations into misconduct, the imposition of temporary measures, such as administrative leave, is authorized under the Staff Regulations and Rules to protect ongoing investigations. In defending such decisions, the Secretary-General should not be required to disclose evidence to the individual being investigated where such disclosure could undermine the ongoing investigation. Furthermore, the legal offices representing the Secretary-General consider this to be a substantive evidentiary rule, not a rule of procedure. Consequently, the legal offices representing the Secretary-General consider that this amendment should not be enacted through a rule of procedure but should rather be promulgated, if at all, through an amendment of the statute of the Dispute Tribunal by the General Assembly.
Article 26 bis. Protection of personal data in publication of decisions	
1. The Tribunal shall, on its own motion or upon a party's request, redact the name of the applicant in the published version of its decisions where disclosure of identity is likely to be prejudicial to the applicant or where anonymity otherwise serves the interest of justice. Redaction may extend to personally identifiable information.	In its resolutions on the administration of justice, the General Assembly has expressly and consistently held that transparency is one of the objectives of the system for the administration of justice established in resolution 61/261. Part of that transparency and accountability requires that the names of applicants and managers involved in

Text of the rule, as amended	*Comments by legal offices representing the Secretary-General*
	cases before the Dispute Tribunal be part of the public record. The threshold suggested by the Dispute Tribunal, namely that where the publication of a name of a party would be prejudicial, is too low. The anonymization of cases should be limited to those exceptional cases in which a vital privacy or security interest of an applicant warrants anonymization. Furthermore, the proposed threshold would be inconsistent with current Appeals Tribunal jurisprudence (see, e.g., order No. 152 (2013), para. 4, and order No. 405 (2021), para. 6, of the Appeals Tribunal). Finally, it would be necessary to ensure consistency in the rules of procedure of the Dispute Tribunal and the Appeals Tribunal on the matter of confidentiality. Consequently, the legal offices representing the Secretary-General recommend that this proposed provision be sent back to the Dispute Tribunal for further consideration.
3. A party may request anonymity in the application, in the reply, or at the earliest practicable opportunity, considering the circumstances. The Tribunal may transmit the request for anonymity to the opposing party for comment.	Paragraph 3 of article 26 bis as proposed does not provide the Secretary-General with adequate opportunity to respond to a request for anonymity. The provision, as currently proposed, does not require the Dispute Tribunal to hear the Secretary-General's position on a request for anonymity, as it provides that the Dispute Tribunal "may", not "shall", transmit a request for anonymity for comment. Consequently, the legal offices representing the Secretary-General recommend that this proposed provision be sent back to the judges for further consideration.
4. In the published versions of its decisions, the Tribunal shall identify all other relevant individuals by their initials, or by such other method as it deems appropriate. It may, moreover, redact personally identifiable information of these individuals.	Paragraph 4 of article 26 bis, as proposed provides that all relevant individuals other than the applicant are to be identified by their initials only. This provision is too broad. Indeed, the interest of transparency does not require that witnesses, who are only tangentially related to a case, be identified by their names. However, the interests of transparency do require that managers who have made decisions being challenged by applicants be named in judgments. Consequently, the legal offices representing the Secretary-General recommend that this proposed provision be sent back to the judges for further consideration.

Annex III

Comments on the proposed amendments to the rules of procedure of the United Nations Dispute Tribunal, submitted by the Office of Administration of Justice

Neither the Executive Director nor the Office of Administration of Justice or the Principal Registrar were consulted or invited to comment on matters falling within the mandate of the Office regarding the proposals of the United Nations Dispute Tribunal. A registrar was present at the consultations in a support capacity to the judges, not as a representative of the Executive Director or Principal Registrar, who exercises oversight over the registries.

Text of the rule, as amended	*Comments by the Office of Administration of Justice*
Article 3. Commencement of office	
Unless otherwise decided by the General Assembly, the term of office of the judges of the Dispute Tribunal shall commence on the first day of July following their ~~appointment~~ **election** by the General Assembly.	Replacing the term “appointment” with “election” is incongruent with the framework established by the General Assembly in its resolutions (in particular in resolution 62/228, para. 40) and article 4.2 of the statute of the Dispute Tribunal.
Article 4. Venue	
1. The judges of the Dispute Tribunal shall exercise their functions in New York, Geneva and Nairobi ~~respectively~~. **The Dispute Tribunal shall determine the venue for the filing of applications in a practice direction.** However, the Dispute Tribunal may decide to hold sessions at other duty stations as required. **2. A party may apply for a change of venue where the interest of justice so requires.** **3. A change of venue may be determined by the President of the Dispute Tribunal where so required in the interest of justice on a case-by-case basis or by the need to balance the caseload across the seats of the Tribunal. A change of venue regarding a case already assigned to a judge requires his/her consent.**	The deletion of the word “respectively” in paragraph 1 is inconsistent with the legal framework. Full-time judges are appointed to a particular seat of the Tribunal. To remove “respectively” could import mobility of the full-time judges between locations and has cost implications, especially if the phrase “other duty stations” extends beyond the current seats. The venue for cases has no bearing on where judges perform their duties or are based. The practice of “rebalancing” the caseload is contrary to the decentralization of the system and the efficient use of half-time judges, who are deployed to address the caseload.
Article 7. Time limits for filing applications	Deleting the deadlines from the rules of procedure and requiring applicants to find the deadlines elsewhere impedes access to justice, especially for self-represented litigants.
Article 9. Summary judgement **and judgement based on documents**	
1. A party may move for summary judgement when there is no dispute as to the material facts of the case and a party is entitled to judgement as a matter of law. The Dispute Tribunal may determine, on its own initiative, that summary judgement is appropriate.	The proposal puts unrepresented staff at a severe disadvantage. It is part of the judge’s function to dispense justice. Article 6 of the code of conduct for the judges of the Dispute Tribunal and the Appeals Tribunal, entitled “Fairness in the conduct of

Text of the rule, as amended	*Comments by the Office of Administration of Justice*
2. **The Tribunal may proceed to judgement wherever submissions by parties suffice for the determination of the case.**	proceedings", stipulates that judges must resolve disputes by making findings of fact and applying the appropriate law in fair proceedings. This includes the duty to observe the letter and spirit of the *audi alteram partem* ("hear the other side") rule, remain manifestly impartial and publish reasons for any decision.
Article 19. Case management	
1. The Dispute Tribunal may at any time, either on an application of a party or on its own initiative, issue any order or give any direction which appears to a judge to be appropriate for the fair and expeditious disposal of the case and to do justice to the parties. **2. The Tribunal shall undertake a judicial action within 90 days from the date when the complete application was filed.** **3. A judge presiding over a case may hold a case management conference wherever, in the opinion of the judge, it may serve to facilitate a settlement, define issues for adjudication, clarify the extent of disputed facts and outline the course of proceedings.** **4. The Dispute Tribunal may order that cases be considered and/or adjudicated jointly where, in its opinion, it is required by judicial efficiency.** **5. The Dispute Tribunal may find that the conduct of natural or legal persons during proceedings before it is improper or that they have failed to comply with the Tribunal's orders. The Dispute Tribunal may: refuse such person's continuing access to the proceedings until amends are made to purge the improper conduct to its satisfaction; require that in order to be heard an applicant must retain a representative; or that a party representative be replaced. The Dispute Tribunal may refer such conduct to the Secretary-General for possible action to enforce accountability when such person is a staff member, or for possible referral to a local professional association, when such person is not a staff member.** ~~5.~~ **6. The Dispute Tribunal may disregard submissions which are late, irrelevant, frivolous or repetitious, or which exceed the allotted page limit.**	The proposal was directed by the Assembly in paragraph 27 of its resolution 74/258. It would be desirable to further develop the Tribunal's approach.

Text of the rule, as amended	*Comments by the Office of Administration of Justice*
Article 21. Registry	
1. The Dispute Tribunal shall be supported by Registries, which shall provide all necessary administrative and support services to it.	The text ignores the Principal Registrar's role in overseeing the registries as well as the fact that there is a framework providing for the way in which the registries provide substantive, technical and administrative support (see General Assembly resolution 62/228, para. 47). The framework also includes the organization and terms of reference of the Office of Administration of Justice (ST/SGB/2010/3). The registries are subject to the direction of the judges in judicial matters. The proposal to amend paragraph 5 by authorizing judicial directions disregards that the General Assembly has created a framework for the Tribunals and registries. The rationale is vague and leaves room for misalignment of judicial directions with the legislative framework, as has happened in the past.
2. The Registries shall be established in New York, Geneva and Nairobi. Each Registry shall be headed by a Registrar appointed by the Secretary-General and such other staff as is necessary.	
3. The Registrars shall discharge the duties set out in the Rules of Procedure and shall support the work of the Dispute Tribunal at the direction of the President or the judge at each location. In particular, the Registrars shall:	
(a) Transmit all documents and make all notifications required in the Rules of Procedure or required by the President in connection with proceedings before the Dispute Tribunal;	
(b) Establish for each case a master Registry file, which shall record all actions taken in connection with the preparation of the case for hearing, the dates thereof and the dates on which any document or notification forming part of the procedure is received in or dispatched from his or her office;	
(c) Perform any other duties that are required by the President or the judge for the efficient functioning of the Dispute Tribunal.	
4. A Registrar, if unable to act, shall be replaced by an official appointed by the Secretary-General.	
5. The Dispute Tribunal may adopt judicial directions regarding matters of support common to all the Registries.	
Article 21 bis. Assignment of cases	
1. Assignment of cases is done by a Registrar in chronological order unless efficient docket management requires an occasional assignment of more recent cases.	The proposal raises the question what a prolonged or indefinite unavailability is and when it will become apparent that an unavailability will be extensive. That a case can be reassigned only with the consent of the assigned judge seems contrary to efficient docket management and undercuts the transition to newly appointed judges and the support that half-time judges may provide to operational efficiency.
2. Once a case is assigned to a judge, it shall not be reassigned, other than in the case of recusal, change of venue under article 4.3 or a prolonged or indefinite unavailability of the judge.	

Annex IV

Comments on the proposed amendments to the rules of procedure of the United Nations Dispute Tribunal, submitted by the Office of Staff Legal Assistance

The Office of Staff Legal Assistance is grateful for the opportunity to participate in the consultations with stakeholders to discuss the proposed amendments. The Office had the opportunity to extensively articulate its position on major provisions during the discussions. The proposals contain areas of consensus and areas of divergence. The Office comments on a limited number of proposed provisions.

Text of the rule, as amended	*Comments by the Office of Staff Legal Assistance*
Article 9. Summary judgement **and judgement based on documents**	
1. A party may move for summary judgement when there is no dispute as to the material facts of the case and a party is entitled to judgement as a matter of law. The Dispute Tribunal may determine, on its own initiative, that summary judgement is appropriate.	The position of the Office of Staff Legal Assistance is that due process requires notice and an opportunity to be heard on whether judgment based on documents is appropriate. Article 9.2 as proposed does not provide for this.
2. **The Tribunal may proceed to judgement wherever submissions by parties suffice for the determination of the case.**	Inviting closing submissions after deciding without prior notice that judgment based on documents is appropriate does not substitute for prior notice and an opportunity to be heard.
Article 10 bis. Pleadings	
1. At any time following the filing of a reply, the Dispute Tribunal may order that either party submit, within a specified deadline, arguments and evidence that are deemed necessary to the proper adjudication of the issues that have been identified, with an indication of the specific facts for which the evidence is proposed. **2. The Dispute Tribunal may, in consideration of the circumstances, draw an adverse inference from the failure to provide a responsive answer; it may, moreover, prohibit that party from advancing further pleadings or submissions on that matter.** **3. Should a party obtain evidence that was not available to it when the relevant pleading was being made, it may seek leave from the Dispute Tribunal to submit that evidence to supplement its earlier response or amend the argument accordingly.**	The Office would welcome the adoption of this proposal and the codification of a rule to formally request leave to adduce additional evidence or amend pleadings.
Article 16. Hearing	
2. A hearing shall ~~normally~~ be held following ~~an appeal~~ **the filing of an application** against an administrative decision imposing a disciplinary measure**, unless the Tribunal, upon consultation with the parties, decides that it is not necessary.**	The Office has no difficulty with this proposal but observes that oral hearings would be appropriate with regard to disputed issues of material fact in disciplinary cases.

Text of the rule, as amended	*Comments by the Office of Staff Legal Assistance*
	The provision to consult the parties on the question whether a hearing should be held is supported.
Article 17. Oral evidence	
7. At the request of a party, a witness or ex officio, the Dispute Tribunal may take measures such as it deems appropriate to protect the interests of vulnerable witnesses, including by preventing direct confrontation with the applicant or another participant where it might cause severe emotional distress.	The Office does not oppose measures to protect vulnerable witnesses, but this should be done in a way that does not impede the ability of the applicant to fully challenge the testimony of those who accuse him or her of misconduct at an oral hearing.
Article 18 bis. Confidentiality of evidence	
6. Where the Tribunal considers that evidence filed ex parte may sustain a finding of fact or law against the other party, it shall first make appropriate provision for the other party to examine the evidence. Where the party filing ex parte or the Tribunal considers that appropriate provision for the other party's examination of the evidence cannot be made, the ex parte evidence cannot be the basis of a finding of fact or law against the other party.	The Office agrees that ex parte filings should be allowed only in exceptional circumstances. The Office further agrees that basing an adverse finding of fact or law on evidence that a party had no opportunity to examine is incompatible with the principle of fair trial.
Article 26 bis. Protection of personal data in publication of decisions	
1. The Tribunal shall, on its own motion or upon a party's request, redact the name of the applicant in the published version of its decisions where disclosure of identity is likely to be prejudicial to the applicant or where anonymity otherwise serves the interest of justice. Redaction may extend to personally identifiable information.	The Office agrees with the proposal. The publication of the name of an applicant may not always be necessary and it may cause long-term irreparable harm and prejudice to an applicant even if the applicant is successful.

Annex V

Settlement payments recommended by the Management Evaluation Unit and monetary compensation awarded by the Tribunals in 2021 or paid in 2021

A. Settlement payments made in accordance with recommendations of the Management Evaluation Unit[a]

Department of decision maker	*Compensation*	*Level of staff member*	*Amount (United States dollars)*	*Reason for compensation*
UNAMID	2 years of net base salary	P-3	154 416.00	Settlement in the context of placement following termination of continuing appointment
UNAMID	3 months of net base salary	FS-4	13 660.75	Settlement in the context of an non-renewal of appointment
UNAMID	2 years of net base salary	D-1	227 358.00[b]	Settlement in the context of lack of placement efforts following termination of permanent appointment
UNEP	Fixed amount	P-4	37 373.69	Settlement in the context of relocation and installation grant payment for international recruitment/legitimate expectation
Total			**432 808.44**	

Abbreviations: UNAMID, African Union-United Nations Hybrid Operation in Darfur; UNEP, United Nations Environment Programme.

[a] Reflects compensation paid in cases received in 2021, as well as compensation paid in 2021 for cases carried over from 2020 and earlier years.

[b] Paid in 2022.

B. Monetary compensation awarded by the Tribunals in 2021 or paid in 2021

United Nations Dispute Tribunal judgment No.	*Registry*	*Entity of decision maker*	*Compensation awarded/costs ordered by the Dispute Tribunal*	*United Nations Appeals Tribunal judgment No.*	*Affirmed/vacated/rejected compensation awarded by the Appeals Tribunal*	*Net amount paid (United States dollars, unless otherwise indicated)*	*Date of payment*
UNDT-2020-051	New York	UNDP	(a) Non-renewal of appointment rescinded (b) Compensation in lieu of extension of two months' net base salary	2021-UNAT-1097	Affirmed	2 993.36	4 June 2021
UNDT-2020-061	New York	MONUSCO	(a) Termination rescinded (b) Reinstatement ordered Compensation in lieu of reinstatement of five months' and 15 days net base salary	2021-UNAT-1088	Affirmed	26 368.83	14 June 2021
UNDT-2020-068	New York	UNEP	Application against exclusion from selection process rejected	2021-UNAT-1083	(a) Judgment vacated (b) Compensation of $5,000	5 000.00	12 July 2021
UNDT-2020-077	New York	UNOPS	(a) Applicant's application for a job opening was not fully and fairly considered (b) 20 per cent of the net base salary for the higher-level post for one year (c) Adjustment of pension for one year	2021-UNAT-1095	Affirmed	Application for revision pending	n/a
UNDT-2020-090	Nairobi	MINUSMA	(a) Separation from service for sexual exploitation and abuse rescinded (b) Compensation in lieu of 10 months' net base salary (c) 10 months' net base salary for moral damages	2021-UNAT-1121	(a) Affirmed (b) Compensation in lieu of two years' net base salary	108 922.01	1 September 2021
UNDT-2020-093	Nairobi	UNAMID	(a) Reassignment deemed unlawful (b) Compensation of one month's net base salary for stress and anxiety	2021-UNAT-1118	(a) Partly affirmed (b) Compensation of two months' net base salary for stress and anxiety (c) Copy of judgment to be placed in official status file	Application for execution pending	n/a
UNDT-2020-094 and UNDT-2020-094-Corr.1	New York	IRMCT	(a) Decision not to hold another staff member accountable for alleged misconduct rescinded and remanded (b) IRMCT to review whether additional measures are required (c) Compensation in the amount of $12,500	2021-UNAT-1137	(a) Affirmed on different grounds (b) Affirmed (c) Affirmed	12 456.75	22 September 2021

United Nations Dispute Tribunal judgment No.	*Registry*	*Entity of decision maker*	*Compensation awarded/costs ordered by the Dispute Tribunal*	*United Nations Appeals Tribunal judgment No.*	*Affirmed/vacated/rejected compensation awarded by the Appeals Tribunal*	*Net amount paid (United States dollars, unless otherwise indicated)*	*Date of payment*
UNDT-2020-101	Geneva	UNICEF	(a) Rescission of non-renewal of contract (b) Compensation of two months' net base salary	2021-UNAT-1122	Affirmed	14 425.22	27 August 2021
UNDT-2020-110	Nairobi	UNIFIL	(a) Applicant's application was not fully and fairly considered (b) Compensation of 13 months of 22 per cent of the difference between applicants' net base salary and the amount he would have received had he been selected	2021-UNAT-1125	Vacated	–	n/a
UNDT-2020-116 and UNDT-2020-116-Corr.1	New York	UNICEF	(a) Decision of ABCC determining that the applicant's claim was time-barred is rescinded (b) Compensation of three months' net base salary and $20,000	2021-UNAT-1133	Vacated	–	n/a
UNDT-2020-119	New York	UNMIL	(a) Decision on compensation based on ABCC recommendation insufficient (b) Additional compensation of the difference between amount already paid ($30,412.29) and amount recalculated on the basis of pensionable remuneration scale at date of decision	2021-UNAT-1138	Vacated	–	n/a
UNDT-2020-134	Nairobi	UNHCR	(a) The non-selection of the applicant for the post of resettlement officer was based on an improper motive (b) Six months' net base salary	2021-UNAT-1120	Vacated	–	n/a
UNDT-2020-147	Nairobi	UNHCR	(a) The termination of the applicant for misconduct is rescinded (b) Compensation of 23 months' net base salary	2021-UNAT-1178	Affirmed	146 414.17	3 February 2022
UNDT-2020-164 Corr.1	Nairobi	UNAMI	(a) Rescission of the decision to separate the applicant from service for misconduct (b) Compensation of two years' net base salary (c) Compensation of $5,000 for non-pecuniary harm	2021-UNAT-1181	Vacated	–	n/a
UNDT-2020-165	Nairobi	MINUSMA	(a) Rescission of the decision to separate the applicant for misconduct (b) The applicant is to be reinstated (c) Compensation in lieu of reinstatement of one year's net base salary	2021-UNAT-1182	Vacated	–	n/a

United Nations Dispute Tribunal judgment No.	*Registry*	*Entity of decision maker*	*Compensation awarded/costs ordered by the Dispute Tribunal*	*United Nations Appeals Tribunal judgment No.*	*Affirmed/vacated/rejected compensation awarded by the Appeals Tribunal*	*Net amount paid (United States dollars, unless otherwise indicated)*	*Date of payment*
UNDT-2020-192	New York	DSS	(a) Applicant's applications for job openings were not fully and fairly considered (b) Compensation, for two applicants of 9.8 per cent of the difference between current salaries and salaries at S-4 level for one year (c) Compensation, for four applicants of 9.8 per cent of the difference between their salaries and the salaries 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	2021-UNAT-1165	(a) Affirmed (b) Affirmed (c) Modified to compensation of 9.8 per cent of the difference between current salaries and salaries at S-4 level for one year	2 067.59	18 February 2022
UNDT-2020-193	New York	UNICEF	(a) Rescission of the decision to impose the disciplinary measure of a written censure to be placed on official status file for five years (b) Rescission of the decision to remove all supervisory roles from applicant for two years (c) Compensation of three months' net base salary	2021-UNAT-1147	(a) Affirmed (b) Affirmed (c) Modified to allow staff member's claim to interest for late payment of the sum	30 070.75	8 December 2021
UNDT-2020-195	Nairobi	DMSPC	(a) Rescission of the decision to terminate the applicant for misconduct (b) In lieu of rescission, compensation of two years' net base salary	2021-UNAT-1146	Vacated	–	n/a
UNDT-2021-006	New York	DMSPC	(a) Rescission of the decision to transfer the applicant to a different office in the department (b) Compensation of $3,000 for non-pecuniary damages	2022-UNAT-1223	Vacated	–	n/a
UNDT-2021-017	Nairobi	UNAMID	(a) Rescission of the decision not to renew the applicant's fixed-term appointment (b) Reinstatement of the applicant (c) In lieu of reinstatement, compensation of one year's net base salary	2022-UNAT-1204	Vacated	–	n/a
UNDT-2021-032	Geneva	UNFPA	Compensation of three months' net base salary for wrongful non-renewal of fixed-term appointment due to unsatisfactory performance	2022-UNAT-1213	Vacated	–	n/a
UNDT-2021-068	New York	UN-Women	(a) Rescission of the decision not to renew the applicant's fixed-term appointment (b) Reinstatement of the applicant	n/a	n/a	68 525	9 August 2021

United Nations Dispute Tribunal judgment No.	*Registry*	*Entity of decision maker*	*Compensation awarded/costs ordered by the Dispute Tribunal*	*United Nations Appeals Tribunal judgment No.*	*Affirmed/vacated/rejected compensation awarded by the Appeals Tribunal*	*Net amount paid (United States dollars, unless otherwise indicated)*	*Date of payment*
			(c) In lieu of reinstatement, compensation of one year's net base salary				
UNDT-2021-107	New York	UNDP	(a) Rescission of the decision to terminate the applicant's fixed-term appointment for misconduct (b) In lieu of rescission, compensation in the amount of the net base salary for the remainder of applicant's fixed-term appointment, minus the one-month salary and termination indemnity already paid to the applicant	Appealed	n/a	–	17 November 2021
UNDT-2021-119	Nairobi	MONUSCO	(a) Rescission of the decision to withhold three months' compensation in lieu of notice (b) In lieu of notice, compensation of three months' net base salary	Appealed	n/a	–	n/a
UNDT-2021-161	Nairobi	UNISFA	(a) Applicant's application for a job opening was not fully and fairly considered (b) Decision not to appoint him rescinded (c) In lieu of rescission, compensation of the difference in applicant's pay between P-4 and P-5 from the date of the selected candidate was appointed to the temporary job opening to the date of the applicant's retirement, and the corresponding pension contributions (d) Compensation of $40,500 for loss of opportunity	Appealed	n/a	–	n/a

Abbreviations: ABCC, Advisory Board on Compensation Claims; DMSPC, Department of Management Strategy, Policy and Compliance; DSS, Department of Safety and Security; IRMCT, International Residual Mechanism for Criminal Tribunals; MINUSMA, United Nations Multidimensional Integrated Stabilization Mission in Mali; MONUSCO, United Nations Organization Stabilization Mission in the Democratic Republic of the Congo; UNAMI, United Nations Assistance Mission for Iraq; UNAMID, African Union-United Nations Hybrid Operation in Darfur; UNDP, United Nations Development Programme; UNEP, United Nations Environment Programme; UNFPA, United Nations Population Fund; UNHCR, Office of the United Nations High Commissioner for Refugees; UNICEF, United Nations Children's Fund; UNIFIL, United Nations Interim Force in Lebanon; UNISFA, United Nations Interim Security Force for Abyei; UNMIL, United Nations Mission in Liberia; UNOPS, United Nations Office for Project Services; UN-Women, United Nations Entity for Gender Equality and the Empowerment of Women.