

UNITED NATIONS

SECRETARIAT

ST/AI/163/Rev.1
13 June 1967

ADMINISTRATIVE INSTRUCTION

To: Members of the Staff

From: The Director of Personnel

Subject: REPRESENTATION BY COUNSEL IN DISCIPLINARY AND APPEAL CASES

1. This Instruction supersedes Administrative Instruction ST/AI/163 dated 21 January 1965 concerning the policy applicable to representation of staff members by counsel in disciplinary and appeal cases.

Purpose

2. Under article 13 of the Rules of the Administrative Tribunal, an applicant may either designate a staff member of the United Nations or of one of the specialized agencies to represent him before the Tribunal, or he may be represented by counsel authorized to practise in any Member State. Under Staff Rule 111.3(f), a staff member may arrange to have his appeal presented to the Joint Appeals Board on his behalf by another member of the Secretariat. Representation by another staff member is also permissible under Staff Rule 110.5(b) in a case before the Joint Disciplinary Committee. The purpose of the system of counsel described in this instruction is to facilitate such representation by staff members as an important element in the United Nations administration of justice.

Applicability

3. The system of counsel is applicable to staff members of the United Nations, including technical assistance project personnel, and, subject to arrangements between the Director of Personnel and the specialized agencies, counsel from the list may also be available to staff members of the specialized agencies to whom the Tribunal is open under article 14 of its Statute.

Panel of counsel

4. To facilitate representation of staff by qualified and competent members of the Secretariat the Secretary-General will from time to time, and in consultation with the Staff Council, designate a panel of counsel who will be available and willing to represent their colleagues before the Administrative Tribunal, the Joint Appeals Board and the Joint Disciplinary Committee. The names of these staff members, together with brief notes on their academic qualifications and experience in the United Nations, will be communicated to the staff by means of Information Circulars.

Procedure

5. Without prejudice to the right of staff members under the provisions referred to in paragraph 2 above to designate their own counsel, any applicant to whom the Tribunal is open under article 2, paragraph 2 of its Statute, any staff member wishing to appeal to the Appeals Board, or any staff member involved in a case before the Disciplinary Committee may request counsel from the panel.

6. If the counsel is a staff member (whether or not a member of the panel) and agrees to act in the case, he shall be authorized and directed by the Secretary-General to assist in the preparation and the presentation of the case as part of his official duties, unless the Secretary-General, on the advice of the department or office of which the counsel is a staff member, considers his service as counsel in the particular case to be incompatible with his official functions.

7. Any applicant to whom the Tribunal is open may request the Tribunal, or its President, if the Tribunal is not in session, to designate one of the members of the panel as counsel and if available the latter shall thereupon be authorized and directed by the Secretary-General to act in the case as described in the preceding paragraph. Such designation may similarly be requested of the Appeals Board or the Disciplinary Committee, in cases before these bodies.

8. If an applicant to the Tribunal obtains the services of outside counsel, he shall not be represented by counsel from the panel.

9. Staff members serving at offices other than Headquarters or Geneva who wish to secure the assistance of counsel to represent them before the Joint Appeals Board at Headquarters, the Joint Appeals Board at Geneva, or the Administrative Tribunal,

may seek such assistance from the Panel of Counsel at Headquarters, from the Panel of Counsel at Geneva, or in the case of applications to the Administrative Tribunal, from either of the two panels as is appropriate. Requests for representation before the Joint Appeals Board may be made to the Secretary of the Joint Appeals Board at Headquarters or Geneva, as the case may be, and requests for representation before the Administrative Tribunal may be made to the Executive Secretary of the Administrative Tribunal at Headquarters.

Visas and travel expenses

10. In cases where a staff member has been separated from the service and is due for repatriation, the United Nations will continue the policy of assisting him, should he so wish, in maintaining his visa status at Headquarters until the Joint Appeals Board has completed its action and the Secretary-General has given his decision.

11. If an applicant is away from the place where the Tribunal meets to consider his case, and the Tribunal decides to hold oral proceedings, the United Nations will endeavour to obtain the required visa and will pay the necessary travel expenses to ensure the presence of either the applicant or his counsel at those proceedings.
