



# General Assembly

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## Seventy-fifth session

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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 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 the calendar year 2019 and offers observations with respect thereto.

The present report also includes a consolidated response to requests made by the General Assembly in its resolutions [73/276](#) and [74/258](#).

The General Assembly is invited to take action as set out in paragraph 134.

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\* [A/75/150](#).



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## I. Overview

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

2. The present report reviews the functioning of the formal system in 2019 and responds to specific requests of the General Assembly in resolution [74/258](#) and a request for a report at the seventy-fifth session concerning the change in the composition of the United Nations Dispute Tribunal and other measures introduced by the Assembly in resolution [73/276](#).

## II. Review of the formal system of justice

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

3. In the Secretariat, the Management Evaluation Unit received a total of 704 requests in 2019, representing a decrease vis-à-vis the total number of 1,182 requests received the previous year (see table 1). Although it is difficult in a given year to empirically identify the reasons for an increase or decrease in requests, previous reports of the Secretary-General have observed that one factor is the number of group requests (see [A/73/217](#), table 1, footnote a, and [A/74/172](#), table 1, footnote a, commenting on the significant increase in group requests in 2017 and 2018). Such requests are submitted, for example, in matters involving retrenchment exercises. Of the requests received in 2019 in the Secretariat, the Unit closed 629 by 31 December 2019, which, as a percentage of the total number of requests received, is in line with the output in previous years. A majority of requests received by the Unit during the year involved separation from service (approximately 37 per cent), appointment and promotion (approximately 21 per cent) or salaries and related allowances (approximately 19 per cent). This is consistent with the subject matter of requests in previous past years. As in past years, a significant number of requests were received from staff members in the field (approximately 60 per cent).

4. In 2019, the overwhelming majority of requests for management evaluation submitted in the Secretariat (78 per cent) did not proceed to the United Nations Dispute Tribunal in 2019 (see table 3). This indicates that the management evaluation function continues to play a crucially important role in providing resolution to staff members.

5. In 2019, the United Nations Dispute Tribunal received 308 applications, slightly fewer than the 316 received in 2018. Case disposals increased by 36 per cent, from 285 in 2018 to 389 in 2019. The Dispute Tribunal also issued more judgments (159) compared with 2018 (128) (not including withdrawal judgments). This represents a 24 per cent increase. The number of orders issued by the Dispute Tribunal decreased from 763 in 2017, to 658 in 2018 and to 570 in 2019. During the second quarter of 2019, the Dispute Tribunal disposed of groups of applications: 31 concerning the unified salary scale that had been pending even after the United Nations Appeals Tribunal had issued a judgment in similar cases on 29 June 2018; and 80 challenging decisions based on a salary survey in India, which had been remanded to the Dispute Tribunal by the Appeals Tribunal on 24 March 2016. These cases, which had been pending with judges whose terms have since ended, were reassigned to other judges

who disposed of them. On 1 July 2019, the term of a new full-time judge in New York and a new half-time judge (elected in 2018) commenced. Four new half-time judges had their first deployment during the fourth quarter of 2019, one in New York, one in Geneva and two in Nairobi.

6. The United Nations Appeals Tribunal maintained its rate of disposals and judgments, issuing 82 judgments and disposing of 95 appeals in total in 2019. The Appeals Tribunal also experienced changes to its composition in 2019, as three newly appointed judges began their terms.

7. Since 2019, two international entities have accepted the jurisdiction of one or both Tribunals. On 10 December 2019, the International Fund for Agricultural Development accepted the jurisdiction of the United Nations Appeals Tribunal under article 2 (10) of the statute of the Appeals Tribunal. On 20 January 2020, the World Meteorological Organization (WMO), which had previously accepted the jurisdiction of the Appeals Tribunal, extended its association with the internal justice system of the United Nations by accepting the jurisdiction of the United Nations Dispute Tribunal, under article 2 (5) of the statute of the Dispute Tribunal.

8. The jurisdiction of the United Nations Appeals Tribunal over specialized agencies and international organizations and entities is based on a special agreement with the United Nations under article 2 (10) of the statute of the Appeals Tribunal, which provides that such an agreement may only be concluded if the agency, organization or entity utilizes a neutral first instance process that includes a written record and a written decision providing reasons, fact and law. In October 2019 and March 2020, the Appeals Tribunal issued five judgments remanding appeals to three entities, requiring them to reconsider and decide on the remanded matters in compliance with the requirement that a neutral first instance process include a written decision by a neutral body.<sup>1</sup> The Appeals Tribunal opined that the internal review processes of the three organizations did not conform with the requirement of article 2 (10). These judgments marked a departure from its previous approach, whereby the Appeals Tribunal had not found the first instance processes of these entities to be non-compliant with its statute and had proceeded to examine the merits of the cases filed by the entities' staff members. With these judgments, entities will need to revise their first instance processes in order to satisfy the Appeals Tribunal that the requirements of the statute have been fulfilled. One possible solution for such entities would be to accept the jurisdiction of the United Nations Dispute Tribunal.

## B. Management evaluation function

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

10. The number of management evaluation requests received for the years 2009–2019 in the Secretariat and the number of requests received in the funds and programmes are provided in table 1. Table 2 provides the numbers for the disposition of management evaluation requests in the Secretariat and the funds and programmes in 2019. Table 3 provides numbers for the outcomes of cases in the United Nations Dispute Tribunal, following management evaluation in 2019. The table does not include applications filed with the Dispute Tribunal concerning administrative decisions that were not subject to management evaluation.

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<sup>1</sup> *Sheffer v. IMO* (Judgment No. 2019-UNAT-949); *Rolli v. WMO* (Judgment No. 2019-UNAT-952); *Spinardi v. IMO* (Judgment No. 2019-UNAT-957); *Dispert & Hoe v. IMO* (Judgment No. 2019-UNAT-958); and *Webster v. ISA* (Judgment No. 2020-UNAT-983).

**Table 1**  
**Management evaluation requests received, 2009–2019**

Year	Requests received						
	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	–
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
<b>Total</b>	<b>10 465</b>	<b>322</b>	<b>780</b>	<b>115</b>	<b>121</b>	<b>336</b>	<b>25</b>

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

**Table 2**  
**Disposition of management evaluation requests in 2019**

Entity	Requests decided in 2019 <sup>a</sup>	Decisions upheld	Decisions reversed	Requests otherwise resolved	Decisions appealed to the United Nations Dispute Tribunal in 2019	Requests carried forward to 2020 <sup>b</sup>
Secretariat	710	454	21	235	150	79
UNDP	38	30	1	7	10	4
UNHCR	54	23	1	29	4	15
UNOPS	12	12	–	–	8	–
UNICEF	26	18	4	4	4	–
UNFPA	14	14	–	–	9	–
UN-Women	2	2	–	–	1	1

<sup>a</sup> Includes cases received in 2019 and cases carried over from 2018 and earlier.

<sup>b</sup> Includes all open cases that were not resolved in 2019 and were carried over to 2020.

Table 3  
**Outcome of cases in the United Nations Dispute Tribunal in 2019, following management evaluation**

<i>Entity</i>	<i>Total number of cases<sup>a</sup></i>	<i>Settled or withdrawn</i>	<i>Upheld</i>	<i>Partially upheld</i>	<i>Overturned</i>
Secretariat	124	33	67	5	15
UNDP	6	2	4	–	–
UNHCR	22	3	16 <sup>b</sup>	–	3
UNOPS	17	–	5	–	–
UNICEF	8	2	6	–	–
UNFPA	4	–	4	–	–
UN-Women	1	–	1	–	–

<sup>a</sup> Represents all cases for which the entity represented the Secretary-General as respondent (excluding suspension-of-action applications) that were disposed of by the United Nations Dispute Tribunal, settled by the parties or withdrawn by the applicant in 2019, regardless of when the application was received.

<sup>b</sup> Includes 11 cases related to the salary survey in India.

## C. United Nations Dispute Tribunal

### 1. Composition

11. At the beginning of 2019, the composition of the United Nations Dispute Tribunal was as follows: full-time judges Teresa Maria da Silva Bravo (Geneva), Memooda Ebrahim-Carstens (New York) and Agnieszka Klonowiecka-Milart (Nairobi); half-time judges Alexander W. Hunter, Jr., and Goolam Hoosen Kader-Meeran; ad litem judges Rowan Downing (Geneva) and Nkemdilim Amelia Izuako (Nairobi).

12. Judges Ebrahim-Carstens and Kader-Meeran completed their terms on 30 June 2019. The General Assembly appointed Judge Joëlle Adda (France) as the full-time judge in New York and Judge Francesco Buffa (Italy) as a half-time judge, effective 1 July. In resolution [73/276](#), the Assembly decided to extend the positions of the two ad litem judges in Geneva and Nairobi and the current incumbent judges, Judges Downing and Izuako, pending the nomination of candidates for four new half-time judge positions and the appointment of the four half-time judges, which should take place no later than 31 December 2019. Following their election by the Assembly on 10 July 2019, new half-time judges Francis H. V. Belle (Barbados), Eleanor Donaldson-Honeywell (Trinidad and Tobago), Rachel Sophie Sikwese (Malawi) and Margaret Tibulya (Uganda) were appointed to the Dispute Tribunal as of that date (General Assembly decision 73/408C, [A/73/49 \(Vol. III\)](#)).

13. In 2019, the United Nations Dispute Tribunal judges held one plenary meeting in New York from 30 September to 3 October. The plenary meeting followed an administrative induction, organized by the Office of Administration of Justice, to orient the new judges around the institutional framework established by the General Assembly and to provide an opportunity to meet with key stakeholders in the Organization, and a judicial induction led by the President of the Dispute Tribunal, Judge Bravo.

### 2. Judicial activities

#### (a) Caseload

14. Table 4 lists the numbers of United Nations Dispute Tribunal applications received, disposed of and pending per year (2009–2019). For 2018 and 2019, the

applications received and disposed of are disaggregated into dispositive judgments and orders, suspension-of-action orders and inter-Registry transfers.<sup>2</sup> Requests for suspension of the implementation of a contested administrative decision require the Dispute Tribunal to consider the application within five days from the service of the application on the respondent. While not as comprehensive as applications on the merits, owing to the time constraint and the need for the Tribunal to review whether the decision was prima facie unlawful, particularly urgent and would cause irreparable damage,<sup>3</sup> such requests may require considerable work by the Tribunal and the Registries, resulting in a disruption in processing pending applications on the merits. A breakdown of the number of Dispute Tribunal suspension-of-action applications received and the number of judgments issued per year (2009–2019) is provided in table 5. Table 6 provides a breakdown of the number of Dispute Tribunal applications received, disposed of or pending per year (2009–2019), by duty station.

Table 4  
**United Nations Dispute Tribunal applications received, disposed of and pending, as reported, 2009–2019**

<i>Year</i>	<i>Applications received<sup>a</sup></i>			<i>Applications disposed of</i>			<i>Applications pending (end of year)</i>		
2009	281			98			183		
2010	307			236			254		
2011	281			271			264		
2012	258			260			262		
2013	289			325			226		
2014	411			320			317		
2015	438			480			275		
2016	383			401			257		
2017	382			268			372		
2018	348			317			404		
2019	354			435			323		
<b>Total</b>	<b>3 732</b>			<b>3 411</b>			<b>-</b>		
	<i>Merits</i>	<i>Suspension of action</i>	<i>Transfer</i>	<i>Merits</i>	<i>Suspension of action</i>	<i>Transfer</i>	<i>Merits</i>	<i>Suspension of action</i>	<i>Transfer</i>
2018	231	85	32	203	82	32	401	3	–
2019	232	76	46	313 <sup>b</sup>	76	46	323	–	–

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

<sup>b</sup> Of the 389 applications disposed of (313 merits applications and 76 suspension-of-action applications), 134 were filed in 2019, 73 in 2018, 80 in 2017, 96 in 2016 and 6 in 2015.

<sup>2</sup> The Dispute Tribunal carries out inter-Registry transfers for a variety of reasons. While it is useful – and sometimes necessary – to transfer cases between duty stations in order to balance the Dispute Tribunal caseload, the current method of registering a case transferred to another duty station as closed at the duty station where it was initially filed results in the case appearing as disposed of by the Tribunal at the initial receiving location and that case’s registration then being counted as the filing of a new application at the other duty station. Such practice distorts the aggregate data on caseload and the nature of cases. To ensure accuracy of reporting, the Registries are currently examining the methodology used in transferring cases between duty stations.

<sup>3</sup> Article 13.1 of the rules of procedure of the Dispute Tribunal.

Table 5  
**United Nations Dispute Tribunal suspension-of-action applications received and judgments delivered, as reported, 2010–2019**

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

Table 6  
**United Nations Dispute Tribunal applications received, disposed of and pending, as reported, by duty station, 2009–2019**

<i>Year</i>	<i>Applications received</i>			<i>Applications disposed of</i>			<i>Applications pending (end of year)</i>		
	<i>Geneva</i>	<i>Nairobi</i>	<i>New York</i>	<i>Geneva</i>	<i>Nairobi</i>	<i>New York</i>	<i>Geneva</i>	<i>Nairobi</i>	<i>New York</i>
2009	108	74	99	57	19	22	51	55	77
2010	120	80	107	101	59	76	70	76	108
2011	95	89	97	119	59	93	46	106	112
2012	94	78	86	106	76	78	34	108	120
2013	75	96	118	77	103	145	32	101	93
2014	209	115	87	67	128	125	174	88	55
2015	182	190	66	285	127	68	71	151	53
2016	215	92	76	147	163	91	139	80	38
2017	127	137	118	108	100	60	158	118	96
2018	127	132	89	124	116	77	161	134	109
2019 <sup>a</sup>	67	158	83	136	134	119	94	137	92
<b>Total</b>	<b>1 419</b>	<b>1 241</b>	<b>1 026</b>	<b>1 327</b>	<b>1 084</b>	<b>954</b>	-	-	-

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

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

15. Table 7 lists the total number of judgments, orders and court sessions from 1 July 2009 to 31 December 2019, by duty station. Applications were disposed of by way of judgment or order; a judgment or order may dispose of more than one application. The number of judgments in 2019 does not include 29 “judgments on withdrawal” of applications by applicants. These judgments on withdrawal do not contain a decision on a dispute pending between parties: they note the withdrawal and decide to close the case. To enhance accuracy of reporting, the Registries proposed a standardization of the closure of cases following withdrawal by the parties so that such closures are not mistaken for judicial adjudication. A cluster of withdrawal

judgments was issued during the second quarter of 2019. Only one withdrawal judgment was issued for the remainder of 2019, on 27 September 2019. All other withdrawn cases were closed by orders of the Dispute Tribunal.

Table 7  
**United Nations Dispute Tribunal judgments, orders and court sessions, as reported, by duty station, 2009–2019**

Year	Judgments				Orders				Court sessions <sup>a</sup>			
	Geneva	Nairobi	New York	Total	Geneva	Nairobi	New York	Total	Geneva	Nairobi	New York	Total
2009	44	20	33	97	39	26	190	255	21	33	118	172
2010	83	52	82	217	93	248	338	679	54	116	91	261
2011	86	52	81	219	224	144	304	672	54	117	78	249
2012	79	65	64	208	172	183	271	626	24	88	75	187
2013	41	67	73	181	201	219	355	775	32	114	72	218
2014	37	67	44	148	197	275	355	827	31	119	108	258
2015	48	40	38	126	272	405	315	992	58	66	68	192
2016	64	107	50	221	250	501	285	1 036	55	60	68	183
2017	35	46	19	100 <sup>b</sup>	262	219	282	763	97	71	43	211
2018 <sup>b</sup>	48	56	24	128	207	193	258	658	88	55	27	170
2019 <sup>b</sup>	44	66	49	159	123	235	212	570 <sup>c</sup>	24	28	10	62
<b>Total</b>	<b>609</b>	<b>638</b>	<b>557</b>	<b>1 804</b>	<b>2 039</b>	<b>2 648</b>	<b>3 157</b>	<b>7 838</b>	<b>538</b>	<b>867</b>	<b>758</b>	<b>2 163</b>

<sup>a</sup> A “court session” is an aggregate unit used to ensure consistency among the three Registries supporting the 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 81 “case management discussions”.

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

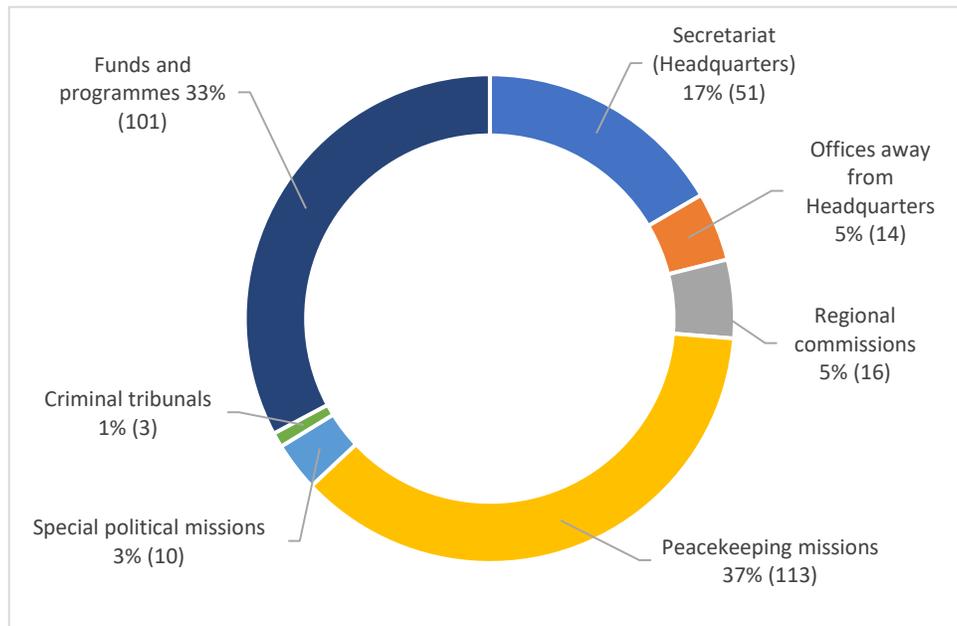
<sup>c</sup> This figure includes orders that disposed of applications, such as withdrawal orders and suspension-of-action orders, withdrawal judgments, inter-Registry transfers (one Registry supporting the Dispute Tribunal closes them and another one reopens them at another location), orders relating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

### (c) Sources of applications

16. The categories of applicants who filed in 2019 were as follows: Assistant Secretary-General (3); Director (16); Professional (141); General Service (87); Field Service (26); Security (8); National Officers (18); and others (9).

17. The 308 new applications received in 2019 were filed by the staff members of various United Nations entities, as illustrated in figure I.

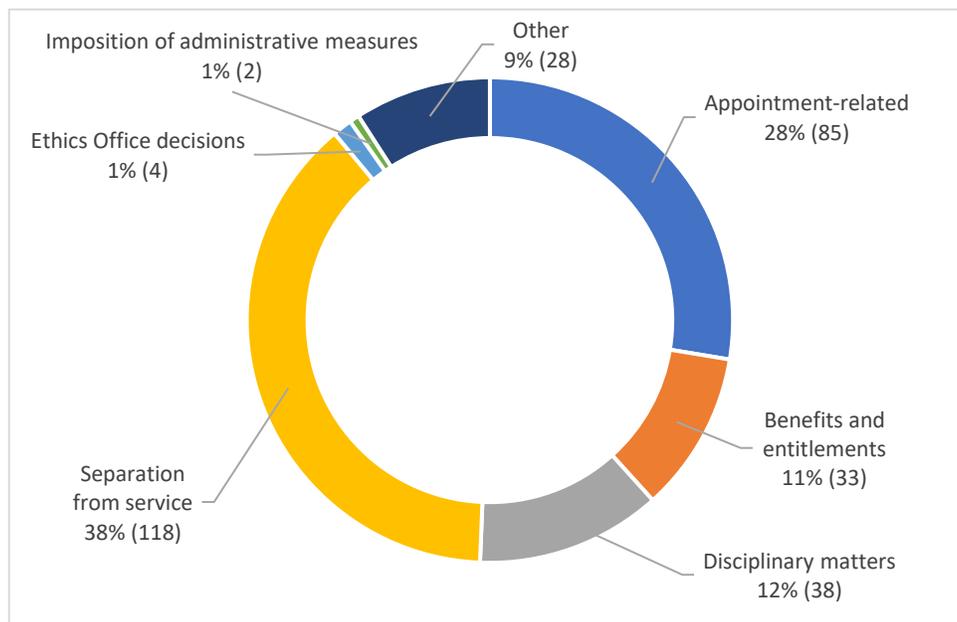
**Figure I**  
**Breakdown of applications by entity of the staff member**



**(d) Subject matter of applications**

18. Applications received in 2019 fell into five main categories, 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; (g) other.

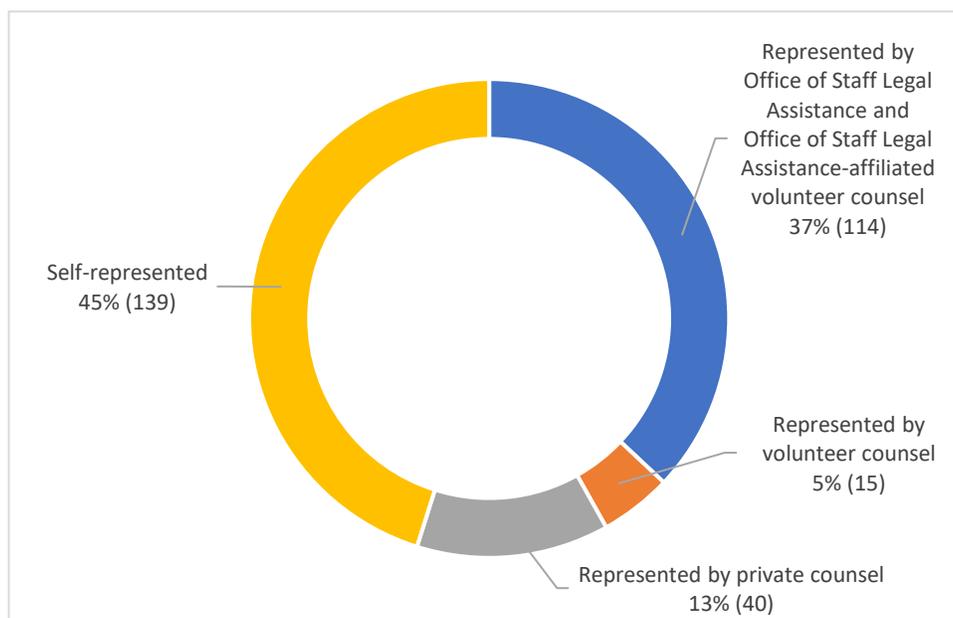
**Figure II**  
**Applications received, by subject matter**



**(e) Representation of staff members**

19. The Office of Staff Legal Assistance, volunteers who were either current or former staff members of the Organization, and private counsel provided representation before the Dispute Tribunal in most applications received in 2019, as illustrated in figure III.

Figure III

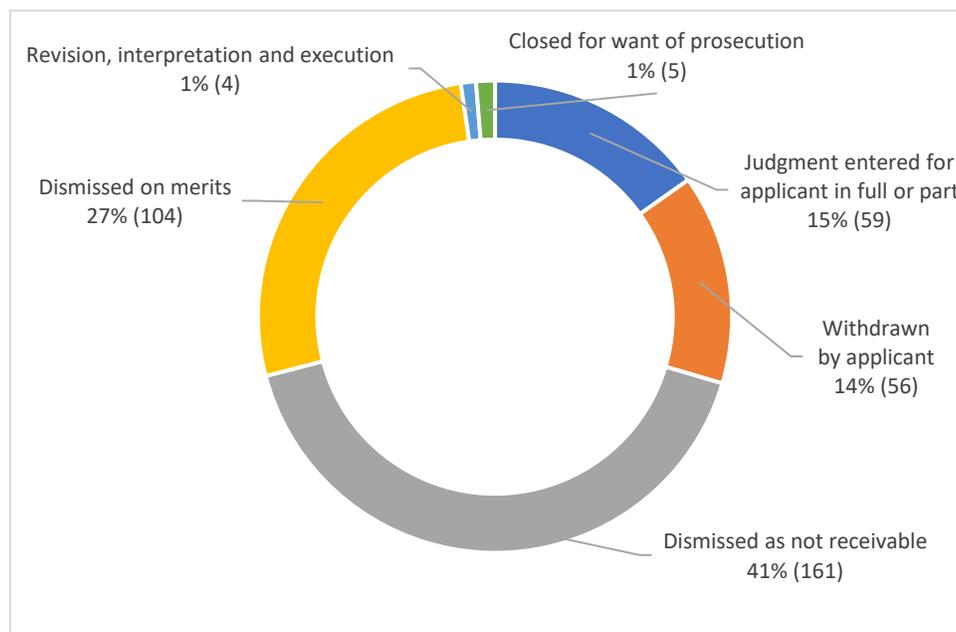
**Representation of staff members****(f) Informal resolution**

20. In 2019, a total of 56 applications pending before the Dispute Tribunal were resolved informally and withdrawn by the applicants. This included cases resolved with or without case management by the Dispute Tribunal. In 2019, five applications pending before the Dispute Tribunal were mediated by the Office of the United Nations Ombudsman and Mediation Services and the applications were withdrawn. In 2019, four applications were referred from the Dispute Tribunal under article 10 (3) of its statute to the Office of the United Nations Ombudsman and Mediation Services for mediation.

**(h) Outcomes**

21. The outcomes of the 389 applications disposed of by the Dispute Tribunal in 2019, including applications for suspension of action, are illustrated in figure IV. The applications that were informally resolved or withdrawn while they were pending before the Dispute Tribunal are included under “Withdrawals”.

Figure IV  
**Outcome of applications disposed of**



**(i) Referral for accountability**

22. The Dispute Tribunal made two referrals for possible action to enforce accountability under article 10 (8) of its statute (Judgments Nos. UNDT/2019/015 and UNDT/2019/033). Judgment No. UNDT/2019/015 was vacated in its entirety by the United Nations Appeals Tribunal. The referral in Judgment No. UNDT/2019/033 was brought to the attention of the Executive Director of the United Nations Children's Fund (UNICEF) for action.

**D. United Nations Appeals Tribunal**

**1. Composition**

23. The United Nations Appeals Tribunal was composed of six judges from 3 November 2017 until 30 June 2019: Judge Dimitrios Raikos (Greece), Judge Sabine Knierim (Germany), Judge Martha Halfeld Furtado de Mendonça Schmidt (Brazil), Judge Richard Lussick (Samoa), Judge Deborah Thomas-Felix (Trinidad and Tobago) and Judge John Raymond Murphy (South Africa). Judge Rosalyn M. Chapman (United States of America) resigned on 3 November 2017. On 30 June 2019, the terms of Judges Lussick and Thomas-Felix ended. The terms of the newly appointed judges, Graeme Colgan (New Zealand), Jean-François Neven (Belgium) and Kanwaldeep Sandhu (Canada), commenced on 1 July 2019.

24. In October 2018, Judge Raikos was elected President, effective 1 January 2019, for a one-year term. Judges Knierim and Halfeld were elected as First and Second Vice-Presidents, respectively, and completed the membership of the bureau of the Appeals Tribunal for 2019.

## 2. Judicial work

### (a) Sessions

25. The Appeals Tribunal held three two-week sessions in 2019: a spring session (18–29 March 2019), a summer session (17–28 June 2019) and a fall session (14–25 October 2019).

### (b) Caseload

26. As at 1 January 2019, 35 cases were pending. In 2019, 124 new cases<sup>4</sup> were received and 95 cases were disposed of. On 31 December 2019, 64 cases remained pending. Table 8 lists the numbers of cases received, disposed of and pending for 2019 and previous years, as well as the number of interlocutory motions received.

Table 8

#### United Nations Appeals Tribunal cases received, disposed of and pending and interlocutory motions received, as reported, 2009–2019

<i>Year</i>	<i>Cases received</i>	<i>Cases disposed of</i>	<i>Cases pending</i>	<i>Interlocutory motions received</i>
2009	19	- <sup>a</sup>	19	–
2010	167	95	91	26
2011	96	104	83	38
2012	142	103	122	45
2013	125	137	110	39
2014	137	146	101	84
2015	191	145	147	81
2016	170	221	96	45
2017	88	152	40	40
2018	84	89	35	38
2019	124	95	64	45
<b>Total</b>	<b>1 343</b>	<b>1 287</b>	<b>-</b>	<b>481</b>

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

### (c) Sources of cases

27. The 124 new cases filed in 2019 included 73 appeals against judgments of the Dispute Tribunal (61 filed by staff members and 12 filed on behalf of the Secretary-General); 27 appeals against judgments rendered by the Dispute Tribunal of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) (22 filed by staff members and 5 on behalf of the Commissioner-General); 3 appeals against decisions of the Standing Committee acting on behalf of the United Nations Joint Staff Pension Board; 2 appeals against decisions of the Secretary-General of the International Civil Aviation Organization; 1 appeal against a decision of the Secretary-General of the International Seabed Authority; 1 appeal against a decision of the Registrar of the International Court of Justice (ICJ); 4 appeals against decisions of the Secretary-General of the International Maritime Organization (IMO); and 4 appeals against decisions of the Secretary-General of WMO. They also included

<sup>4</sup> Cases include appeals against Dispute Tribunal judgments and against decisions taken by the heads of entities and the United Nations Joint Staff Pension Board, and applications for interpretation, revision and correction.

four applications for revision of Appeals Tribunal judgments and five applications for interpretation of a judgment of the Appeals Tribunal.

28. Table 9 presents a breakdown of Appeals Tribunal judgments, orders and hearings for the period 2009–2019.

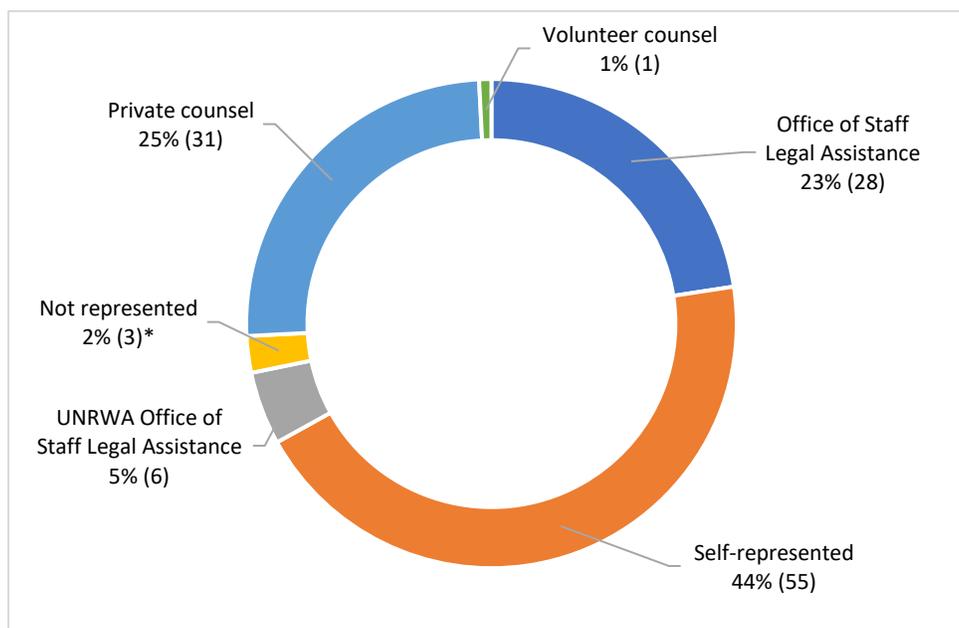
Table 9  
**United Nations Appeals Tribunal judgments, orders and hearings as reported, 2009–2018**

<i>Year</i>	<i>Judgments</i>	<i>Orders</i>	<i>Hearings</i>
2009	-	-	-
2010	102	30	2
2011	88	44	5
2012	91	45	8
2013	115	47	5
2014	100	42	1
2015	114	39	2
2016	101	27	2
2017	100	31	-
2018	86	31	-
2019	82	23	-
<b>Total</b>	<b>979</b>	<b>359</b>	<b>25</b>

**(d) Representation of staff members**

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

Figure V  
**Breakdown of the representation of staff members for all United Nations Appeals Tribunal cases, 2019**



\* Not represented refers to staff members who do not file an answer in response to appeals or cross-appeals.

**(e) Outcomes**

30. In 2019, the Appeals Tribunal disposed of 89 cases by judgment and closed 2 cases by judicial order. Four cases were closed administratively.

31. In 2019, the Appeals Tribunal issued 82 judgments disposing of 89 appeals against judgments and 2 orders disposing of 2 appeals against orders. Of the 89 appeals, 60 were filed against 57 Dispute Tribunal judgments and orders; in 3 cases, there were appeals from both parties. Of those 60 appeals, 38 were filed by staff members and 22 by the Secretary-General. The Appeals Tribunal disposed of two appeals from staff members by judicial order. In 2019, the Appeals Tribunal remanded seven cases to the Dispute Tribunal.

**(f) Relief**

*(i) Appeals against United Nations Dispute Tribunal judgments and orders*

32. Of 57 Dispute Tribunal judgments and orders appealed, the Appeals Tribunal affirmed 34 judgments and vacated 23 judgments in full or in part.

*(ii) Appeal against a decision by the Registrar of the International Court of Justice*

33. The Appeals Tribunal granted the appeal, in part. It ordered ICJ to pay the appellant US\$ 12,500 in moral damages and 3,630 euros in legal costs.

*(iii) Appeal against a decision by the Secretary-General of the International Maritime Organization*

34. The Appeals Tribunal reviewed four appeals filed by IMO staff members and remanded all of them to the Staff Appeals Board of IMO.

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

35. The Appeals Tribunal issued two judgments disposing of two appeals against decisions of the United Nations Joint Staff Pension Board. In one appeal, the Appeals Tribunal rescinded the Board's decision and ordered the United Nations Joint Staff Pension Fund to pay the appellant a widow's benefit. In the other case, the Appeals Tribunal affirmed the Board's decision and dismissed the appeal.

(v) *Appeals against judgments of the UNRWA Dispute Tribunal*

36. In 2019, the Appeals Tribunal disposed of 18 appeals against judgments of the UNRWA Dispute Tribunal. Of the 18 appeals, 16 were filed by staff members and 2 were filed by the Commissioner-General. In 2019, the Appeals Tribunal remanded three cases to the UNRWA Dispute Tribunal.

(vi) *Appeal against a decision by the Secretary-General of the World Meteorological Organization*

37. The Appeals Tribunal reviewed one appeal from WMO and remanded the case to the Joint Appeals Board of WMO for reconsideration and redetermination.

(vii) *Applications for revision and interpretation*

38. In 2019, UNAT disposed of one application for revision and two applications for interpretation.

**(g) Referral for accountability**

39. In 2019, UNAT made one referral for possible action to enforce accountability pursuant to article 9 (5) of its statute (Judgement No. 2019-UNAT-907).

## **E. Office of Staff Legal Assistance**

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

41. The overall trend has been an increase in the workload of the Office since its establishment in 2009, as illustrated in table 10. In 2019, the Office received 1,978 new requests for assistance, and closed 1,695 requests through settlement or otherwise.

Table 10  
**Treatment of requests for legal assistance received by the Office of Staff Legal Assistance, 2009–2019**

<i>Year</i>	<i>Summary advice</i>	<i>Management evaluation matters</i>	<i>Representation before the Dispute Tribunal</i>	<i>Representation before the Appeals Tribunal</i>	<i>Disciplinary matters</i>	<i>Other</i>	<i>Total</i>	<i>Pending requests</i>
2009	171	62	168	13	155	31	600	377
2010	309	90	77	39	70	12	597	261
2011	361	119	115	21	55	10	681	293
2012	630	198	96	31	46	28	1 029	234
2013	491	116	70	33	37	18	765	213
2014	798	210	102	15	44	11	1 180	222
2015	830	196	415	16	33	12	1 502	278
2016	1 006	319	71	322	35	3	1 756	232
2017	1 190	1 132	1 761	8	50	6	4 147	1 896
2018	1 187	975	918	17	94	25	3 216	1 965
2019	1 548	164	116	12	101	37	1 978	1 734
<b>Total</b>	<b>8 521</b>	<b>3 581</b>	<b>3 909</b>	<b>527</b>	<b>720</b>	<b>193</b>	<b>17 451</b>	<b>-</b>

42. The spike in workload in 2017 and 2018 can be explained by the emergence of several group cases in which a large number of staff approached the Office in respect of the same administrative decisions. In 2019, although the number of new cases fell from the previous year, the total number of new requests still reflects the overall trend of year-on-year increases in demand for assistance from the Office.

43. While the Office receives a very large number of requests for assistance, it should be noted that only a small proportion of those requests proceed to the Tribunals. In 2019, the Office filed 164 requests for management evaluation and 116 applications to the Dispute Tribunal and represented staff in 12 proceedings before the Appeals Tribunal. Overall, 70 per cent of cases were resolved informally or otherwise concluded by the Office through summary advice, informal settlement, or by the Office determining that legal proceedings would not have a reasonable prospect of success. Some staff in the latter category may pursue cases through the formal system nonetheless and may be self-represented.

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

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

#### **Various legal offices in the Secretariat and separately administered funds and programmes<sup>5</sup>**

44. 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 2019, the offices representing the Secretary-General handled 758 applications brought by staff from the Secretariat and the separately administered funds and programmes. In addition, these offices are often engaged in efforts to resolve disputes informally and ensure the implementation of the Dispute Tribunal judgment once it becomes executable.

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

45. The responsibilities of the Office of Legal Affairs in the area of administration of justice are multifaceted. The Office is responsible for representing the Secretary-General before the Appeals Tribunal for all United Nations entities. This involves, inter alia, the preparation of written submissions and oral advocacy at hearings. In 2019, the Appeals Tribunal rendered 57 judgments in cases in which the Secretary-General was a party. The Office reviewed all 270 judgments of the Tribunals that were rendered in 2019.

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

### **A. Overview**

46. In resolution [74/258](#), the General Assembly made a number of requests for consideration at its seventy-fifth session and one such request in resolution [73/276](#). The responses to those requests are set out below.

### **B. Responses**

#### **1. Outreach**

47. In paragraph 7 of resolution [74/258](#), the General Assembly urged the continuation of outreach efforts to raise awareness of the internal justice system.

48. Since 2019, the Office of Administration of Justice has conducted more than 39 outreach briefings and events for groups of staff members and managers, including onboarding sessions for newly recruited staff, at a wide range of field and main locations. At some of these events, the Office of Staff Legal Assistance held clinics

<sup>5</sup> Secretariat: Appeals and Accountability Section in the Office of Human Resources at Headquarters (which comprises the Appeals Unit and the Disciplinary Unit) 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).

with staff members. As part of outreach efforts, information is provided on a regular basis on the intranets of organizations, in particular iSeek, which has a specific page on the Office of Administration of Justice and which posted nine articles in 2019, with information on a range of topics.

49. The year 2019 marked 10 years since the establishment of the administration of justice system by the General Assembly in its resolution 61/261. To mark the milestone, the Office of Administration of Justice prepared the Digest of Case Law of the United Nations Dispute Tribunal and the United Nations Appeals Tribunal for the period 2009–2019,<sup>6</sup> covering 10 years of the new administration of justice system at the United Nations. The Digest is an initial step in a broader effort by the Office to provide improved access to the jurisprudence of the Tribunals. It is intended to serve as a research aid for all users of the system, especially United Nations staff members, regardless of their functions, and legal practitioners appearing before the Tribunals, to support transparency and access to justice. The Digest was finalized in mid-2019 and, following formal editing, translation into French and graphic design, as well as a slight delay owing to the coronavirus disease (COVID-19) pandemic, was distributed electronically across the United Nations entities in April 2020. In the short period since the distribution, the Office has received overwhelmingly positive feedback on the Digest from various stakeholders, including staff unions, judges of both Tribunals and legal representatives.

50. The Human Resources Services Division of the Department of Operational Support conducted on-site support visits to both the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA) and the Regional Service Centre in Entebbe, Uganda, in June 2019. The purpose of the visits was to build capacity at the entity level when responding to requests for comments in the context of Management Evaluation Unit and Dispute Tribunal cases and to identify areas where the entities could focus on confliction prevention, for example areas where a significant number of cases were resolved in favour of staff members as moot, settled or withdrawn. The Human Resources Services Division provided a briefing on the system of administration of justice, with an overview of both the formal and informal components and information on deadlines, practices and procedures, with an emphasis on personal responsibility. The aim of the presentation was to make staff members aware of the administration of justice system and to assist staff and managers in dealing with issues as they arise.

51. The Division for Human Resources of the United Nations Population Fund (UNFPA) provides information on how to address grievances in the workplace through training sessions on issues such as work culture and civility in the workplace. In 2019, two training sessions were held on how to create a harmonious and respectful workplace and how to manage conflicts. The sessions included information on available support mechanisms, including the various parts of the administration of justice system. The training sessions were attended in-person at Headquarters and then recorded and made available as webinars. Additionally, information regarding formal and informal mechanisms to address workplace issues is available on the UNFPA intranet.

52. The Legal Affairs Service of the Office of the United Nations High Commissioner for Refugees (UNHCR) is actively engaged in training and outreach activities to raise awareness and build capacity among managers, human resources practitioners and staff at large regarding the administration of justice system and dispute resolution in general. In February and April 2019, a legal officer facilitated sessions on dispute resolution (jointly with the Ombudsman's Office), the various informal and formal grievance mechanisms, and lessons learned from litigation during

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<sup>6</sup> The Digest is available on the website of the Office of Administration of Justice: [www.un.org/en/internaljustice/oaj](http://www.un.org/en/internaljustice/oaj).

two workshops held in the context of the UNHCR internal certification programme in human resources management, which were attended by human resources practitioners from around the globe. Similar training sessions were conducted by legal officers during regional human resources meetings in Pretoria, Bangkok and Panama in April and December 2019, addressing human resources practitioners and senior managers. In December 2019, during a mission to the field, two legal officers conducted information sessions with all staff in the UNHCR offices in Panama and Colombia in order to raise awareness of formal and informal mechanisms for addressing work-related grievances. The topics covered included staff members' rights under the Staff Regulations and Rules, the procedure for reporting misconduct and the mechanisms for protection against retaliation, the procedure for management evaluation, the functioning of the United Nations Dispute and Appeals Tribunals and the roles of the Office of Staff Legal Assistance and the Ombudsman's Office. In addition, a legal officer supported the Ombudsman's Office, the UNHCR Ethics Office and the Psychosocial Wellbeing Section in designing an induction workshop and continuous education for the members of the newly established UNHCR Peer Advisors Network, including regarding the management of staff grievances.

53. The Legal and Policy Advisory Section at the United Nations Office at Geneva conducted a number of outreach activities in 2019 relating to the internal justice system and the administration of justice at the United Nations. These activities included four live events focusing on various aspects of conflict resolution, held as part of the newly launched cooperative excellence initiative on workplace conflict management; several outreach presentations on the administration of justice at the United Nations, including to ICJ in The Hague, to the staff of the Division of Conference Management at the United Nations Office at Geneva and to staff at the Office of the United Nations High Commissioner for Human Rights; orientation sessions for new staff and other personnel on issues relating to conduct and discipline, including harassment and other prohibited conduct; and briefings to the stakeholders and clients of the United Nations Office at Geneva involved in conduct-related procedures under the relevant administrative instructions and bulletins ([ST/SGB/2008/5](#), [ST/SGB/2019/8](#) and [ST/AI/2017/1](#)).

54. Raising awareness about the internal justice system and the various options for addressing workplace conflict is an essential part of the communication and outreach strategy of the Office of the United Nations Ombudsman and Mediation Service. In 2019, the Office participated in more than 110 information sessions to educate staff about the internal justice system. These included town hall meetings, panel discussions and other types of briefings. The Office also conducted 30 skills-building workshops to improve conflict resolution competences among staff and managers. Additional information, as well as details about the Office's civility campaign, is available in the report of the Secretary-General on the activities of the Office of the United Nations Ombudsman and Mediation Services ([A/75/160](#)). Similarly, the Ombudsman for the United Nations Funds and Programmes undertook field visits to engage in interactive meetings, workshops and training sessions. In 2019, the Ombudsman's team visited 23 countries and facilitated 36 town hall presentations and 27 training courses. More information is available in the annual report of the Ombudsman for the United Nations Funds and Programmes.<sup>7</sup>

55. The Management Evaluation Unit continued to engage in outreach efforts, mainly through briefings and participation in training and induction sessions, and also provided guidance in response to ad hoc queries from managers and administrators and queries from staff seeking assistance on matters related to the internal justice system.

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<sup>7</sup> Available at [fpombudsman.org/annual-reports/](http://fpombudsman.org/annual-reports/).

## 2. Prohibited conduct

56. In paragraph 8 of resolution 74/258, the General Assembly requested the Secretary-General to continue to ensure a strong culture of accountability throughout the Secretariat and that all categories of personnel who may have been subjected to prohibited conduct in a work-related situation have access to effective remedies. The Assembly further requested the Secretary-General to provide an update on the actions taken to develop and employ a holistic managerial approach, including management training for addressing conflict, and efforts to identify and address inappropriate behaviour that affects staff even when it does not amount to misconduct. In this regard, guidance is being developed for both staff and managers affected by discrimination, harassment, including sexual harassment, and abuse of authority, in support of the Secretary-General's new bulletin on prohibited conduct ([ST/SGB/2019/8](#)).

57. The following learning programmes aim to empower staff and managers to be more engaged and proactive in establishing and maintaining a harmonious and civil work environment: the United to Respect Toolkit (offering practical and user-friendly online guidance around dealing with prohibited conduct, including prevention methods); the United to Respect Dialogues (a pilot project that leverages the conduct and discipline focal point network, delivers in-person training to support the Secretary-General's new bulletin, and will be scaled for a global roll-out); and a mandatory online training course called "Prevention of Sexual Harassment and Abuse by United Nations Personnel: Working Harmoniously".

58. Within the context of measures to develop and employ a holistic managerial approach to foster adherence to applicable standards of conduct in the workplace, the Administrative Law Division of the Office of Human Resources in the Secretariat has developed a module on the role of responsible officials in addressing workplace disputes. Newly appointed heads of entities in the Secretariat are presented with relevant information on their role and responsibilities in promoting adherence to the standards of conduct applicable in the Secretariat at the induction sessions for senior leaders. During these sessions, information is provided on the resources available to support heads of entities in discharging their conduct-related responsibilities. These resources include conduct and discipline focal points, who provide advice and assistance to heads of entities on conduct and discipline-related matters pertinent to all categories of United Nations personnel, and ALD Connect, the intranet site of the Administrative Law Division, which provides managers with the information and skills needed to respond effectively to misconduct through active engagement with conduct and discipline focal points.

59. In addition, there are elements of the Leadership and Management Development Programme that address conflict in the workplace. These include the United Nations Leaders Programme for staff at the Director level (the module on inclusive leadership touches upon the key skills required to manage conflict); the Executive Management Programme for staff with second reporting officer functions (the module on people management includes a role play of a difficult conversation between a manager and a supervisee, to emphasize the use of skills linked to conflict management, such as active listening, empathy and focusing on needs rather than position); the Emerging Talent Programme for staff at the P-2 and P-3 level (specifically, the module on managing conflict in diverse workplaces); the E-Management Certificate for staff with first reporting officer functions (specifically, the modules on resolving conflict, difficult conversations, active listening, managing emotions and leading through communication); and the LinkedIn Learning initiative for staff at all levels (specifically, the modules on building and nurturing teams, thinking and leading strategically, and encouraging integrity, inclusion and respect).

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

#### **(a) Framework of protection against retaliation for staff members who lodge cases before the Tribunals**

60. In paragraph 9 of resolution [74/258](#), the General Assembly noted the ongoing efforts to continuously strengthen the policy on protection against retaliation for reporting misconduct and for cooperating with duly authorized audits or investigations and requested the Secretary-General to report on progress made in protecting staff members who lodge cases before the Dispute Tribunal and the Appeals Tribunal against retaliation.

61. The Ethics Office receives requests for protection against retaliation. In 2019, the Ethics Office reported no cases in which the complainant alleged that he or she had been retaliated against as a result of testifying or filing an application before the Tribunals.

62. Staff members who bring cases before the Tribunals are protected against retaliation in several ways under the Staff Rules and the administrative issuances of the Organization. All Tribunal applicants are protected against retaliation pursuant to staff rule 1.2 (g), which states that “staff members shall not disrupt or otherwise interfere with any meeting or other official activity of the Organization, including activity in connection with the administration of justice system, nor shall staff members threaten, intimidate or otherwise engage in any conduct intended, directly or indirectly, to interfere with the ability of other staff members to discharge their official functions. Staff members shall not threaten, retaliate or attempt to retaliate against such individuals or against staff members exercising their rights and duties under the present Rules.”

63. Filing an application against a contested administrative decision with the Dispute Tribunal is a right of staff members set out in staff rule 11.4. Accordingly, retaliation against a staff member for bringing a case before the Tribunals would constitute retaliation against a staff member for exercising his or her rights under staff rule 11.4 and would therefore also constitute a breach of staff rule 1.2 (g). In the Secretariat, such misconduct could be reported to the Office of Internal Oversight Services.

64. If a staff member considers that they have been subject to an adverse administrative decision because of their status as an applicant, they could challenge the administrative decision before the Tribunals. An administrative decision that is in violation of staff rule 1.2 (g) is prima facie unlawful. Under their statutes, the Tribunals have the authority to suspend such retaliatory decisions pending management evaluation, order interim measures to provide temporary relief, and rescind the decision in a final judgment.

65. If staff members consider that they have been subject to a retaliatory action during a Tribunal proceeding, they could seek a protective order from that Tribunal. Pursuant to their statutes and rules of procedure, the Tribunals have the authority to issue orders to protect staff members bringing cases. Under article 19 of its rules of procedure, 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.” Article 18bis of the rules of procedure of the Appeals Tribunal contains similar provisions. Moreover, pursuant to the Code of Conduct for the Judges of the United Nations Dispute Tribunal and the United Nations Appeals Tribunal, “judges have a duty to protect witnesses and parties from harassment and bullying during Tribunal proceedings”.

66. If the Tribunals consider that staff members have been subject to retaliation because of their status as a Tribunal applicant, the Tribunals can refer such cases to the Secretary-General for possible action to enforce accountability in accordance with the statutes of the Tribunals.

67. In addition, protection is found in the administrative issuances of the Organization. As indicated in the previous report of the Secretary-General on the administration of justice at the United Nations (A/74/172, para. 81), consideration was given to including activity before the Tribunals under the provisions of the soon-to-be-revised Secretary-General's bulletin on prohibited conduct. Under the revised bulletin (ST/SGB/2019/8), heads of entities in the Secretariat are required to monitor the situation to ensure that no misconduct, prohibited conduct or other adverse action is directed against staff who are availing themselves of a formal or informal process to address their rights as a staff member, including acting as a staff representative and appearing as a witness before the Tribunals. The bulletin also provides that where an investigation is initiated following receipt of a formal report of prohibited conduct, the head of entity will monitor the situation to ensure that all parties comply with their duty to cooperate with the investigation and that no party is subject to retaliation or any other prohibited conduct. When the head of entity considers that retaliation has already occurred, he or she shall promptly notify the Ethics Office to have the matter handled in accordance with the provisions of the Secretary-General's bulletin on protection against retaliation (ST/SGB/2017/2/Rev.1).

**(b) Protection of complainants and witnesses by the Tribunals**

68. In paragraph 12 of resolution 74/258, the General Assembly underscored the explicit authority of the Tribunals to issue orders to protect complainants and witnesses against retaliation, stressed the importance of fully implementing such orders, and requested the Secretary-General to report on the application thereof.

69. In 2019, the Appeals Tribunal confirmed that the Tribunals have a responsibility to protect applicants and witnesses against retaliation. In the case of *Haroun v. Secretary-General of the United Nations* (Judgment No. 2019-UNAT-909), the Appeals Tribunal expressly found that the Tribunals “have a duty to protect witnesses and parties from harassment and bullying during Tribunal proceedings”.

70. In 2019, neither the Dispute Tribunal nor the Appeals Tribunal issued an order to protect a Tribunal applicant or witness against retaliation. In addition, neither Tribunal referred to the Secretary-General for possible action to enforce accountability a case in which it considered that a staff member had been subject to retaliation because of their status as a Tribunal applicant or witness. However, the Appeals Tribunal found in one case that an applicant had suffered retaliation for filing an application before the Dispute Tribunal, and took this, and other factors, into account in awarding compensation to the applicant in the amount of 24 months' net base salary (Judgment No. 2019-UNAT-909).

**(c) Promoting protection against retaliation across the system**

71. In paragraph 11 of resolution 74/258, the General Assembly encouraged the Secretary-General, in his capacity as Chair of the United Nations System Chief Executives Board for Coordination, to promote protection against retaliation across the system. At the 11th meeting of the Ethics Network of Multilateral Organizations, held in July 2019, the ethics officers of the various entities discussed protection against retaliation policies. A virtual meeting of the ethics officers is scheduled to take place in July 2020, in the context of the 12th meeting of the Ethics Network of Multilateral Organizations, during which protection against retaliation policies will be discussed further.

**4. Informal dispute resolution**

72. Matters raised by the General Assembly in paragraphs 15, 16, 19 and 22 of resolution [74/258](#) are addressed in the report of the Secretary-General on the activities of the Office of the United Nations Ombudsman and Mediation Services ([A/75/160](#)).

**5. Root causes of conflict**

73. The response of the Secretary-General to the observations contained in the report on the activities of the Office of the United Nations Ombudsman and Mediation Services, as requested in paragraph 17 of resolution [74/258](#), will be provided in the report of the Secretary-General on the overview of human resources reform for the period 2018–2019. That report is due to be submitted to the General Assembly at the first part of the resumed seventy-fifth session, in March 2021.

**6. Remedies available to non-staff personnel**

74. In his previous report on the administration of justice at the United Nations ([A/74/172](#)), the Secretary-General presented five initiatives aimed at improving the prevention and resolution of disputes involving non-staff personnel. Updated information on those initiatives, as requested in paragraphs 20 and 21 of resolution [74/258](#), is set out below:

(a) The Human Resources Services Division of the Department of Operational Support of the Secretariat is currently conducting a study on the use of non-staff personnel within the Secretariat. The study will allow the Secretariat to better understand the usage of various categories of non-staff personnel and the benefits and risks associated with each non-staff category. The study will be the basis for developing recommendations for improvement of policies, processes and systems. The study will also offer an opportunity to embed requirements for non-staff in the overall workforce planning processes. Following the study, the Division will prepare a report providing guidance to Secretariat entities on consistency and standardization of practices and enhanced capacity-building and information sources, which is intended to contribute to dispute prevention and would inform future consideration of dispute prevention and resolution mechanisms for non-staff categories of personnel. The study is scheduled to conclude in the third quarter of 2020;

(b) The Secretariat, the funds and programmes and other United Nations entities have formed a working group to consider efforts that could be undertaken to prevent disputes, which would include reviewing contract forms and contract management practices and determining how best to revise them so as to prevent any disputes that might arise from contract implementation, interpretation and management. The working group is awaiting the outcome of the aforementioned study and the subsequent report in order to consider any measures in a holistic and systematic manner;

(c) Information on the pilot project to offer access to informal dispute resolution services to non-staff personnel is provided in the report of the Secretary-General on the activities of the Office of the United Nations Ombudsman and Mediation Services ([A/75/160](#));

(d) The Secretary-General is currently exploring whether there are more cost-effective means of engaging a neutral entity to undertake the role of vetting arbitrators, maintaining arbitrator rosters, appointing arbitrators and providing certain administrative functions during arbitration, similar to the role of the neutral entity described in the expedited arbitration procedures for consultants and individual contractors proposed in two previous reports of the Secretary-General on the

administration of justice at the United Nations ([A/66/275](#), annex II, and [A/67/265](#), annex IV);

(e) A revised administrative issuance concerning the engagement of consultants and individual contractors is currently being developed. Subject to the outcome of the usual consultation process across departments and offices of the Secretariat, it is currently envisaged that the revised administrative issuance will incorporate a contract form that will include a simplified dispute resolution mechanism drawing on the cost-neutral features of the proposed expedited arbitration procedures for consultants and individual contractors.

## **7. Accountability of managers for gross negligence**

75. In paragraph 24 of resolution [74/258](#), the General Assembly requested the Secretary-General to continue to ensure the accountability of managers whose decisions had been established to be grossly negligent, according to the applicable Staff Regulations and Rules of the United Nations, and which had led to litigation and subsequent financial loss, and to report thereon to the Assembly. During the reporting period, there were no findings that a manager had been grossly negligent in a decision leading to litigation and subsequent financial loss.

76. Accountability for gross negligence is one element of the overall framework of accountability of managers, which includes disciplinary, criminal 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 2018 is set out in the relevant report of the Secretary-General ([A/74/64](#)). In addition, managers, like other staff members, are subject to the performance appraisal system, while the members of the leadership team of the Secretariat are required to sign senior management compacts. Managers may also be required, pursuant to staff rule 10.1 (b), to reimburse the United Nations for financial loss suffered as a result of their grossly negligent actions that constitute misconduct. However, an adverse outcome in a Tribunal judgment leading to an award of compensation should not necessarily be understood as reflecting an instance of gross negligence leading to financial loss. The standard of gross negligence is a significant threshold: gross negligence is an extreme form of negligence, requiring a conscious and voluntary disregard of the need to use reasonable care. During the reporting period, there were no findings that a manager had been grossly negligent in a decision leading to litigation and subsequent financial loss.

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

77. In paragraph 25 of resolution [74/258](#), the General Assembly requested the Secretary-General to continue to monitor the issue of self-representation and to report thereon to the Assembly. Self-representation before the Tribunals and the substantive number of such applicants and appellants remains an important feature of the internal justice system. The annual percentage of cases where applicants are self-represented fluctuates from year to year, especially if there are group cases filed that year. In 2019, in 45.1 per cent of all cases before the Dispute Tribunal, applicants were self-represented. Before the Appeals Tribunal, in 44 per cent of appeals or cross-appeals against Dispute Tribunal judgments, applicants were self-represented. In comparison, the numbers for 2018 were 39.2 per cent for the Dispute Tribunal and 45 per cent for the Appeals Tribunal.

78. The toolkits for self-represented Dispute Tribunal and Appeals Tribunal litigants were released on the website of the Tribunals on 21 May 2019. They were upgraded in September 2019 with video presentations of the toolkits. From 1 October 2019 to

31 March 2020, the website registered 437 hits on the link to the Dispute Tribunal toolkit and 119 hits on the link to the Appeals Tribunal toolkit.

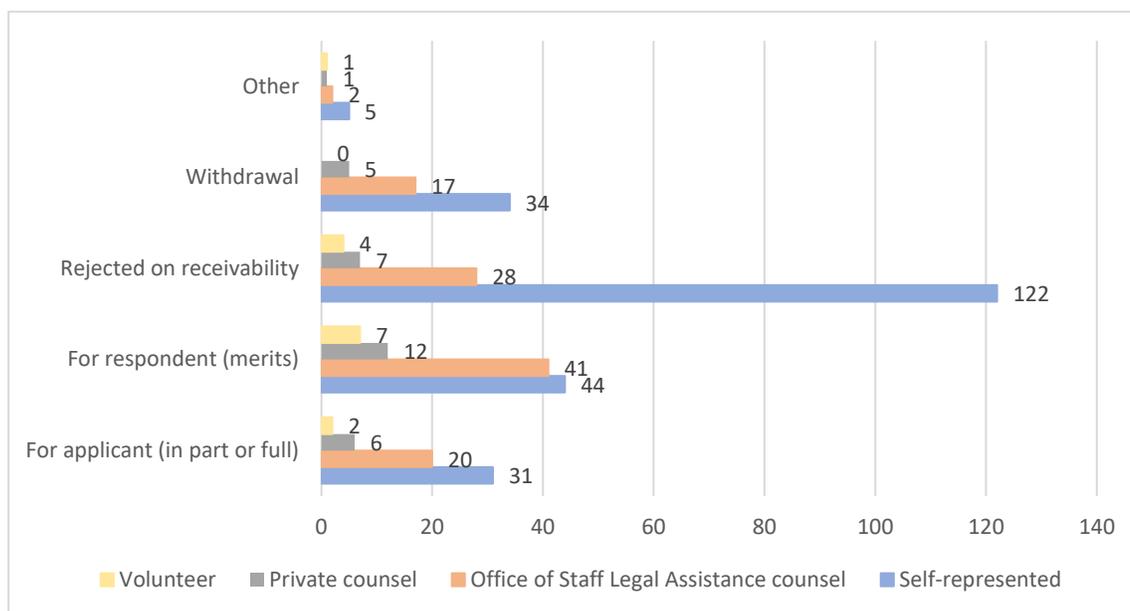
79. A review of data on self-representation before the Tribunals shows that before the Dispute Tribunal, many self-represented applicants are unsuccessful at the receivability stage. An application can be deemed not receivable due to a failure to request a management evaluation, to meet the applicable timelines or to contest an administrative decision. The Office of Administration of Justice has enhanced outreach by issuing a brochure that explains how to challenge an administrative decision in the formal system of administration of justice, as well as a wallet card that explains applicable timelines in the internal justice system. Both documents are available electronically in English and French and are being translated into the remaining official languages; print versions were delayed by the COVID-19 pandemic.

80. In cases where the Office of Staff Legal Assistance declines to represent a client, the client is referred to the toolkits for self-represented litigants. The Registries also refer self-represented litigants to the toolkits. In the court case management system operated by the Registries to support the Tribunals, the web page through which applicants file also includes a reference and a link to the respective toolkit. In the category of cases deemed not receivable by the Dispute Tribunal, the number of self-represented applicants is higher in comparison to cases where the applicant was represented.

81. Figure VI shows that the percentage of self-representation varies greatly across the categories of cases and outcomes.

Figure VI

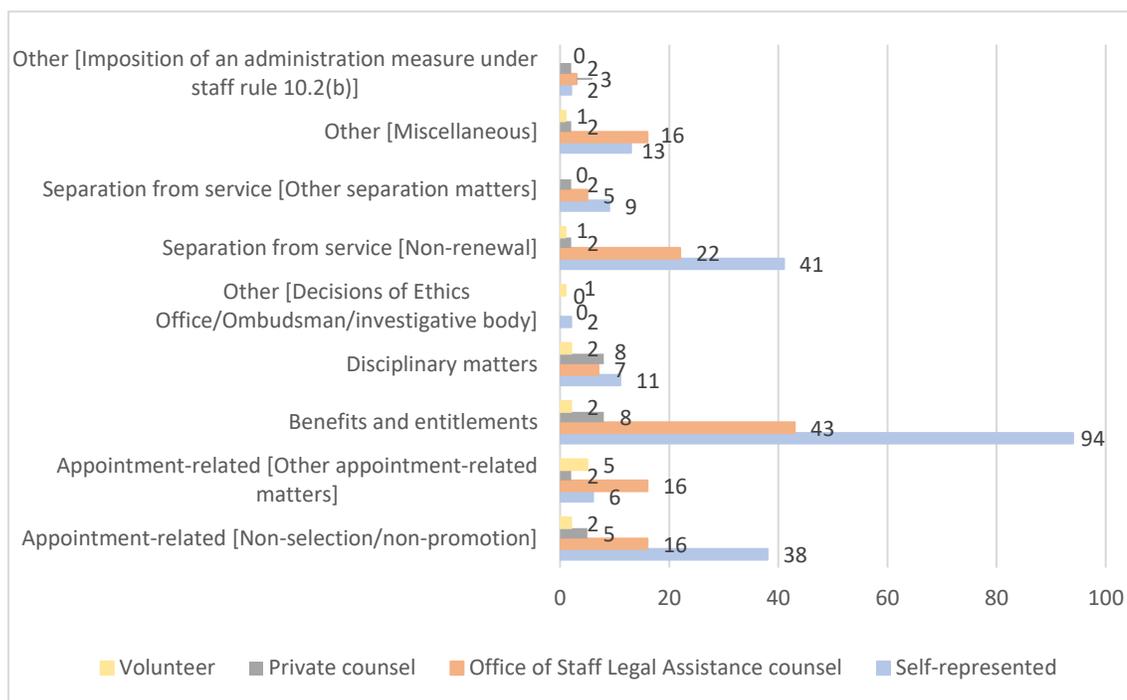
**Outcome of United Nations Dispute Tribunal applications filed in 2019 per type of legal representation – disposals**



82. In the category of cases where the Dispute Tribunal decided in favour of the applicant in full or in part, there are several cases where the applicants were self-represented. This suggests that once an applicant meets the receivability threshold, the legal representation of the applicant is less relevant to the outcome of the application.

83. The subject matter of applications disposed of in 2019 by Dispute Tribunal are categorized as: separation from service, disciplinary matters, appointment and promotion. As illustrated in figure VII, the rate of self-representation was comparatively low in challenges involving disciplinary matters, and highest in disputes about benefits and entitlements.

Figure VII

**Disposals by type of representation and by subject matter in 2019**

84. The legal grounds for the dismissal of a case as not receivable by the Dispute Tribunal in 2019 are set out in table 11. In total, 38.36 per cent of applications were deemed irreceivable in 2019.

Table 11

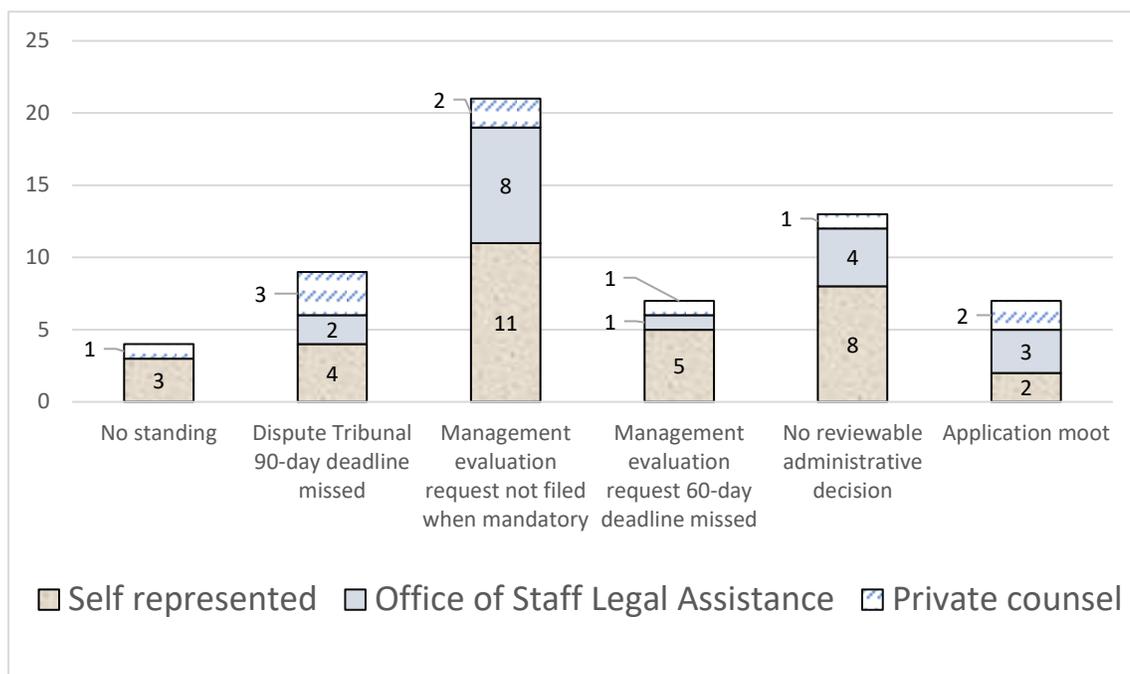
**Grounds for cases rejected as not receivable in United Nations Dispute Tribunal judgments in 2019**

<i>Categories</i>	<i>Number of irreceivable applications</i>	<i>Percentage of irreceivable applications</i>
No standing	4	6.55
Dispute Tribunal 90-day deadline missed	9	14.75
Management evaluation request not filed when mandatory	21	34.42
Management evaluation request 60-day deadline missed	7	11.48
No reviewable administrative decision	13	21.32
Application moot	7	11.48
<b>Total</b>	<b>61</b>	<b>100</b>

85. The data show that most cases found irreceivable by the Dispute Tribunal were for failure to request a management evaluation or where there was no reviewable administrative decision.

Figure VIII

**Representation in United Nations Dispute Tribunal cases that were deemed not receivable in judgments in 2019**



86. The data for cases deemed irreceivable indicate that across almost all categories, self-represented applicants are the largest group.

**9. Views of the Secretary-General on the recommendations of the Internal Justice Council**

87. In paragraph 26 of resolution [74/258](#), the General Assembly noted with concern the dual presidency of the Dispute Tribunal and its impact on case disposal, stressed that the Dispute Tribunal is an independent judiciary and requested the Secretary-General to examine recommendations 11, 12 and 13 contained in the report of the Internal Justice Council on the administration of justice at the United Nations ([A/74/169](#)), with a view to improving the accountability of the Tribunal, for consideration during the seventy-fifth session of the General Assembly.

**(a) Recommendation 11**

88. In recommendation 11, the Internal Justice Council proposes that, in the case of a complaint received under the complaints mechanism, the President or receiving judge should first convene the Council to render a non-binding fact-finding report concerning the allegations and thereafter consider whether a panel of outside experts is necessary.

89. The Secretary-General concurs with the view of the Council that the “Dispute Tribunal is an independent judiciary which is expected to manage its own affairs in accordance with its statute, rules of procedure and code of conduct” ([A/74/169](#), para. 22). In considering recommendation 11, the General Assembly may wish to

consider whether the involvement of the Council in undertaking the fact-finding of a complaint would be efficient and whether the members of the Council have the appropriate profile to perform those functions. There would also be cost implications involved in assigning any fact-finding role to the Council.

90. Pursuant to article 3 (7) of the statute of the Appeals Tribunal, the Appeals Tribunal has a bureau composed of three judges: the President and two Vice-Presidents. The General Assembly may wish to consider a role for the bureau of the Appeals Tribunal in resolving a disagreement among the judges of the Dispute Tribunal. Recourse to a properly constituted Internal Justice Council (absent participation of the staff and management representatives) may be useful in the event of a disagreement among the judges of the Appeals Tribunal. The good offices of the independent Office of the United Nations Ombudsman and Mediation Services could also be considered in resolving disputes among judges.

**(b) Recommendation 12**

91. In recommendation 12, the Internal Justice Council encourages the Dispute Tribunal to promulgate terms of reference for the President for the purpose of directing the Tribunal's work. The promulgation of such terms of reference could help to clarify the roles and duties of the Presidents of the Tribunals, as well as of the Vice-Presidents of the Appeals Tribunal. The rules of procedure of the Tribunals address matters relating to the functioning of the Tribunals, and could address the terms of reference for the Presidents of the Tribunals, as well as for the Vice-Presidents of the Appeals Tribunal. Accordingly, the General Assembly may request the Dispute Tribunal and the Appeals Tribunal to amend their rules of procedure to include such terms of reference.

**(c) Recommendation 13**

92. In recommendation 13, the Council urges the President of the Dispute Tribunal, in consultation with the other judges of the Dispute Tribunal and the Principal Registrar, to promulgate procedures to ensure timely case management and early action in every case. The proposal for such procedures appears reasonable and would promote foreseeability in the operations of the Tribunals.

**10. Amended rules of procedure of the Dispute Tribunal and the Appeals Tribunal**

93. On 24 October 2019, in accordance with article 32.1 of its rules of procedure, the Appeals Tribunal adopted an amendment to articles 8.2 (a) and 9.2 (a) of the rules. The rules, as amended by the Tribunal, are presented in annex I to the present report.

94. In paragraph 27 of resolution [74/258](#), the General Assembly welcomed recommendation 9 on judicial efficiency and accountability contained in the report of the Internal Justice Council, and urged the Dispute Tribunal and the Appeals Tribunal to review and amend their respective rules of procedure subject to the approval of the Assembly, with a view to streamlining and harmonizing their approach to case management, including by ensuring that the first judicial action in a case is taken no later than 90 days from the date on which an application is filed. In response to that request, the Dispute Tribunal adopted amendments to its rules of procedure on 8 June 2020, as presented in annex II to the present report.

95. The adopted amendments are submitted by the respective Tribunals to the General Assembly for approval. Article 32.2 of the Appeals Tribunal rules of procedure and article 37.2 of the Dispute Tribunal rules of procedure provide that amendments to the rules of procedure apply provisionally until approved by the Assembly. However, on 26 June 2020, the President of the Dispute Tribunal wrote to counsel representing the parties before the Dispute Tribunal to indicate that the

Dispute Tribunal judges had decided in plenary that the amended rules of procedure of the Dispute Tribunal would not take effect until approved by the Assembly.

96. Stakeholders will provide comments on the amended rules of procedure of the Dispute Tribunal through an addendum to the present report.

## **11. Case disposal plan of the Dispute Tribunal**

97. In paragraph 28 of resolution [74/258](#), the Secretary-General was requested to report on the implementation of the case disposal plan of the Dispute Tribunal, which was mandated in resolution [73/276](#).

98. In paragraph 24 of resolution [73/276](#), the General Assembly requested the President of the Dispute Tribunal and the Principal Registrar of the Tribunals to work together to develop and implement a case disposal plan with a real-time case-tracking dashboard and performance indicators on the disposal of caseloads. In early January 2019, the President of the Dispute Tribunal was provided with an overview of the ageing structure of all 404 applications pending with the Dispute Tribunal as at 31 December 2018. A total of 205 cases had been pending for over 401 days. These ageing cases are the focus of the case disposal plan, coupled with Dispute Tribunal targets for the number of judgments and disposals to be delivered every month per judge. President Bravo established the targets in January 2019 and reassigned two group cases that had been pending for over 401 days. President Bravo also adopted a framework and protocol for the deployment of half-time judges,<sup>8</sup> among other measures. The dashboard was completed in August 2019.

99. The targets established by President Bravo in January 2019 remained in place despite a dual presidency situation that commenced on 5 April 2019 and ended on 10 July 2019.

100. On 10 July 2019, President Bravo continued implementing the case disposal plan. As at 31 December 2019, 66 per cent, or 267 of the 404 cases pending on 31 December 2018, had been disposed of, while 34 per cent remained pending. Of the 404 cases, 205 cases (51 per cent) had been pending for over 401 days. As at 31 December 2019, 91 per cent of those 205 cases had been disposed of.

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

101. The observations of the Secretary-General in respect of the trends and statistics within the system, as requested by the General Assembly in paragraph 30 of resolution [74/258](#), are provided in chapter II above.

## **13. Judicial directions of the Tribunals**

102. The Dispute Tribunal issued revised judicial directions on 13 May 2020, which were provided to the Office of Administration of Justice for publication. The Office brought to the attention of the Dispute Tribunal observations on provisions of the judicial directions that appear to be inconsistent with the Charter of the United Nations, the Staff Regulations and Rules and administrative issuances that form the legal framework within which the Dispute Tribunal and staff members of the United Nations must operate, and which also appear to exceed the jurisdiction of the Dispute Tribunal.

<sup>8</sup> See [www.un.org/en/internaljustice/pdfs/DeploymentHalf-TimeJudges.pdf](http://www.un.org/en/internaljustice/pdfs/DeploymentHalf-TimeJudges.pdf).

#### 14. Use of half-time judges

103. In paragraph 32 of resolution [74/258](#), the General Assembly requested the Secretary-General to report on the use of the six half-time judges of the Dispute Tribunal.

104. Five new half-time judges were deployed to attend the induction programme in New York from 25 to 27 September 2019 and all six half-time judges participated in the plenary meeting of the Dispute Tribunal held from 30 September to 3 October 2019.

105. All deployments of the new half-time judges followed the previously established framework of three-month deployment cycles. Based on the caseload and nature of cases assigned to the half-time judges, some of the deployments included on-site time, as set out in table 12.

Table 12

#### On-site deployment of half-time judges in 2019

<i>Judge</i>	<i>Location</i>	<i>Deployment</i>	<i>On-site deployment dates and time</i>
Belle	New York	24 September to 20 December 2019	17–30 November 2019 (14 days)
Buffa	Geneva	24 September to 20 December 2019	11 November to 13 December 2019 (31 days)
Donaldson-Honeywell	New York	24 September to 4 October 2019 and 16 December 2019 to 15 March 2020	None
Hunter	New York	1 January to 30 June 2019	1 January to 30 June 2019 (181 days)
Meeran	New York	1 April to 30 June 2019	16 April to 15 June 2019 (60 days)
Sikwese	Nairobi	23 September to 20 December 2019	None
Tibulya	Nairobi	23 September to 20 December 2019	18 November to 20 December 2019 (33 days)

106. Further information on the impact of the measures introduced by resolution [73/276](#) is presented in paragraphs 128–129 below.

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

107. In order to strengthen incentives for staff not to opt out of the voluntary supplemental funding mechanism, as addressed in paragraph 34 of General Assembly resolution [74/258](#), and in addition to the efforts described in the previous report of the Secretary-General on the administration of justice at the United Nations ([A/74/172](#)), legal officers from the Office of Staff Legal Assistance take every opportunity to encourage staff to sign up for the voluntary contributions if they have previously opted out. These initiatives usually receive a favourable response.

108. Notwithstanding these efforts, the Secretary-General recalls the concern, which he has expressed previously, that the costs associated with the Office of Staff Legal Assistance, as currently established and mandated, constitute “expenses of the Organization” to be borne by Member States in accordance with Article 17, paragraph 2, of the Charter of the United Nations. Accordingly, these efforts are without prejudice to a final determination on whether expenditures incurred pursuant to the Office’s mandate constitute “expenses of the Organization” within the context of the Charter’s meaning.

109. Data relating to staff contributions to the mechanism and opt-out rates are provided in annex III to the present report. The contributions are used to provide additional legal officers needed to address the substantial workload of the Office of Staff Legal Assistance. These legal officers are deployed to some of the existing locations where the Office operates (Addis Ababa, Beirut, Geneva, Nairobi and New York) and, since 2019, to the newly established presence in Entebbe, to address the considerable number of cases arising out of peacekeeping missions.

110. With funds from the voluntary supplemental funding mechanism, the Office of Staff Legal Assistance has enhanced the number of legal officers available to assist staff, with the addition of temporary posts in Nairobi (two posts), Geneva, New York, Beirut and Entebbe. A legal assistant position has also been provided in Nairobi.

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

111. In paragraph 35 of resolution [74/258](#), the General Assembly requested the Secretary-General to provide further analysis and clarification on the proposed amendments to articles 2 and 7 of the statute of the Appeals Tribunal on pension matters. The same request was made in Assembly resolution [74/263](#).

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

113. This matter was brought to the attention of the General Assembly at its seventy-third session in the addendum to the report of the Secretary-General on the administration of justice at the United Nations ([A/73/217/Add.1](#)). The addendum is reproduced in annex IV to the present report in relevant part.

114. In a letter dated 13 November 2018 from the Chair of the Sixth Committee, on the administration of justice at the United Nations, addressed to the Chair of the Fifth Committee ([A/C.5/73/11](#), annex), the "Sixth Committee noted that, in order to ensure uniformity of language as well as legal certainty with respect to the jurisdiction of Appeals Tribunal, it would be advisable for the Assembly to approve the amendment to article 48 of the Regulations of the United Nations Joint Staff Pension Fund and the corresponding amendments to articles 2 and 7 of the statute of the United Nations Appeals Tribunal at the same time. Having reviewed the proposals of the Secretary-General (see [A/73/217/Add.1](#)), the Committee recommended approval of the amendments to the statute of the United Nations Appeals Tribunal".

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

116. At its sixty-sixth session, the Pension Board determined that it would maintain its recommendations for the amendment of article 48 and that the matter be referred back to the General Assembly with the explanations provided by the secretariat of the Pension Fund. In its report to the General Assembly on the work of its sixty-sixth session ([A/74/331](#)), the Pension Board noted that the "objective of the amendment to

article 48 was to make clear the situations where the [Appeals] Tribunal has jurisdiction over the decisions of the Standing Committee with regard to appeals that are considered by the Standing Committee over decisions of the Staff Pension Committees and of the Secretary/Chief Executive Officer". Such decisions are on questions of the rights of participants and beneficiaries of the Pension Fund in respect of their participation, contributory service and benefit entitlements and are to be distinguished from matters of governance which are for the Pension Board and the General Assembly. The objective of the amendment to article 48 is to insulate such governance matters, which are the prerogative of the Assembly, from the oversight of the Appeals Tribunal or contrary decisions of the Appeals Tribunal. It was further noted by the Pension Board that a similar amendment to that to article 48 of the Regulations of the Pension Fund had been submitted by the Secretary-General to the Assembly for article 2.9 of the statute of the Appeals Tribunal.

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

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

119. The proposed amendments to article 48 clarify the current provision regarding the jurisdiction of the Appeals Tribunal, as it applied similarly to the United Nations Administrative Tribunal since the inception of the Pension Fund. The extent of the Appeals Tribunal's jurisdiction was agreed to by the Pension Board and all 24 member organizations of the Pension Fund at the time of their admission to the membership of the Pension Fund and when the statute of the Appeals Tribunal was adopted by the General Assembly and the agreement between the United Nations and the Pension Fund on access to the United Nations internal justice system was concluded.<sup>9</sup> The judicial review in respect of the decisions made by the Chief Executive of Pension Administration or of a staff pension committee remains intact under the Pension Fund's review and appeals framework.

120. The clarification also reflects the existing accountability framework vis-à-vis the Pension Board, the General Assembly and the Appeals Tribunal. The clarification

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<sup>9</sup> See for example the report of the Advisory Committee on Administrative and Budgetary Questions on the United Nations pension system (A/63/556, para. 26).

ensures that the Pension Board and the Assembly continue to decide on matters of governance of the Pension Fund, which are the ultimate province of the Assembly, and insulates the Assembly's ultimate decision-making on such matters from oversight or interference by the Appeals Tribunal. Decision-making on matters of governance of the Pension Fund are reflected in the applicable legal framework, that is the Regulations of the Pension Fund, which are approved by the Assembly.

121. This distinction is similar to a staff member's ability to challenge decisions that have a direct impact on the terms and conditions of appointment of the individual staff member under the respective staff regulations and rules of his or her employing organization (each member organization of the Pension Fund has its own staff regulations and rules), but not to challenge decisions on general matters of policy by the Board or the legality of a General Assembly decision or action, unless the staff member can show that such decision or action has a direct effect on their terms and conditions of employment. In the case of the Pension Fund, the decisions appealed under the Regulations of the Pension Fund are those made by the Chief Executive of Pension Administration of the Fund in respect of individual pension rights of staff members belonging to the 24 different member organizations of the Fund. Those rights derive from the individual's participation in the Pension Fund under article 21 of the Fund's Regulations, which is explicitly referred to in article 48 of the Fund's Regulations and in article 2.9 of the statute of the Appeals Tribunal. This means entitlements of individual staff members and Fund participants, their relevant family members or successors in interest, concerning participation, contributory service and benefit entitlements under the Fund's Regulations are within the jurisdiction of the Appeals Tribunal under article 48 of the Fund's Regulations and article 2.9 of the statute of the Appeals Tribunal.

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

123. Should the General Assembly approve the proposed amendments to article 48, corresponding amendments will need to be made to articles 2.9 and 7 of the statute of the Appeals Tribunal to ensure uniformity of language between the amended text of article 48 and the statute and legal certainty with respect to the jurisdiction of the Appeals Tribunal.

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

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

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

**17. Conditions of service and appointment requirements of the members of the Internal Justice Council**

127. At its seventy-fourth session, the General Assembly requested the Secretary-General to provide an overview of and recommendations on the conditions of service and appointment requirements of the members of the Internal Justice Council, in particular professional qualifications, for consideration by the Assembly at its seventy-fifth session (see resolution 74/258, para. 39). The proposed conditions of service and appointment requirements are provided in annex V to the present report. The approval of the proposed conditions of service and appointment requirements has no additional financial implications as the approved budget for the Office of Administration of Justice includes remuneration of the Council members, under "compensation of non-staff" (A/74/6 (Sect. 1), Supplementary information).

**18. Impact of the measures introduced by General Assembly resolution 73/276**

128. At its seventy-third session, the General Assembly requested the Secretary-General to provide to the Assembly at its seventy-fifth session an in-depth assessment, from within existing resources, on the impact of the new measures introduced in resolution 73/276.

129. Stakeholders in the internal justice system opined that it is too early to provide an assessment of the impact of the new measures. At the same time, they offered several preliminary observations. First, the half-time judges model adds flexibility to the Dispute Tribunal and allows for judicial capacity to be deployed at the duty station with the highest caseload (currently Nairobi), either on an ad hoc or continuing basis. This supports decentralization, a key principle of the system (see resolution 61/261, para. 4), over the Dispute Tribunal's practice of transferring cases to "rebalance" caseloads. Second, consistent with past experience, the half-time model also enhances judicial efficiency, including enhanced efforts to ensure cases are disposed of within the annual cycle of a deployment. Data shows that with one fewer full-time judge,<sup>10</sup> the Dispute Tribunal produced 24.2 per cent more judgments in 2019 than in 2018. The stakeholders welcomed the increase in issued orders and judgments since the new half-time judges were appointed. Third, the stakeholders also welcomed the Registries' practice of providing information on cases assigned to the half-time judges through a schedule of deployments and a cause list for each half-time judge, available on the website of the internal justice system. This approach also meets the needs of other stakeholders in the system, like applicants, who now have more clarity on the status of their case, and counsel, who are now in a better position to manage their own caseloads. It has been suggested that this new practice be extended to the docket of cases assigned to full-time judges.

<sup>10</sup> In 2018, the Dispute Tribunal was composed of three full-time judges, two half-time judges and three ad litem judges, which is equivalent to seven full-time judges; in the first half of 2019, the Dispute Tribunal was composed of three full-time judges, two half-time judges and two ad litem judges, which is equivalent to six full-time judges; in the second half of 2019, the Dispute Tribunal was composed of three full-time judges and six half-time judges, which is also equivalent to six full-time judges. Six of these judges were new to the Tribunal and the United Nations system.

## IV. Other matters

### A. Compensation awards

130. Information on compensation paid in 2019 in accordance with the recommendations of the Management Evaluation Unit, compensation awarded by the Tribunals in 2019 and compensation paid in 2019 in respect of previous awards made by the Tribunals is set out in annex VI to the present report.

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

131. Information on the financial situation of the Organization is presented in the relevant reports of the Secretary-General ([A/74/501](#) and [A/74/501/Add.1](#)). In 2019, the Organization faced the worst regular budget liquidity crisis in recent years and the situation worsened further in 2020. To ensure that the Organization could meet its obligations to staff and vendors, the Secretary-General had to introduce measures in 2019 and again in early 2020 to align expenditures with projected cash inflows. In March 2020, the Secretary-General informed Member States that while the Secretariat would continue to make every effort to mitigate negative impacts on mandate delivery, operating in a cash-strapped environment with increasing unpredictability regarding the inflow of contributions undermined the effectiveness of the work of the Organization. The Secretary-General notes that measures to address the ongoing liquidity crisis of the Organization in relation to the regular budget have been applied across the Secretariat, including in the departments and offices of the internal justice system and in the Dispute Tribunal and the Appeals Tribunal.

132. The effects of the liquidity crisis on the formal mechanisms of the internal justice system have been as follows:

(a) Owing to the liquidity crisis in the Organization and related temporary suspension of regular budget recruitment, the Office of Administration of Justice was unable to fill two legal officer posts under the regular budget in the Geneva Registry of the Dispute Tribunal in the first quarter of 2020;

(b) For the same reasons, the Office of Staff Legal Assistance was unable to fill 5 of its 10 posts under the regular budget that became vacant in early 2020. This represents 50 per cent of the workforce of the Office;

(c) Following the measures introduced to reduce non-post expenditures, the Office of Administration of Justice would not have been able to support the typical three Appeals Tribunal sessions per year.<sup>11</sup> However, as the financial constraints coincided with the COVID-19 pandemic, the situation was mitigated as the inability to travel resulted in the Appeals Tribunal holding two of its three planned sessions remotely.

133. Despite the financial constraints, the Office of Administration of Justice has endeavoured to fully support the internal justice system, including the Tribunals, with the limited financial resources available.

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<sup>11</sup> Under its rules of procedure, the Appeals Tribunal shall normally hold two ordinary sessions per calendar year (rule 5.1); extraordinary sessions may be convened by the President when, in his or her opinion, the number or urgency of the cases requires such sessions (rule 5.2).

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

134. The Secretary-General requests the General Assembly to:

- (a) Take note of the information provided in the present report;
- (b) Consider the amendments to the rules of procedure of the Appeals Tribunal and the Dispute Tribunal, as submitted by the respective Tribunals for approval by the Assembly in annex I and annex II to the present report;
- (c) Approve the amendments to articles 2.9 and 7.2 of the statute of the Appeals Tribunal, as proposed in the addendum to a previous report of the Secretary-General on the administration of justice at the United Nations (A/73/217/Add.1), reproduced in relevant part in annex IV to the present report and elaborated on in paragraphs 111–126 above;
- (d) Approve the proposed conditions of service and appointment requirements for the Internal Justice Council, as set out in annex V to the present report.

## Annex I

### **Amended rules of procedure of the United Nations Appeals Tribunal, adopted by the Tribunal on 24 October 2019**

#### **Article 8**

##### **Appeals**

2. The appeal form shall be accompanied by:

(a) A brief that explains the legal basis of any of the five grounds for appeal set out in article 2.1 of the statute of the Appeals Tribunal that is relied upon or, in the case of an appeal against a decision of the Standing Committee acting on behalf of the United Nations Joint Staff Pension Board, a brief containing pleas and an explanatory statement. The brief shall not exceed 15 pages. **The brief that accompanies an appeal against an interlocutory order of the Dispute Tribunal shall not exceed five pages;**

#### **Article 9**

##### **Answers, cross-appeals and answers to cross-appeals**

2. The answer form shall be accompanied by:

(a) A brief, which shall not exceed 15 pages, setting out legal arguments in support of the answer. **The brief that accompanies an answer to an appeal against an interlocutory order of the Dispute Tribunal shall not exceed five pages;**

## Annex II

### Amended rules of procedure of the United Nations Dispute Tribunal, adopted by the Tribunal on 8 June 2020

#### Introduction by the United Nations Dispute Tribunal

The proposed amendments were drafted where practical experience to date demonstrated the need to regulate, in order to streamline the proceedings, and to facilitate access to the basic rules for unrepresented applicants. The proposed amendments take into consideration, to the extent it was found appropriate and useful, all inputs received from registrars and stakeholders. To this end, comments were received from counsels for applicants and for respondent, all of which were given full consideration by the Dispute Tribunal. Some commentators criticized the proposed amendments that put stress on greater concentration of argument and evidence before the Dispute Tribunal, considering it too burdensome for the parties. In this regard, the Dispute Tribunal is of the opinion that streamlining the proceedings cannot be achieved without strengthening the adversarial nature of the process. Another highly relevant aspect is to provide rules to enable prompt determination of receivability of an application and thus eliminate a bulk of disputed matter.

The table below presents the proposed amendments, as well as annotations explaining the rationale for the change, save where the changes were deemed self-explanatory. Articles that remain unchanged have not been included in the table.

*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.

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 of the term~~ **of office;**

(d) Elections shall be by majority vote.

The amendments proposed to article 1 are mainly of an editorial nature, with the exception of article 1.2 (a), which responds to the occasional need to elect the President in advance of the effective date of assuming the office.

(e) Any judge who cannot attend for that purpose 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.**
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.**
3. **The plenary meeting shall be called by the President or at the request of five judges.**

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.

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.

#### 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” was legally inaccurate and obscured the fact that Dispute Tribunal judges are elected officials.

#### 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.**

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.

The two new proposed paragraphs clarify what is being done in practice, with the last sentence of article 4.3 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 4bis. 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 judgments 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** decisions shall be taken by majority vote. Any concurring, separate or dissenting opinion shall be recorded in the judgment.

#### 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.**

~~2. The Dispute Tribunal shall assign cases to the appropriate Registry. A party may apply for a change of venue. [Deleted]~~

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.

## 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.**

~~— (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~~

~~— (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 timely 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.~~

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 at the latest on the next calendar day following the dispatch.~~

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. A request for suspending or waiving statutory deadlines~~

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.

Article 7.2 and 7.3 fill a gap in the applicable rules, which in the Tribunal's practice has caused avoidable litigation. Adherence to 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.

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. Generally, 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.

Article 7.4 clarifies what is being done in practice in accordance with the Appeals Tribunal jurisprudence.

Article 7.5 underlines the difference between the statutory deadlines and deadlines established by a court; in the former case, the conditions need be specified explicitly, whereas in the latter the court may have greater latitude in deciding on the restoration of a deadline; it may also amend it as convenient.

**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.**

~~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.~~ **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.**

~~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.~~

#### 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** when and where the contested decision, ~~if any~~, was taken (with the contested decision, **if in writing**, attached);

The amendments proposed here seek to impose greater discipline on the applications, insisting on clarity as to 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 article 8.2. (e), absent which the application could be rejected as incomplete. The jurisprudence confirms that an applicant must identify and define the impugned administrative decision (Judgment 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

- (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.
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.
- 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.**

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 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.

Article 8.5 is proposed towards a similar goal as article 8.2 (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 9bis. Judgments based on documents**

**The Judge may proceed to judgment wherever submissions by parties suffice for the determination of the case.**

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. 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 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 preferable, however, that the parties are expressly put on notice that a judgment may be issued at any time, based on documents.

**Article 10. Reply**

See commentary to articles 11 and 22.

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. A respondent who has not submitted a reply within the requisite period **of time** shall not be entitled to take part in the proceedings, except with the permission of the Dispute Tribunal.

2. After ascertaining that the requirements of the present article have been complied with, the Registrar shall transmit a copy of the response to the applicant, ~~and to any other party a judge considers appropriate.~~ **the intervenor and/or the person invited to furnish observations under Article 11**, as 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.

**3. The Dispute Tribunal may decide that a reply not be requested where the application is manifestly not receivable or unfounded.**

**Article 10bis. Pleadings**

- 1. The reply shall take a position, in a precise and comprehensive manner, with respect to the facts averred to by the applicant, propose all the defences in fact and in law and specifically indicate facts which are contested and the means of proving them, if known.**
- 2. The Dispute Tribunal may order that either party submit, within a specified deadline, arguments and means of proof that have become necessary in relation to submissions by the opposing party, with an indication of the specific facts for which the proof is requested, under the sanction of being estopped from advancing these matters later in the proceedings.**

Article 10bis is intended to speed up the proceedings. It aims to foster greater adversariality and concentration of evidence in the Dispute Tribunal proceedings.

Paragraph 1 of article 10bis, introducing a fact-based pleading requirement, was met with the most opposition from the respondent's side, who would prefer retaining the practice of notice-based pleadings.

The Dispute Tribunal observes that the practice of notice-based pleadings, where the respondent may only signal opposition, does not contribute to speedy proceedings as it inherently presupposes evolution of argument and evidence. The proposed amendment seeks to impose a greater rigour on articulating the respondent's position, without placing "undue" burden on the respondent. For example, it does not result from the proposed wording that the reply refers to each and every fact alleged; it is, however, expected that it will take position on the relevant facts and state which ones are deemed irrelevant. Neither does the proposed amendment seek to reverse the burden of proof, as the respondent is not obliged to furnish defence if, in his or her opinion, none is necessary; the respondent is, however, expected to present a defence if he or she intends to use one. In general, the respondent, who is at all times representing the public interest, is expected to demonstrate, in a transparent manner, how the administrative decision was taken. To the extent that the commentators invoke problems in internal communication among the respondent's agencies, fixing these is not the responsibility of the Tribunal. The Tribunal may, however, and in practice often does, adjust the deadlines that it sets to particular situations. Furthermore, it is recalled that although the deadline for filing a reply is relatively short, in elaborating his or her position, the respondent has at his or her disposal the management evaluation stage.

Paragraph 2 of article 10bis provides that the Tribunal "may" impose the sanction of estoppel, leaving application of this power to the decision of the presiding judge.

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## 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 Judgment No. 1157, endorsed by the Appeals Tribunal). The amended version presented here appears to be the most faithful equivalent of the French one. However, the utility of this article is limited, as evidenced by the fact that in 10 years no use was made of it. 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.
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, service of documents is effected on the representative only. The submissions made by the representative are considered as made by the party.**

This rule is already applied in practice. Including it explicitly in paragraph 3 helps to prevent disputes concerning the effective date of service.

## 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.

In paragraph 2, the sentence was completed to clarify that the respondent can decide if he or she wants to file a reply.

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”.

2. The Registrar shall transmit the application to the respondent **who may 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.
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.

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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.
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 or in any oral arguments made before the Dispute Tribunal.

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#### Article 16. Hearing

1. The judge ~~hearing~~ **presiding over** a case may hold ~~an~~ oral hearings.
2. A hearing shall normally be held following ~~an appeal~~ **the filing of an application** against an administrative decision imposing a disciplinary measure.
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.**
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.

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.

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 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.

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.~~ **The presiding judge directs the course of the hearing.**

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.**

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. Evidence may be taken by video link, telephone or other electronic means.**

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 2.

Paragraph 2 is merely informing of the current practice.

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 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.**

#### Article 18. Evidence

1. The Dispute Tribunal shall determine the admissibility of any 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.~~ **The applicant bears the burden of proving unlawfulness of the impugned decision. In cases involving disciplinary measures, however, the applicant is presumed innocent. In deciding whether the matter before it has been proven to the requisite standard, the Dispute Tribunal evaluates evidence in accordance with logic and common experience. Limitation on free evaluation of evidence may only result from the resolutions of the General Assembly.**
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.~~ **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.**
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.~~ **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**

Paragraph 2 sets out the basics of the distribution of proof, as so far as it may only be found in jurisprudence. It was, however, deemed not feasible, considering the limited nature of the review, to attempt to insert provisions defining the standard of proof, given that this matter turns on the substantive nature of the issue adjudicated before the Tribunal. Moreover, there are some situations where the standard of proof is still not clearly determined. Standard of proof, however, is a different matter from free evaluation of evidence, addressed below.

The third sentence of paragraph 2, on the evaluation of evidence, intends to state what is civilizational achievement and a cornerstone of the judicial power and reflects what has been expressed by the Appeals Tribunal in 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. This provision does not interfere with the power of the Appeals Tribunal to verify if evaluation of evidence by the Dispute Tribunal was appropriate. However, legal presumptions and exclusionary rules for reasons of transparency and certainty of the law must be statutorily defined. In this regard, quantifying in binding rules the weight given to evidence from persons is inappropriate and may limit the Dispute Tribunal’s ability to respond to cases based on a single witness, such as it happens often in sexual abuse matters.

The second sentence of paragraph 4 proposes the only effective sanction that the Tribunal may practically impose, given that, unlike in national jurisdiction, it does not have at its disposal fines or other measures of compulsion.

~~evidence.~~ **the first procedural opportunity, request the Dispute Tribunal to order directing the production of this evidence. The Dispute Tribunal may draw adverse inferences from 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.**

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.~~, **at the request of either party, impose measures to preserve the confidentiality of evidence, where warranted by security interests or other exceptional circumstances.**

6. **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.**

7. **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.**

#### 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.**

Paragraph 7 is proposed in response to needs arising in the Tribunal's practice.

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.

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 problem, but individual facts are so different that forcing them into a single case would be inefficient.

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.

#### **Article 19bis. Abuse of process**

- 1. Where the Dispute Tribunal determines that a party has manifestly abused the proceedings before it, it may award costs against that party as set out in article 10.6 of the Dispute Tribunal statute.**
- 2. The Dispute Tribunal may disregard submissions which are late, irrelevant, frivolous, repetitious or exceed the allotted page limit.**
- 3. Where manifest or habitual abuse of process is committed by a party's representative, the Dispute Tribunal hearing the case may refuse audience until amends are made to purge this abuse to its satisfaction. It may also refer the matter to a Bar or to the Secretary-General, as appropriate.**

The statutory sanction of awarding costs does not provide means for addressing abuse of proceedings by a representative, without the fault of the party itself. Instances of abuse of proceedings are certainly rare; however, there were instances where they were committed repeatedly by certain individuals. Neither punishing an applicant nor burdening the budget of the Organization with fiscal penalties for the conduct of counsel or representatives would be appropriate. It was felt that refusal of audience would be an appropriate deterrent, together with the referral to appropriate bodies as proposed in paragraph 3.

The Dispute Tribunal recalls that sanctions for abuse of proceedings and contempt of court are considered inherent powers and as such have been applied by the Appeals Tribunal, which has even refused audience to applicants. For clarity and deterrence purposes, however, the Dispute Tribunal considers it useful to have these sanctions spelled out in the Rules.

It is noted that paragraph 2 deals with submissions, as opposed to evidence in article 18.

#### **Article 21. Registry**

1. The Dispute Tribunal shall be supported by Registries, which shall provide all necessary administrative and support services to it.
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:

Paragraph 5 has been added in order to allow the Dispute Tribunal to specify how all the Registries shall assist the judges.

- (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 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.

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). Intervention, thus, may only concern persons whose interests may be indirectly affected, e.g. by making determination which 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, e.g., because a decision concerning him or her has not yet been taken or has already been taken and appealed before the Tribunal. As such, reference to a staff member or former staff member seems more appropriate as general *ratione personae* criterion, whereas legitimacy to intervene in a concrete case is to be determined by the criterion of legitimate interest.

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.

#### **Article 28bis. 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.**
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.**

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”.

#### **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. Waiver 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]~~

Article 35 is proposed for deletion given that it was, in part, repetitious of the statute and not precisely drafted. Moreover, the matter is now comprehensively addressed in draft article 7.

Article 37. Amendment of the ~~rules of procedure~~ **Rules of Procedure**

1. The Dispute Tribunal in plenary meeting may adopt amendments to the **Rules of Procedure which shall be submitted to the General Assembly for approval by the vote of at least seven (7) judges.**
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.~~
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.

Paragraph 1 establishes a qualified majority for the adoption of the Rules of Procedure, in consideration of the current number of Dispute Tribunal judges.

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 Dispute Tribunal judges have been so far satisfactorily resolved by interpretation.

## 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.~~
- ~~2. The rules of procedure shall operate provisionally from the date of their adoption by the Dispute Tribunal until their entry into force. [Deleted]~~

It was considered that article 38.2 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.

## Annex III

### Monthly opt-out rates and staff contributions under the voluntary supplemental funding mechanism for the Office of Staff Legal Assistance in 2019

(United States dollars)

Entity	January		February		March		April		May		June	
	Opt-out rate (percentage)	Contribution										
UNHCR	30.72	12 696.29	31.09	12 752.98	31.27	12 832.91	31.02	12 936.18	30.89	12 985.94	30.64	13 318.96
UNHQ <sup>a</sup>	34.26	49 475.70	34.13	49 765.60	33.97	50 195.21	31.11	50 411.74	30.95	50 595.47	31.9	49 432.15
UNDP	43	15 552.84	41	15 390.00	41	15 380.00	41	15 648.00	41	15 643.00	41	15 690.00
UNICEF	40	18 669.86	40	18 130.06	40	18 987.25	40	19 454.54	41	18 966.72	41	19 066.40
UNOPS	49.4	1 142.28	49.6	1 137.29	49.47	1 159.92	48.56	1 177.99	47.85	1 212.81	48.15	1 206.55
<b>Total</b>		<b>97 536.97</b>		<b>97 175.93</b>		<b>98 555.29</b>		<b>99 628.45</b>		<b>99 403.94</b>		<b>98 714.06</b>

Entity	July		August		September		October		November		December	
	Opt-out rate (percentage)	Contribution	Opt-out rate (percentage)	Contribution	Opt-out rate (percentage)	Contribution	Opt-out rate (percentage)	Contribution	Opt-out rate (percentage)	Contribution	Opt-out rate (percentage)	Contribution
UNHCR	30.96	13 160.24	30.59	13 279.16	30.71	13 390.83	30.49	13 500.58	29.77	13 789.07	29.73	14 071.31
UNHQ <sup>a</sup>	34.9	49 462.75	31.8	49 646.40	31.54	49 891.83	31.33	50 323.53	34.17	50 463.20	34.06	50 488.61
UNDP	41	15 761.00	41	15 785.00	41	16 140.00	41	16 008.00	41	16 979.00	40	16 818.00
UNICEF	41	19 239.96	42	19 080.79	42	19 446.18	42	19 253.20	42	19 376.90	42	19 682.29
UNOPS	47.96	966.67	51.07	1 393.68	48.96	1 344.66	49.15	1 241.31	49.57	1 821.14	49.15	1 246.46
<b>Total</b>		<b>98 590.62</b>		<b>99 185.03</b>		<b>100 213.50</b>		<b>100 326.62</b>		<b>102 429.31</b>		<b>102 306.67</b>
<b>Total contributions in 2019</b>												<b>1 194 066.39</b>

*Abbreviations:* UNDP, United Nations Development Programme; UNHCR, Office of the United Nations High Commissioner for Refugees; UNHQ, United Nations Headquarters; UNICEF, United Nations Children's Fund; UNOPS, United Nations Office for Project Services.

<sup>a</sup> United Nations Headquarters provides information for: United Nations Office at Nairobi, United Nations Office at Geneva, United Nations Office at Vienna, United Nations Headquarters, International Residual Mechanism for Criminal Tribunals, Economic Commission for Africa, Economic Commission for Latin America and the Caribbean, Economic and Social Commission for Western Asia and local staff members in peacekeeping and political missions.

## Annex IV

**Addendum to the report of the Secretary-General on the administration of justice at the United Nations (A/73/217/Add.1), reproduced in relevant part**

**II. Jurisdiction of the United Nations Appeals Tribunal over decisions of the Standing Committee of the United Nations Joint Staff Pension Board**

2. At its sixty-fifth session, held from 26 July to 3 August 2018, the Board adopted the following amendment to article 48 “Jurisdiction of the United Nations Appeals Tribunal” of the Regulations of the Fund:

(a) Applications alleging non-observance of these Regulations **in regard to rights affecting participation, contributory service and benefit entitlements under the Regulations** arising out of decisions of the **Standing Committee acting on behalf of the Pension Board under Section K of the Administrative Rules**, may be submitted directly to the United Nations Appeals Tribunal by:

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

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

(b) In the event of a dispute as to whether the Tribunal has competence, the matter shall be settled by a decision of the Tribunal. **Remands, if any, shall be to the Standing Committee acting on behalf of the Pension Board.**

(c) The decision of the Tribunal shall be final and without appeal.

(d) The time limits prescribed in article 7 of the Statute of the Tribunal are reckoned from the date of the communication of the contested decision of the **Standing Committee acting on behalf of the Pension<sup>1</sup> Board.**

3. In accordance with article 49 of the Regulations of the Fund, the Board recommended that the General Assembly approve the aforesaid amendment to article 48 of the Regulations of the Fund at the seventy-third session (see report A/73/9, submitted under agenda item 145 “United Nations pension system”). Should the Assembly approve the request, the amendment will require the following corresponding amendments to articles 2.9 and 7.2 of the statute of the United Nations Appeals Tribunal, respectively:

*Article 2*

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

<sup>1</sup> The words “Standing Committee acting on behalf of the Pension” were not included in the original version of A/73/217/Add.1 and are included here for convenience. This text was recommended by the Pension Board at its sixty-sixth session as an amendment to article 48 of the Regulations of the Fund and reported to the General Assembly in the report of the Pension Board on the work of its sixty-sixth session (A/74/331, page 183).

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

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

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

*Article 7*

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

## Annex V

### Proposed conditions of service and appointment requirements for the Internal Justice Council

#### 1. Historical background

1.1 The General Assembly established, effective 1 July 2009, an “independent, transparent, professionalized, adequately resourced and decentralized system of administration of justice consistent with the relevant rules of international law and the principles of the rule of law and due process to ensure respect for the rights and obligations of staff members and the accountability of managers and staff members alike” (resolution [61/261](#), para. 4).

1.2 In resolution [62/228](#), paragraphs 35–38, the General Assembly further:

*Stresse[d]* that the establishment of an internal justice council can help to ensure independence, professionalism and accountability in the system of administration of justice”;

*Decide[d]* to establish by 1 March 2008 a five-member Internal Justice Council consisting of a staff representative, a management representative and two distinguished external jurists, one nominated by the staff and one by management, and chaired by a distinguished jurist chosen by consensus by the four other members;

*Also decide[d]* that the Internal Justice Council shall perform the following tasks:

- (a) Liaise with the Office of Human Resources Management on issues related to the search for suitable candidates for the positions of judges, including by conducting interviews as necessary;
- (b) Provide its views and recommendations to the General Assembly on two or three candidates for each vacancy in the United Nations Dispute Tribunal and the United Nations Appeals Tribunal, with due regard to geographical distribution;
- (c) Draft a code of conduct for the judges, for consideration by the General Assembly;
- (d) Provide its views on the implementation of the system of administration of justice to the General Assembly;

*Further decide[d]* that the Internal Justice Council shall be assisted, as appropriate, by the Office of Administration of Justice.

1.3 In resolution [63/253](#), paragraph 57, the General Assembly decided that “for future appointments the Internal Justice Council shall not recommend more than one candidate from any one Member State for a judgeship on the United Nations Dispute Tribunal, or more than one candidate from any one Member State for a judgeship on the United Nations Appeals Tribunal”.<sup>2</sup>

1.4 In resolution [66/237](#), paragraph 45, the General Assembly stressed that “the Internal Justice Council can help to ensure independence, professionalism and

<sup>2</sup> In resolution [65/251](#), paragraph 45, the General Assembly requested “the Secretary-General, in order to attract a pool of outstanding candidates reflecting appropriate language and geographical diversity, different legal systems and gender balance, to advertise Tribunal vacancies widely in appropriate journals in both English and French, and to disseminate information relating to the judicial vacancies to Chief Justices and to relevant associations, such as judges’ professional associations, if possible, before those vacancies arise”.

accountability in the system of administration of justice, and request[ed] the Secretary-General to entrust the Council with including the views of both the Dispute Tribunal and the Appeals Tribunal in its annual reports”.<sup>3</sup>

1.5 In resolution 74/258, paragraph 29, the General Assembly requested “the Secretary-General to invite the Internal Justice Council to provide its views on the implementation of the system of administration of justice, including the timely delivery of judgments, and to report thereon to the General Assembly at its seventy-fifth session”. In paragraph 38, the Assembly welcomed “further views of the Internal Justice Council in its next report to the General Assembly on possible ways to improve judicial and operational efficiency”. In paragraph 39, the Assembly recalled “paragraphs 36 and 37 of its resolution 62/228, and request[ed] the Secretary-General to provide an overview of and recommendations on the conditions of service and appointment requirements of the members of the Internal Justice Council, in particular professional qualifications, for consideration by the General Assembly at its seventy-fifth session”.

1.6 In its resolution 70/112, the General Assembly adopted 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. Paragraph 21 of that resolution provides that “the respective Presidents of the Dispute Tribunal and the Appeals Tribunal shall submit an annual report to the General Assembly on the disposition of complaints [regarding alleged misconduct or incapacity of the judges] through the Internal Justice Council.”

1.7 To ensure effective delivery of the above mandates, the following conditions of service of the Internal Justice Council (“Council”) shall apply.

## 2. Professional qualifications and appointment requirements

2.1 In order to implement the mandate of the Council to identify suitable candidates for judicial appointments and provide its views on the implementation of the system of administration of justice to the General Assembly, all members of the Council, including the Chair, shall have the following necessary qualifications and professional experience to fulfil their responsibilities:

(a) High moral character;

(b) Legal qualifications and at least 10 years of relevant work experience. For the two external jurists, one nominated by staff and the other by management, relevant work experience in either administrative law, labour law, collective bargaining, industrial relations or in a related field, in senior roles such as a pre-eminent judge or former judge, a leading academic, a leading litigation lawyer and/or legal advisor.

2.2 The staff representative can be any staff member of a United Nations common system organization falling under the jurisdiction of the United Nations Dispute Tribunal and the United Nations Appeals Tribunal, provided that the staff representative has the necessary qualifications and professional experience set out in paragraph 2.1 and has been nominated by staff representative bodies to represent the views of staff in the Council.

2.3 Counsel representing a party before the United Nations Dispute Tribunal or the United Nations Appeals Tribunal, any other person representing a party before these Tribunals, and persons with active cases before the Tribunals, shall not be eligible to serve on the Council.

<sup>3</sup> The General Assembly repeated this request in subsequent resolutions (for example, resolutions 67/241, para. 57; 68/254, para. 39; 69/203, para. 47; 70/112, para. 42; 71/266, para. 45; 72/256, para. 36; 73/276, para. 43; and 74/258, para. 37).

2.4 Members of the Council can be nominated from the ranks of former staff members of the United Nations common system organizations falling under the jurisdiction of the United Nations Dispute Tribunal and the United Nations Appeals Tribunal with the necessary qualifications and professional experience. Appointment of former staff members shall be subject to limitations provided for in the administrative instruction on retention in service beyond the mandatory age of separation and employment of retirees (ST/AI/2003/8).

2.5 The Chair and the two external jurists shall not be eligible to hold any other position or appointment within the United Nations common system, whether remunerated or not, during the term of office with the Council. The management representative and the staff representative shall not be eligible to perform any other role concerning the internal justice system during the term of office with the Council.

2.6 Judges of the United Nations Dispute Tribunal or the United Nations Appeals Tribunal shall not be eligible for appointment to the Council at any time during and after their term of office.

2.7 In the nomination of the candidates to the Council, geographic diversity and gender balance principles shall be respected.

### **3. Term of office**

3.1 Members of the Council shall be appointed by the Secretary-General following the nomination procedure established by the General Assembly: the Council shall consist of a staff representative, a management representative and two distinguished external jurists, one nominated by the staff and one by management, and a distinguished jurist chosen by consensus by the four other members to chair the Council.

3.2 Members of the Council shall be appointed for the term of office of four years and can be reappointed for one more four-year term. Should the Chair of the Council be appointed at a date later than the four initially nominated members, the Chair's term shall end on the same date as the remaining members of the Council.

3.3 Members of the Council shall receive a letter from the Secretary-General informing them of the appointment and conditions of service. Members of the Council shall inform the Secretary-General of the acceptance of the appointment.

3.4 A member of the Council may resign by submitting a notice of resignation to the Secretary-General. The resignation shall take effect from the date of receipt of notification, unless the notice of resignation specifies a later date. In the event of resignation by a Council member, the Secretary-General shall appoint another member of the Council for the remainder of the term of office of the resigned member in accordance with the nomination procedure established by the General Assembly.

### **4. Programme of work**

4.1 The Council shall prepare and include in its annual report to the General Assembly, for its approval, a detailed programme of work for each calendar year in accordance with the mandates under relevant General Assembly resolutions.

4.2 All Council members shall ensure their full availability to perform the duties as Council members in accordance with the programme of work of the Council.

4.3 Any staff member serving on the Council shall be accorded a time release from their functions as staff members to participate in the work of the Council in accordance with its programme of work.

## **5. Official travel**

5.1 While on official business travel, provisions on official travel and on the system of daily subsistence allowance available to staff members ([ST/AI/2013/3/Amend.3](#), [ST/AI/2014/2](#) and [ST/IC/2019/16](#)) shall apply to the members of the Council.

## **6. Remuneration**

6.1 The Council members who are staff members shall continue receiving their respective salaries, benefits and allowances and shall not be remunerated separately for their work on the Council.

6.2 The Council members who are not staff members may be remunerated in line with the annual programme of work of the Council based on the rate of US\$ 552 per day of work.

6.3 The Chair of the Council shall ensure the most efficient use of resources for the performance of the Council's mandate in accordance with its programme of work.

6.4 The Council shall keep a record of all activities undertaken during each year.

## **7. Status**

7.1 Members of the Council who are staff members shall retain their status as staff members and remain subject to the applicable staff regulations and staff rules. Members of the Council who are not staff members shall have the status of experts on mission and shall be subject to the Regulations Governing the Status, Basic Rights and Duties of Officials other than Secretariat Officials and Experts on Mission ([ST/SGB/2002/9](#)).

## **8. Conduct and conflict of interest**

8.1 Members of the Council shall uphold the highest standards of conduct to enhance and maintain confidence in their role and avoid conflict of interest in accordance with the applicable staff regulations and staff rules or the Regulations Governing the Status, Basic Rights and Duties of Officials other than Secretariat Officials and Experts on Mission ([ST/SGB/2002/9](#)), in accordance with their status.

## **9. Final provision**

9.1 The present conditions of service shall enter into force on 13 November 2020.

## Annex VI

**Settlement payments recommended by the Management Evaluation Unit and monetary compensation awarded by the Tribunals in 2019 or paid in 2019**

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

<i>Department of decision maker</i>	<i>Compensation</i>	<i>Level of staff member</i>	<i>Amount (United States dollars)</i>	<i>Reason for compensation</i>
RSCE	6 months' net-base salary	P-3	25 967.50	Settlement in the context of non-extension of fixed-term appointment
UNMISS	Fixed amount	FS-4	8 500.00	Settlement in the context of delay in processing entitlements
RSCE/FPD/UNSOS	Fixed amount	P-5	5 000.00	Settlement in the context of delay in processing entitlements
UNMISS	Fixed amount	GL-2	3 500.00	Settlement in the context of delay in processing entitlements
MONUSCO	Fixed amount	GL-4	8 000.00	Settlement in the context of delay in processing entitlements
DMSPC	Fixed amount	N/A	25.00	Fee for returned check
<b>Total</b>			<b>50 992.50</b>	

*Abbreviations:* FS, Field Service; GL, General Service at non-headquarters duty stations; P, Professional; DMSPC, Department of Management Strategy, Policy and Compliance; FPD, Field Personnel Division; MONUSCO, United Nations Organization Stabilization Mission in the Democratic Republic of the Congo; RSCE, Regional Service Centre in Entebbe, Uganda; UNMISS, United Nations Mission in South Sudan; UNSOS, United Nations Support Office in Somalia.

<sup>a</sup> Reflects compensation paid in cases received in 2019 as well as compensation paid in 2019 for cases carried over from 2018 and earlier years.

## B. Monetary compensation awarded by the Tribunals in 2019 or paid in 2019

<i>United Nations Dispute Tribunal Judgment No.</i>	<i>Registry</i>	<i>Entity of decision maker</i>	<i>Compensation awarded/costs ordered by the United Nations Dispute Tribunal</i>	<i>United Nations Appeals Tribunal Judgment No.</i>	<i>Affirmed/vacated/rejected compensation awarded by United Nations Appeals Tribunal</i>	<i>Net amount paid</i>	<i>Date of payment</i>
UNDT/2017/068 (initial judgment)	New York	DSS	(a) Decision to exclude the applicant from recruitment exercise rescinded	2018-UNAT-832	Case remanded to the Dispute Tribunal to complete hearing of the application for revision of judgment	US\$ 27 231.07	20 September 2019
UNDT/2019/016 (revision rejected)			(b) As an alternative to rescission, respondent may elect to pay compensation of US\$ 20 000				
UNDT/2019/117 (compensation not modified)			(c) Respondent to pay US\$ 5 000 for loss of career opportunity and of job security				
UNDT/2017/094/ Corr.1	Nairobi	UNIFIL	(a) Decision to withhold salary from 8 October 2016 to 15 November 2016 unlawful  (b) Reimbursement of salary  (c) Compensation for moral damages in the amount of US\$ 3 000	2019-UNAT-896	(a) Affirmed (b) Affirmed (c) Vacated	US\$ 3 981.24	28 August 2019
UNDT/2018/066	New York	DGACM	(a) Applicant's constructive dismissal rescinded  (b) As an alternative to the rescission, respondent may elect to pay the amount of US\$ 10 000  (c) Respondent to pay compensation consisting of the salary from 17 November 2016 to 31 December 2016 and up to 125 days according to <a href="#">ST/AI/2003/8/Amend.2</a>	2019-UNAT-901	(a) Affirmed (b) Partially vacated to US\$ 2 000 (c) Vacated (d) Vacated	US\$ 2 000	24 July 2019

<i>United Nations Dispute Tribunal Judgment No.</i>	<i>Registry</i>	<i>Entity of decision maker</i>	<i>Compensation awarded/costs ordered by the United Nations Dispute Tribunal</i>	<i>United Nations Appeals Tribunal Judgment No.</i>	<i>Affirmed/vacated/rejected compensation awarded by United Nations Appeals Tribunal</i>	<i>Net amount paid</i>	<i>Date of payment</i>
			(d) Applicant is eligible for future when-actually-employed contracts in United Nations Secretariat				
UNDT/2018/074	Nairobi	UNMISS	(a) Termination based on abandonment of post rescinded (b) Determination of incapacitation and entitlement to disability benefit referred to United Nations Staff Pension Committee (c) Applicant deemed to have been on certified sick leave and paid full salary retroactively (d) Claim for disability allowance for disabled son rejected	—	—	(b) As determined by UNJSPF, actuarial costs paid by UNMISS to UNJSPF in the amount of US\$ 1 266 057.86; retroactive disability benefit paid from UNJSPF to applicant of US\$ 345 284.26 (c) Compensation paid to applicant: final pay of US\$ 83 953.97	(b) 23 August 2019 and 1 October 2019 (c) 10 September 2019
UNDT/2018/079	Nairobi	UNIFIL	(a) Decision not to renew applicant's appointment and separate her from service as of 30 June 2015 rescinded (b) Respondent ordered to reinstate applicant from 1 July to 22 August 2015 and pay her net base salary and entitlements for the period from 1 July to 22 August 2015	2019-UNAT-907	Affirmed	US\$ 24 450.28	25 September 2019
UNDT/2018/083	Nairobi	UNAMI	(a) Termination was unlawful	2019-UNAT-909	(a) Affirmed	US\$ 102 077.49	6 August 2019

<i>United Nations Dispute Tribunal Judgment No.</i>	<i>Registry</i>	<i>Entity of decision maker</i>	<i>Compensation awarded/costs ordered by the United Nations Dispute Tribunal</i>	<i>United Nations Appeals Tribunal Judgment No.</i>	<i>Affirmed/vacated/rejected compensation awarded by United Nations Appeals Tribunal</i>	<i>Net amount paid</i>	<i>Date of payment</i>
			(b) Compensation of 6 months' net base salary		(b) Compensation increased to 24 months' net base salary		
UNDT/2018/115	Nairobi	UNHCR	(a) Case remanded to Advisory Board on Compensation Claims	–	–	US\$ 2 850.05	7 March 2019
			(b) Three months' net base salary for procedural delay				
UNDT/2018/118	Nairobi	UNMIL	(a) Decision to terminate appointment earlier than promised is rescinded	–	–	US\$ 7 054.75	22 February 2019
			(b) Compensation of 6 months' net base salary, from which compensation in lieu of notice paid to him at separation to be deducted				
UNDT/2019/021	Nairobi	UNIFIL	(a) The decision not to renew the applicant's contract is rescinded	–	–	US\$ 78 968.75	24 May 2019
			(b) The applicant is awarded 12 months' net base salary for loss of one-year fixed term contract renewal				
			(c) The applicant is awarded three months' net base salary for unfair treatment due to the Organization's lack of due diligence in finding a suitable substitute assignment				
UNDT/2019/029	Nairobi	UNOPS	(a) Decision to place adverse material in personnel file upheld	2019-UNAT-951	(a) Vacated, removal of information from personnel file	US\$ 45 192.50	3 February 2020

<i>United Nations Dispute Tribunal Judgment No.</i>	<i>Registry</i>	<i>Entity of decision maker</i>	<i>Compensation awarded/costs ordered by the United Nations Dispute Tribunal</i>	<i>United Nations Appeals Tribunal Judgment No.</i>	<i>Affirmed/vacated/rejected compensation awarded by United Nations Appeals Tribunal</i>	<i>Net amount paid</i>	<i>Date of payment</i>
			(b) Placement on special leave with pay upheld (c) Non-renewal of appointment upheld		according to Appeal Tribunal judgment ordered (b) Vacated (c) Vacated, non-renewal rescinded (d) In lieu of rescission, compensation of 6 months' net base salary awarded		
UNDT/2019/030/ Corr.1	Nairobi	UNIFIL	(a) Disciplinary measure of separation from service rescinded (b) Imposed instead, demotion by one grade with deferral of eligibility for promotion for two years and withdrawal of the United Nations driving permit for one year (c) Organization may elect compensation of two years' net base salary at the rate in effect on the date of the applicant's separation from service instead of reinstatement (d) Payment of loss of net salary applicant suffered as a result of separation	2019-UNAT-955	Affirmed	–	–
UNDT/2019/033	Geneva	UNICEF	(a) Disciplinary measure of separation from service rescinded	–	–	US\$ 67 547.78	27 June 2019

<i>United Nations Dispute Tribunal Judgment No.</i>	<i>Registry</i>	<i>Entity of decision maker</i>	<i>Compensation awarded/costs ordered by the United Nations Dispute Tribunal</i>	<i>United Nations Appeals Tribunal Judgment No.</i>	<i>Affirmed/vacated/rejected compensation awarded by United Nations Appeals Tribunal</i>	<i>Net amount paid</i>	<i>Date of payment</i>
			(b) Should respondent elect to pay compensation instead, applicant shall be paid 24 months' net base salary at the rate she was paid at the time of separation				
			(c) Papers referring to the disciplinary matter, including the decision of 18 January 2017 by UNICEF, shall be removed from the applicant's official status file and placed in separate sealed file which is to have noted upon it that it is only to be opened by order of the Tribunal				
UNDT/2019/034	Geneva	UNHCR	(a) Decision denying the applicant promotion to the P-5 level rescinded	–	–	3 000 Swiss francs and 23 265.25 Swiss francs	29 April 2019
			(b) Respondent may elect to pay compensation instead of rescinding the decision and pay three months' net base salary, being gross salary less staff assessment, at the time of the applicant's retirement				
			(c) The applicant shall be paid moral damages of 3,000 Swiss francs				
UNDT/2019/035/ Corr.1	Geneva	UNHCR	(a) Decision denying the applicant promotion to the P-5 level rescinded	–	–	US\$ 24 177.50	2 October 2019

<i>United Nations Dispute Tribunal Judgment No.</i>	<i>Registry</i>	<i>Entity of decision maker</i>	<i>Compensation awarded/costs ordered by the United Nations Dispute Tribunal</i>	<i>United Nations Appeals Tribunal Judgment No.</i>	<i>Affirmed/vacated/rejected compensation awarded by United Nations Appeals Tribunal</i>	<i>Net amount paid</i>	<i>Date of payment</i>
			(b) Respondent may elect to pay compensation instead of rescinding the decision and pay three months' net base salary, being gross salary less staff assessment, at the time of the applicant's retirement				
UNDT/2019/038	Geneva	UNHCR	(a) Decision denying the applicant promotion to the P-5 level rescinded	–	–	12,000 Swiss francs	17 April 2019
			(b) Respondent may elect to pay compensation of 12,000 Swiss francs instead of rescinding the decision				
UNDT/2019/048	Geneva	ESCAP	(a) Decision not to select applicant for the position of Russian Reviser (P-4) at United Nations Headquarters rescinded	2019-UNAT-966	Vacated	–	–
			(b) Respondent may elect to pay US\$ 3 000 compensation instead of rescinding the decision				
UNDT/2019/059	Nairobi	MONUSCO	Respondent shall pay applicant his salary withheld during the period that he was unlawfully placed on administrative leave without pay from 28 January 2017 to December 2017	2019-UNAT-973	Vacated	–	–
UNDT/2019/092	Geneva	UNAKRT	(a) Administration shall consider Applicant on a preferred or non-competitive basis for position(s) to which she may apply within UNAKRT	2020-UNAT-989	Vacated	–	–

<i>United Nations Dispute Tribunal Judgment No.</i>	<i>Registry</i>	<i>Entity of decision maker</i>	<i>Compensation awarded/costs ordered by the United Nations Dispute Tribunal</i>	<i>United Nations Appeals Tribunal Judgment No.</i>	<i>Affirmed/vacated/rejected compensation awarded by United Nations Appeals Tribunal</i>	<i>Net amount paid</i>	<i>Date of payment</i>
			(b) In lieu, respondent may elect to pay compensation of three months' net base salary at the time of the applicant's separation				
UNDT/2019/109	Nairobi	WFP	(a) The Tribunal orders the Respondent to rescind the administrative decision and to reinstate the applicant	2020-UNAT-1308	Affirmed	–	–
			(b) In lieu, the respondent may elect to pay compensation in the amount of 12 months' net base salary				
UNDT/2019/112	Nairobi	MONUSCO	(a) The respondent shall pay the applicant his salary for the period from 13 to 21 May 2015	–	–	US\$ 5 882.35	26 November 19
			(b) Daily subsistence allowance applicable for Entebbe for the period from 19 to 21 May 2015				
UNDT/2019/126	Nairobi	UNHCR	(a) Respondent is ordered to rescind the decision excluding the applicant from fairly competing with other internal candidates	2020-UNAT-1000	(a) Vacated (b) Not appealed (c) Vacated	–	–
			(b) Adverse material was placed improperly in the applicant's status file and is to be removed		(d) Vacated		
			(c) As an alternative to rescission, the administration may elect to pay an amount equal to one-tenth of the net base salary the applicant would have received at the P-4 level for one year had he been appointed				

<i>United Nations Dispute Tribunal Judgment No.</i>	<i>Registry</i>	<i>Entity of decision maker</i>	<i>Compensation awarded/costs ordered by the United Nations Dispute Tribunal</i>	<i>United Nations Appeals Tribunal Judgment No.</i>	<i>Affirmed/vacated/rejected compensation awarded by United Nations Appeals Tribunal</i>	<i>Net amount paid</i>	<i>Date of payment</i>
			(d) Respondent to pay the applicant the amount of US\$ 2 000 for moral harm				
UNDT/2019/129	Geneva	OIOS	(a) The investigation exceeded the time limits	2020-UNAT-1001	Affirmed		–
			(b) The respondent shall pay the applicant compensation of US\$ 5 000 for moral damages				
UNDT/2019/137	Nairobi	ECA	(a) The decision on non-extension of the applicant's appointment was unlawful	–	Appealed	–	–
			(b) As compensation for financial damage, the respondent is ordered to pay the applicant eight months' net base salary plus attendant entitlements				
UNDT/2019/150	New York	MONUSCO	(a) The applicant's candidacy for the post did not receive full and fair consideration	–	Appealed	–	–
			(b) The respondent is to pay the applicant an amount equivalent to 50 per cent of the difference between his salary at the P-5 level and the salary he would have obtained at the D-1 level for two years for loss of chance				
			(c) US\$ 3 000 for manifestly abusing the process				

<i>United Nations Dispute Tribunal Judgment No.</i>	<i>Registry</i>	<i>Entity of decision maker</i>	<i>Compensation awarded/costs ordered by the United Nations Dispute Tribunal</i>	<i>United Nations Appeals Tribunal Judgment No.</i>	<i>Affirmed/vacated/rejected compensation awarded by United Nations Appeals Tribunal</i>	<i>Net amount paid</i>	<i>Date of payment</i>
UNDT/2019/172	New York	DFS	(a) The disciplinary measure of separation from service with compensation in lieu of notice and with termination indemnity is rescinded and replaced by that of demotion with deferment, for three years, of eligibility for consideration for promotion  (b) The respondent may elect to pay in lieu compensation of 24 months' of the applicant's net base salary at the rate that he would have been paid had he been demoted at the time of his separation, plus the applicable Organization's contribution to his pension fund and to his medical insurance, minus the termination indemnity that he received upon his separation	–	Appealed	–	–
UNDT/2019/188	Nairobi	UNMIL	(a) The Organization engaged in retaliatory acts against the applicant  (b) By way of compensation for non-pecuniary damages, the respondent shall pay the applicant the equivalent of six months' net base salary	–	–	–	–

*Abbreviations:* DFS, Department of Field Support; UNMISS, United Nations Mission in South Sudan; UNAMI, United Nations Assistance Mission for Iraq; MONUSCO, United Nations Organization Stabilization Mission in the Democratic Republic of the Congo; ECA, Economic Commission for Africa; UNICEF, United Nations Children's Fund; DGACM, Department for General Assembly and Conference Management; OIOS, Office of Internal Oversight Services; UNIFIL, United Nations Interim Force in Lebanon; UNHCR, Office of the United Nations High Commissioner for Refugees; DSS, Department of Safety and Security; ESCAP, Economic and Social Commission for Asia and the Pacific; UNMIL, United Nations Mission in Liberia; UNOPS, United Nations Office for Project Services; UNAKRT, United Nations Assistance to the Khmer Rouge Trials; WFP, World Food Programme.