

ST/AI/163
21 January 1965

ADMINISTRATIVE INSTRUCTION

To: Members of the Staff

From: The Secretary-General

Subject: REPRESENTATION BY COUNSEL IN DISCIPLINARY AND APPEAL CASES

1. This Instruction supersedes Administrative Instruction ST/AI/153 dated 7 March 1963 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 designate a staff member of the United Nations or one of the specialized agencies to represent him before the Tribunal. 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 as an important element in the United Nations administration of justice.

Applicability

3. The system of counsel is applicable to staff members of the Secretariat, to technical assistance project personnel, and to staff members of the specialized agencies to whom the Tribunal is open under article 14 of its Statute.

Panel of counsel

4. A panel of qualified staff members shall act as counsel in cases before the Tribunal, the Appeals Board or the Disciplinary Committee. The Members of the panel are appointed by the Secretary-General for a period of one year on the advice of the Staff Council and with their own consent. The names of these staff members, together with brief notes on their education and experience, will be communicated to the staff from time to time 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, whether or not a member of the panel, 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 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 away from Headquarters, or applicants residing outside the area of New York, whose cases are to be considered by the Headquarters Appeals Board under Staff Rule 111.4(b) or 211.1, in New York, may request counsel from the panel through the assistance of the Secretary of the Appeals Board or the Executive Secretary of the Tribunal, as appropriate.

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 ensuring the presence of the appellant at Headquarters until the Appeals Board has completed its action and the Secretary-General has delivered his decision. To that effect, efforts will be made to secure an extension of the required visa.

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 the applicant or his counsel at those proceedings.
