



Secretariat

ST/AI/351
25 May 1988

ADMINISTRATIVE INSTRUCTION

To: Members of the Staff

From: The Under-Secretary-General for Administration and Management

Subject: ASSISTANCE AND REPRESENTATION BY COUNSEL
IN DISCIPLINARY AND APPEAL CASES

1. The present instruction supersedes administrative instruction ST/AI/163/Rev.1 of 13 June 1967 concerning the policy applicable to assistance and, where appropriate, representation of staff members by counsel in disciplinary, appeal and other internal recourse procedures within the Secretariat. Annex I to the present instruction contains an up-to-date list of the current members of the Panel of Counsel at Headquarters, with their names, departments or offices, grades and countries of nationality. This list supersedes information circular ST/IC/86/63 of 24 November 1986. Annex II to the present instruction contains up-to-date lists of the present members of the Panels of Counsel at Geneva and Vienna. Such lists will be reviewed on a regular basis, and amendments to this administrative instruction will be issued and announced to the staff as necessary.

Purpose

2. The purpose of the system of counsel described in the present instruction is to facilitate the provision of advice or assistance and, where appropriate, representation of staff members by counsel as an important element in the administration of justice in the United Nations. The right of staff members to counsel is described below:

(a) Joint disciplinary committees. Staff rule 110.5 (b) provides that "the Joint Disciplinary Committee shall permit a staff member to arrange to have his or her case presented before it by any other staff member serving at the duty station where the Committee is established". (It is proposed to amend this rule so as also to allow for representation by a retired staff member of the United Nations.) A staff member has a right to counsel at the time he or she is questioned by representatives of the Administration if such questioning is part of disciplinary proceedings;

(b) Ad hoc disciplinary committees. With regard to project personnel, staff rule 210.1 provides that, in any case involving possible disciplinary action, the Secretary-General may establish, on an ad hoc basis, machinery to advise him before any decision is taken. The right of project personnel to counsel under this procedure is as set out above for the Joint Disciplinary Committees;

(c) Disciplinary procedure for staff serving at offices away from Headquarters and Geneva. Personnel directive PD/1/76 of 1 January 1976 provides, in paragraph 2 (b), "that as from the time he is informed in writing of the allegations against him, the staff member may avail himself of the advice of another staff member of his choice, present at the same duty station, to assist him in his defence";

(d) Joint appeals boards. Under staff rule 111.2 (i) "A staff member may arrange to have his or her appeal presented to the Panel on his or her behalf by another serving or retired staff member. The staff member may not, however, be represented before the panel by any other person";

(e) Other established and ad hoc recourse procedures. A staff member may be assisted in the preparation of submissions by another serving or retired staff member of the United Nations in respect of any other established or ad hoc appellate or recourse process in accordance with the established rules and procedures;

(f) Administrative Tribunal.

(i) Under article 13 of the rules of the Administrative Tribunal of the United Nations: "An applicant may present his case before the Tribunal in person, in either the written or oral proceedings. Subject to article 7 of these rules, he may designate a staff member of the United Nations or one of the specialized agencies so to represent him, or may be represented by counsel authorized to practise in any country a member of the organization concerned. The President or, when the Tribunal is in session, the Tribunal may permit an applicant to be represented by a retired staff member of the United Nations or one of the specialized agencies";

(ii) A staff member may be assisted or represented, where appropriate, by counsel in applications to the Administrative Tribunal filed pursuant to article 48 of the regulations of the United Nations Joint Staff Pension Fund;

(g) Committee on Applications for Review of Administrative Tribunal Judgements. Under article II of the rules of procedure of the Committee on Applications for Review of Administrative Tribunal Judgements, the Applicant asking the Committee to request an advisory opinion of the International Court of Justice may designate a representative for all purposes of the proceeding. Under article VII, paragraph 2, of the rules of procedure, "observations that the parties to the proceedings before the Administrative Tribunal wish to

present to the Committee shall be submitted exclusively in writing. However, if the application is submitted by a member of the Committee, both parties to the proceedings before the Administrative Tribunal may request to be heard by the Committee for the purpose of allowing the parties or their representatives, with the permission of the Chairman, to make statements to the Committee concerning the application and to reply to questions that may be posed by members of the Committee".

Applicability

3. The system of assistance and, where appropriate, representation by counsel is applicable to all serving and former staff members of the United Nations or their survivors including technical assistance project personnel. Subject to arrangements between the Under-Secretary-General for Administration and Management and the specialized agencies, counsel may also be available to staff members of the specialized agencies to whom the United Nations Administrative Tribunal is open under article 14 of its statute, namely, the International Maritime Organization and the International Civil Aviation Organization.

Assistance or representation by Counsel

4. To facilitate the assistance and, where appropriate, representation of staff by suitably qualified persons, preferably with legal or administrative experience, and in consultation with the Staff Committee, the Secretary-General has established a panel of counsel at Headquarters, which functions as an entity independent of both staff and administration. A Co-ordinator of the Panel has been designated by the Under-Secretary-General for Administration and Management, in consultation with the Panel and the Staff Committee. The Co-ordinator assists staff members in locating appropriate counsel and provides, as available, administrative and substantive support. The Panel is composed of serving and retired staff members of the United Nations who are available and willing to assist and, if necessary, represent their colleagues in appeals and disciplinary proceedings and, where appropriate, informal settlement procedures. Members of the Panel observe established standards and principles in the fulfilment of their role as counsel as set out in the guidelines of the Panel of Counsel. The existence of the Panel of Counsel is without prejudice to the right of a staff member to arrange to have his or her appeal presented by any other serving or retired staff member, in accordance with staff rule 111.2 (i).

Procedure

5. Without prejudice to the above-mentioned right to designate their own counsel, any applicant seeking assistance and, where appropriate, representation by counsel as set out in paragraph 2 above or any staff member seeking advice on matters relating to terms and conditions of employment may request such assistance or advice from the Co-ordinator of the Panel of Counsel, including designation of a member of the Panel to assist or, where appropriate, represent the staff member.

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6. If the counsel is a serving staff member and agrees to act in a case, he or she will assist in the preparation and presentation of the case as part of his or her official duties, subject to the exigencies of the service and the constraints of the office. Heads of departments and supervisors are requested to exercise maximum flexibility in this regard. Counsel shall have access to all material relevant to the case in which he or she acts as counsel, subject to strict confidentiality in the use of such material. Access to such material will be arranged through the Co-ordinator's office. Secretarial assistance for the preparation and presentation of cases will be provided by the Office of the Co-ordinator, as available.

7. Staff members serving at offices away from Headquarters who wish to secure the assistance of counsel to represent them as set out in paragraph 2 above, may seek such assistance from the Panel of Counsel at Headquarters through its Co-ordinator or from the Panels of Counsel at Geneva or Vienna.

Visas and travel expenses

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

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Annex I

MEMBERS OF THE PANEL OF COUNSEL AT HEADQUARTERS

Serving staff members:

<u>Name</u>	<u>Dept./Office</u>	<u>Grade</u>	<u>Nationality</u>
ABASCAL, Ms. Telma	SG/ORCI	P-4	Spain
ABD-ELRAZEK, Mr. Adnan	SG/OPGS	P-3	Yemen
ABDEL AL, Mr. Nabil	CS/IM	P-3	Egypt
ACQUAAH, Mr. Kwamena	UNDP	L-4	Ghana
ADAMS, Mr. Bernard	A&M/GS	G-6	United Kingdom
AL-ALI, Mr. Mohamed	UNCTC	P-5	Iraq
ALAYAN, Mr. Sha'lan	CS/IM	P-3	Jordan
ARANDA, Ms. Victoria	UNCTC	P-4	Spain
AVENA, Ms. Josefina	IESA/Stat	G-6	Philippines
AYOUB, Ms. Farida	IESA/ICPD	P-4	Tunisia
BHIMANI-SARANGI, Ms. Khurshid	UNDP/UNRFNRE	P-2	United Republic of Tanzania
BOUAB, Mr. Abdel Hamid	TCD	P-4	Morocco
BROWN, Mr. Noel	UNEP	D-2	Jamaica
CHAOUCH, Mr. Abdeljabar	CS/Translation	P-3	Tunisia
CHITTY, Mr. Gritakumar E.	SG/OALOS	P-5	Sri Lanka
CUNNINGHAM, Ms. Lynette	CS/Translation	G-7	United States of America
DAVIS, Ms. Davina	A&M/EO	P-4	United States of America
DEMME, Ms. Anne Marie	UNDP/UNHCR	P-5	France
DIETZ, Mr. John P.	Pension Fund	P-5	United States of America
DUBE, Mr. Thomas	SPQRCDT	P-5	Zimbabwe
EL-BADRY, Mr. Essam	CS/EOR	G-5	Egypt
EL-HUSSEIN, Mr. Ali K.	SG/OALOS	D-1	Sudan
ERCOLINI, Mr. Franco	Pension Fund	G-6	Italy
FALLON, Mr. John M.	A&M/GS/S&S	S-3	United States of America
FAYACHE, Mr. Mohamed	UNCTC	P-5	Tunisia
FAYAD, Mr. Majed	CS/EOR	P-3	Lebanon
GALLINA, Ms. Josette	TCD	G-6	France
GERARDI-SIEBERT, Mr. Jack	DDA	P-2	Venezuela
GRINBLAT, Mr. Joseph A.	IESA/DRPA/Pop	P-4	France
HADJ-SADOK, Mr. Tahar	DIESA/OUSG	D-1	Algeria
HAMUTENYA, Ms. Lucia	SPQRCDT/OCN	P-3	Namibia
HANIF, Mr. Saiyid	UNDP	D-1	Pakistan
HASS, Mr. Willard	DPI	P-2	United States of America
IRVING, Mr. George	SG/LEG/Treaty	P-4	United States of America
JACQUOT, Mr. Philippe	CS/Translation	P-4	France

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Serving staff members (continued)

<u>Name</u>	<u>Dept./Office</u>	<u>Grade</u>	<u>Nationality</u>
JANITSCHKE, Mr. Hans	UNFPA	P-5	Austria
KABBAH, Ms. Patricia	SPQRCDT	P-4	Sierre Leone
KABIR, Mr. Humayun M.	UNDP	P-2	Bangladesh
KAPALIKA, Ms. Chandika	UNICEF	G-4	United States of America
KNIPPENBERG, Ms. Angela	DDA	P-5	Germany, Federal Republic of
KRAFFT, Mr. Remco	CS/IM	P-5	United States of America
LEE, Ms. Phylis	IESA/ICPD	P-3	United States of America
LYNCH, Ms. Daphne	UNDP	G-6	Jamaica
MACMILLAN-NIHLEN, Ms. Maryrose	SPQRCTD	G-6	Australia
MADARSHAHI, Ms. Mehri	A&M/PPBF/MAS	P-4	Iran (Islamic Republic of)
MASCIANGELO, Ms. Barbara	CS/Library	P-3	United States of America
MATHANGANI, Ms. Joan	A&M/GS/PTS	P-3	Australia
MOUSTAFA, Mr. Hussein Fahmy	DCS/Translation	P-4	Egypt
OWARISH, Mr. France	A&M/PPBF	P-5	Mauritius
POIRIER, Mrs. Monique	UNFPA	G-4	Canada
POUTSMA, Ms. Petronella	UNDP/UNCDF	G-7	Netherlands
PRESCOTT, Ms. Darlene	A&M/GS/PTS	G-4	United States of America
RAMCHARAN, Mr. Gangapersaud	SG/ORCI	P-5	Guyana
REID, Mr. Victor	CS/Translation	P-4	Jamaica
ROWE, Mr. Sylvester	DPI/RVS	P-5	Sierra Leone
ROY, Mrs. Krishna	TCD	L-6	India
SALOMONS, Mr. Dirk	A&M/HRM/OASG	D-1	Netherlands
SAPUTELLI, Ms. Linda	ICSC	P-4	United States of America
SECHELE, Mr. Junny M.	SPQRCTD/PATD	P-3	Botswana
SERIEAUX-RAMDHANNY, Ms. Josephine	A&M/GS/TS	G-4	Trinidad and Tobago
SMITH-LEMARCHAND, Ms. Christine	CS/Publishing	P-2	France
STAMATOPOULOU-ROBBINS, Ms. Ellisavet	HR	P-3	Greece
SZABOLCS, Ms. Ingrid	A&M/Int Audit	P-4	Austria
TERRELL, Ms. Carolyn	A&M/HRM/SATD	G-6	United States of America
TRUMAN, Mr. John Lee	CS/EOR	D-1	United States of America
TURAB, Mr. Gulam A.	A&M/Int Audit	P-3	Canada
VAN DIJK, Mr. Edgar L.	A&M/HRM/SATD	P-4	Suriname
WATERS, Ms. Rosemarie	IESA/DRPA/GAP	G-4	United States of America

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Serving staff members (continued)

<u>Name</u>	<u>Dept./Office</u>	<u>Grade</u>	<u>Nationality</u>
WOLFORD, Ms. Martha	UNDP/DMIS	P-5	United States of America
YACOUMOPOULO, Ms. Lena	DPI	G-6	Greece
ZAOUDE, Ms. Aster	UNDP/UNIFEM	L-2	Ethiopia
ZLOTNIK, Ms. Hania	IESA/DRPA/Pop	P-3	Mexico

Retired staff members:

<u>Name</u>	<u>Nationality</u>
AMBROZEK, Mr. Stanislav	United States of America
BRASEL, Mr. John R.	United States of America
BROISMAN, Ms. Emma	United States of America
EDWARD, Mr. Alfred	Sri Lanka
HARGETT, Ms. Florence	United States of America
HERRICK, Mr. Snowden	United States of America
LA MARR, Mr. Donald	United States of America
LI, Mr. George M. Y.	China
MARKS, Mr. Edward Bennett	United States of America
OSBORNE, Mr. John M.	United Kingdom
SALAMEH, Mr. Shukri	Jordan
SMITH, Mr. Leslie	Canada
SOLOMON, Mr. Bernard	United States of America
TAFF, Mr. Charles	United States of America
WURFL, Ms. Elsa	Panama
ZIEHL, Mr. William H.	United States of America

Annex II

MEMBERS OF THE PANEL OF COUNSEL AT GENEVA

Serving staff members:

<u>Name</u>	<u>Dept./Office</u>	<u>Grade</u>	<u>Nationality</u>
AHMED, Mr. Saadat	UNCTAD	P-4	Pakistan
ALFREDSSON, Mr. Gudmundur	CHR	P-3	Iceland
MUNANSANGU, Mr. Mark	UNCTAD	P-3	Zambia
QAQAYA, Mr. Hassan	UNCTAD	P-3	Morocco
SAIDI, Mr. Rafik	UNHCR	P-3	Algeria
WIJERATNE, Mr. Sri	UNHCR	P-4	Sri Lanka

MEMBERS OF THE PANEL OF COUNSEL AT VIENNA

Serving staff members:

<u>Name</u>	<u>Dept./Office</u>	<u>Grade</u>	<u>Nationality</u>
BAILEY, Mr. Paulsen	DND	P-5	United States of America
CREYDT, Mrs. Ingeborg	CSDHA	P-5	German Democratic Republic
DU GUERNY, Mr. Jacques	CSDHA	P-5	France
KUS, Mr. Helmut	UNOV/S&S	G-7	Austria
MANUECO-JENKINS, Mr. Luis	DND	P-5	Mexico
MOUNIKOU, Mr. Mathieu	INCB	P-4	Congo
NEUDEK, Mr. Kurt	CSDHA	P-4	Germany, Federal Republic of
WUESTENHAGEN, Mr. Axel	UNOV/UNIS	P-5	Austria
