

STATUTE AND RULES OF PROCEDURE OF THE ADMINISTRATIVE TRIBUNAL

-Edition 2007-

STATUTE OF THE ADMINISTRATIVE TRIBUNAL OF THE AFRICAN DEVELOPMENT BANK

ARTICLE I

ESTABLISHMENT

There is hereby established a tribunal of the African Development Bank (hereinafter referred to as the "Bank"), to be known as the Administrative Tribunal of the African Development Bank (hereinafter referred to as the "Tribunal").

ARTICLE II

DEFINITIONS

For the purposes of this Statute, unless the context otherwise provides, requires or permits, the following expressions shall have the meanings ascribed thereto below:

- i) "administrative decision" means a determination by the Bank concerning the terms and conditions of employment of a staff member;
 - ii) "member of the staff" means any person whose current or former letter of appointment or similar instrument provides that he shall be a member of the staff of the Bank, any person who is entitled to claim upon a right of a staff member as a personal representative or successor in interest by reason of the staff member's death and any person designated or otherwise entitled to receive a payment under any provision of the Staff Retirement Plan; and
 - iii) "contract of employment" and "terms of appointment" include all pertinent rules and regulations in force at the time of the alleged non-observance of the contract of employment or the terms of appointment, including the Staff Retirement Plan and the rights and benefits provided for thereunder.
2. As used herein, the masculine pronoun shall include the feminine pronoun.

3. Titles in this Statute are inserted for convenience only and shall be ignored in construing the Statute.

ARTICLE III

COMPETENCE

1. The Tribunal shall be competent to hear and pass judgement upon any application by a member of the staff of the Bank contesting an administrative decision for non-observance of the contract of employment or the terms of appointment of such staff member.
2. No application shall be admissible unless:
 - (i) the applicant has exhausted all other administrative review remedies available within the Bank, except in cases where the applicant and the Bank have agreed to submit the application directly to the Tribunal; and
 - (ii) the application is filed within ninety days after the latest of the following:
 - (a) occurrence of the event giving rise to the application,
 - (b) receipt of notice (after the applicant has exhausted all other remedies available within the Bank) that the relief asked for or recommended will not be granted, or
 - (c) receipt of notice that the relief asked for or recommended will be granted, and the expiry of thirty days after receipt of such notice, without such relief being granted.
3. The calculation of a period of time shall not include the day on which the event has occurred, and shall include the next working day of the Bank when the last day of the period is not a working day.
4. Notwithstanding the provisions of paragraph 2 of this Article, the Tribunal may decide in exceptional circumstances, where it considers the delay justified, to waive the time limits prescribed under this Article in order to receive an application that would otherwise be inadmissible.

5. Applications shall be filed in any one of the working languages of the Bank.
6. The filing of an application shall not have the effect of suspending the execution of the contested administrative decision.

ARTICLE IV

ADVISORY OPINIONS

The Board of Governors of the Bank may, when it deems it necessary or expedient, request the Tribunal to render an advisory opinion on any question of law concerning the general administration of the Bank.

ARTICLE V

APPLICABLE LAW

1. In deciding on an application, the Tribunal shall apply the internal rules and regulations of the Bank, and generally recognized principles of international administrative law concerning the resolution of employment disputes of staff in international organizations.
2. In the event of a dispute as to whether the Tribunal has competence, the matter shall be settled by the Tribunal in accordance with this Statute.

ARTICLE VI

APPOINTMENT OF JUDGES

1. The Tribunal shall be composed of six judges, all of whom shall be nationals of member States of the Bank at the time of their appointment, but no two of whom shall be nationals of the same State. The judges of the Tribunal shall be persons of high moral character and must possess the qualifications required for appointment to high judicial office or be jurisconsults of recognized competence. Judges shall not be selected from current or former members of staff or elected officers of the Bank, nor shall they become staff members or consultants of the Bank within five years of the end of their service on the Tribunal.

2. The judges shall be appointed by the Board of Directors of the Bank from a list of candidates to be drawn up by the President of the Bank after appropriate consultation, including with the Staff Council.
3. The Tribunal shall elect a President and a Vice-President from among its judges.
4. Judges shall be appointed for a term of office of three years and may be re-appointed, except that the term of office of three of the judges initially appointed shall be two years. The names of such judges shall be chosen by lot by the President of the Bank immediately upon the appointment of the judges by the Board of Directors of the Bank.
5. Judges shall hold office until replaced. A judge appointed to replace a judge whose term of office has not expired shall hold office for the remainder of his predecessor's term.
6. The Board of Directors of the Bank, on the recommendation of the President of the Bank, shall terminate the appointment of a judge who, in the unanimous opinion of the other judges, is unsuited for further service.

ARTICLE VII

STATUS OF JUDGES

1. In the exercise of their duties, the judges shall be completely independent from the Bank or any other authority. They shall not receive any instructions or be subject to any constraint.
2. The Judges shall, in the discharge of their functions, enjoy the same privileges and immunities as those conferred upon senior officers of the Bank.

ARTICLE VIII

ADMINISTRATION

1. The President of the Bank shall make the administrative arrangements necessary for the functioning of the Tribunal, including the designation, in consultation with the President of the Tribunal, of an Executive Secretary who, in the discharge of his duties, shall act only under the direction of, and in accordance with the procedure established by the Tribunal.

2. In the discharge of their duties, the Executive Secretary and other personnel appointed by the President of the Bank to service the secretariat of the Tribunal shall be solely responsible to the Tribunal. They shall not, at any time, disclose confidential information received in the performance of their duties.
3. The expenses of the Tribunal shall be borne by the Bank.

ARTICLE IX

PROCEEDINGS

1. The Tribunal may require the production of documents held by the Bank, except that the President of the Bank may withhold evidence if he determines that the introduction of such evidence might hinder the operation of the Bank because of the secret or confidential nature of the document. Such a determination shall be binding on the Tribunal, provided that the applicant's allegations concerning the contents of any document so withheld shall be deemed to have been demonstrated in the absence of probative evidence to the contrary. The Tribunal may examine witnesses and experts, subject to the same qualification.
2. Subject to the provisions of the present Statute, the Tribunal shall establish its rules of procedure.
 - (a) election of the President and Vice-President;
 - (b) presentation of applications and the procedure to be followed in respect thereof;
 - (c) hearing of, and intervention by, persons to whom the Tribunal is open under sub-paragraph (iii) of Article II and whose rights may be affected by the judgement;
 - (d) presentation of testimony and other evidence;
 - (e) other matters relating to the functioning of the Tribunal.

4. The Bank or, as the case may be, the respondent institution and the applicant may be assisted in the proceedings by counsel of their choice and each party shall bear its own costs. Notwithstanding the foregoing, if the Tribunal determines that an application is well founded in whole or in part, it may order that the reasonable costs incurred by the applicant, including legal fees and expenses of the applicant, be totally or partially borne by the Bank or, as the case may be by the respondent institution.

ARTICLE X

ABUSE OF PROCESS

1. The Tribunal may order that reasonable compensation be made by the applicant to the Bank for all or part of the cost of defending the case, if it finds that:
 - (a) the application was manifestly without foundation either in fact or under existing law, unless the applicant demonstrates that the application was based on a good faith argument for an extension, modification, or reversal of existing law; or
 - (b) the applicant intended to delay the resolution of the case or to harass the Bank or any of its officers or employees.
2. The amount awarded by the Tribunal shall be collected by way of deductions from payments owed by the Bank to the applicant or otherwise, as determined by the President of the Bank, who may, in particular cases, waive the claim of the Bank against the applicant.

ARTICLE XI

SESSIONS OF THE TRIBUNAL

1. The Tribunal shall hold sessions at the principal office of the Bank at dates to be fixed in accordance with its rules of procedure.
2. The Tribunal shall be constituted by three judges sitting at a session of the Tribunal.
3. In the event that the President of the Tribunal is absent, the Vice President shall preside at a session of the Tribunal.

4. The Tribunal shall decide in each case whether oral proceedings are warranted. Unless otherwise decided by the Tribunal, oral proceedings shall be held in public.
5. The deliberations of the judges shall be confidential.
6. The Tribunal shall take all its decisions by a majority of the Judges sitting at a session of the Tribunal.
7. The Tribunal shall report annually to the Board of Directors of the Bank on the progress of its work.

ARTICLE XII

JUDGEMENTS OF THE TRIBUNAL

1. Judgements of the Tribunal shall be binding, final and without appeal.
2. Each judgement shall be in writing and state the reasons on which it is based. It shall be drawn up in any one of the working languages of the Bank.
3. The Tribunal may interpret or rectify any of its judgements whose terms appear obscure or incomplete, or which contains a typographical or arithmetical error.
4. In the event of the discovery of a fact which by its nature might have had a decisive influence on the judgement of the Tribunal and which at the time the judgement was delivered was unknown both to the Tribunal and any party, any interested party may request the Tribunal, within a period of six **months** after it has acquired knowledge of such fact, to revise the judgement. The request for revision shall contain the information necessary to show that the afore-mentioned conditions have been satisfied. It shall be accompanied by the original or a copy of all supporting documents.

ARTICLE XIII

REMEDIES

1. If the Tribunal concludes that an application contesting an administrative decision is well-founded, it shall order the rescission of such a decision, and may order any other measures, whether involving the payment of money or otherwise, required to correct the effects of that decision.
2. When prescribing measures under paragraph 1 of this Article other than payment of money, the Tribunal shall fix an amount of compensation to be paid to the applicant should the President of the Bank or, as the case may be, the legal representative of the respondent institution, within one month of the notification of the judgement, that such measures shall not be implemented. The amount of such compensation shall not exceed the equivalent of three years of the annual salary of the concerned person received from the Bank or the respondent institution.
3. Should the Tribunal find that the procedure prescribed in the rules and regulations of the Bank or the respondent institution has not been observed, it may, prior to the determination of the merits, order the case remanded for institution or correction of the required procedure.

ARTICLE XIV

RECORDS

1. The original text of each judgement, attested by the Executive Secretary, shall be filed in the archives of the Bank. A copy of the judgement shall be delivered to each of the parties concerned.
2. A copy of the judgement shall, on request, be made available by the Secretariat to any interest person, provided that the President may decide that the identification of the applicant or other persons mentioned in the judgement shall be deleted from such copies.

ARTICLE XV

ADHESION

The Bank may make agreements with any other international organization for the submission of applications of members of their staff to the Tribunal. Each such agreement shall provide that the organization concerned shall be bound by the judgements of the Tribunal and be responsible for the payment of any compensation awarded by the Tribunal in respect of a staff member of that organization. The agreement shall also include, inter alia, provisions concerning the organization's participation in the administrative arrangements for the functioning of the Tribunal and concerning its sharing of the expenses of the Tribunal.

ARTICLE XVI

AMENDMENTS

1. The present Statute may be amended by the Board of Directors of the Bank.
2. Any amendment to this Statute shall be subject to review by the Board of Governors of the Bank in accordance with the provisions of Article 5 of the General Regulations of the Bank.

ARTICLE XVII

EFFECTIVE DATE OF JURISDICTION

1. The present Statute shall enter into force on 1 January, 1998.
2. Notwithstanding any provision contained in this Statute, the Tribunal shall not be competent to hear or pass judgement upon any application contesting an administrative decision where the cause of such application arose prior to the establishment of the Tribunal. This shall be the case, irrespective of whether or not such an application is pending as of 1 January, 1998 at any level of the administrative review process or the Staff Appeals Committee.

Adopted by the Board of Directors on 16 July, 1997.

**RULES OF PROCEDURE OF THE ADMINISTRATIVE
TRIBUNAL OF THE AFRICAN DEVELOPMENT BANK
MADE UNDER ARTICLE 9 OF THE STATUTE OF THE
ADMINISTRATIVE TRIBUNAL (ADOPTED ON 9TH
FEBRUARY, 1998 AND AMENDED IN PLENERY
SESSION ON 27-30 NOVEMBER, 2006)**

Rule I

General:

1. These Rules of Procedure shall apply to the Administrative Tribunal of the African Development Bank (hereinafter referred to as the "Tribunal") and shall be known as the Rules of Procedure of the Tribunal (hereinafter referred to as the "Rules").
2. These Rules shall be subject to the provisions of:
 - a) the Agreement Establishing the African Development Bank;
 - b) the Statute of the Tribunal (hereinafter referred to as the "Statute").

Rule II

Working Languages:

The working languages of the Tribunal shall be the working languages of the African Development Bank (hereinafter referred to as the "Bank").

Rule III

Oath of Office:

Judges shall upon appointment, and prior to participating in the hearing of their first case, subscribe to an oath of office.

Rule IV (New)

President and Vice-President:

1. The Judges shall elect from among them a President and a Vice-President of the Tribunal.

2. The President of the Tribunal (hereinafter referred to as the “President”) shall:
 - a) establish the panel(s) of Judges for each session of the Tribunal;
 - b) preside over the consideration of cases by the Tribunal, **chair the oral hearings, ensure decorum during such hearings and take any appropriate measure to that effect;**
 - c) direct the Secretariat of the Tribunal in the performance of its functions;
 - d) prepare an annual report on the activities of the Tribunal; and
 - e) perform such other functions as are entrusted to the President by the Rules.

3. The Vice-President of the Tribunal (hereinafter referred to as the “Vice-President”) shall, in the absence of the President, perform the President’s functions, including presiding at a session of the Tribunal in accordance with Article XI (3) of the Statute.

Rule V

Executive Secretary:

Under the authority of the President, the Executive Secretary of the Tribunal shall:

- a) receive applications instituting proceedings and related documentation of the case;
- b) be responsible for transmitting all documents and making all notifications required in connection with cases before the Tribunal;
- c) make for each case a dossier which shall record all actions taken in connection with the case, the dates thereof, and the dates on which any document or notification forming part of the procedure are received in or dispatched from the Executive Secretary's office;
- d) attend hearings and meetings of the Tribunal as may be instructed by the President;

- e) prepare and keep the minutes of these hearings and meetings as may be instructed by the President; and
- f) expeditiously perform the functions entrusted to the Executive Secretary by the Rules and carry out tasks as assigned by the President.

Rule VI

Recusal:

1. Judges of the Tribunal shall with the concurrence of the President, recuse themselves:
 - (a) in cases involving persons with whom the Judge has a personal, familial or professional relationship;
 - (b) in cases concerning which the said Judge has previously been called upon in another capacity, including as advisor, representative, expert or witness on behalf of a party; or
 - (c) if there exists other circumstances such as to make the Judge's participation seem inappropriate.
2. In the event of a challenge by either of the parties on the ground of a conflict of interest, and the acceptance of such challenge by the President, a Judge shall be excluded from the panel hearing that case.

Rule VII

Plenary Sessions:

The Tribunal shall hold a plenary session once a year (normally before the Annual Meetings of the Board of Governors of the Bank) for the purpose of adopting its Annual Report and for dealing with matters affecting the administration or the operations of the Tribunal. When, however, there are no cases on the list which in the opinion of the President would justify the holding of a session for their consideration, the President may after consulting the other Judges, decide to postpone the plenary session to a later date.

Rule VIII (new)

Counsel:

1. In accordance with Article IX, Section 4 of the Statute, each party may at any time choose to be assisted by counsel, whose designation shall be notified to the Executive Secretary.

2. **The Applicant may personally defend his case or designate a counsel who is staff or former staff of the African Development Bank or a lawyer registered at the Bar of a regional or non-regional ADB member State or, with the authorization of the President of the Tribunal, a person qualified to handle international civil service issues.**

Rule IX (new)

Applications:

1. Applications shall be filed with the Tribunal in any of the working languages of the Bank following the form attached hereto as Annex A. If an Applicant wishes to be represented, such Applicant shall complete the form attached as Annex B hereto.
2. Applications instituting proceedings shall be submitted to the Tribunal through the Executive Secretary. Each Application shall contain:
 - (a) the name and official status of the Applicant;
 - (b) the name of the Applicant's representative, if any, and whether such representative or another person shall act as Counsel for the Applicant;
 - (c) the decision being challenged, and the authority responsible for the decision;
 - (d) the channels of administrative review, as applicable, that the Applicant has pursued and the results thereof;
 - (e) the reasons why the Applicant believes the decision is illegal;
 - (f) a statement of the supporting facts; and
 - (g) the relief or remedy that is being sought, including the amount of compensation, if any, claimed by the Applicant and the specific performance of any obligation which is requested.
3. The Applicant shall attach as annexes all documents cited in the Application in the original form or a certified copy and in a complete text unless part of it is obviously irrelevant. Such documents shall include a copy of any report and recommendation of the Staff Appeals Committee or, where applicable, the Disciplinary Committee or the **Pension Appeals Committee** in the matter. If a document is not in a working

language of the Bank, the Applicant shall attach a translation thereof into one of the Bank's working languages.

4. The original and all copies of the Application shall be signed on all pages by the Applicant or the representative, if any, whom the Applicant has designated in accordance with Paragraph 1 of this Rule. In the event of the Applicant's incapacity or death, the required signature shall be furnished by the Applicant's legal representative.
5. Four additional certified copies of the Application and its attachments shall be transmitted by the Applicant to the Executive Secretary.
6. An Application shall satisfy the provisions of Article XVII (2) of the Statute, and be submitted to the Tribunal within the time limits prescribed by Article III, of the said Statute.
7. If the Application does not fulfill the requirements established in Paragraphs 1 to 4 of this Rule, the Executive Secretary shall advise the Applicant of the deficiencies and give him a reasonable period of time, not less than fifteen (15) days, in which to make the appropriate corrections or additions. If this is done within the period given, the application shall be considered filed on the original date. Otherwise, the Executive Secretary shall:
 - (i) notify the Applicant that the period of time within which to make the appropriate changes has been extended, indicating the length of time thereof;
 - (ii) make the necessary corrections when the defects in the Application do not affect the substance; or
 - (iii) by order of the President, notify the Applicant that the submission does not constitute an application and cannot be filed as such.
8. Upon ascertaining that the formal requirements of this Rule have been met, the Executive Secretary shall notify the Director of the Bank's Human Resources Management Department of the Application and shall transmit a copy of it to the General Counsel.
9. **Pursuant to Section 1 above, the language chosen shall determine the language to use for all subsequent written submissions.**

Rule X (new)

Respondent's Answer:

1. The Respondent shall answer the Application in writing and submit any additional documentary evidence within **fifty (50) days** from the date the application has been duly notified by the Executive Secretary to the Respondent, **unless upon justified request and exceptionally**, the President sets another time limit. The Respondent's answer shall be submitted to the Tribunal and to the Applicant through the Executive Secretary **in the same language as the Application**. The Respondent shall include as annexes all documents referred to in the Answer and in accordance with the rules established for the Application in Rule IX above.
2. The Answer shall be signed on all of its pages by the representative of the Respondent.
3. Four additional certified copies of the Answer and its attachments shall be submitted to the Executive Secretary.
4. Upon ascertaining that the formal requirements of this Rule have been met, the Executive Secretary shall transmit a copy of the Respondent's Answer to the Applicant.

Rule XI (new)

Applicant's Reply:

1. The Applicant may file with the Executive Secretary a written Reply to the Answer within **thirty (30) days** from the date on which the Answer is transmitted to the Applicant, **unless upon justified request and exceptionally**, the President sets another time limit.
2. The complete text of any document referred to in the written Reply shall be annexed thereto in accordance with the rules established for the Application in Rule IX.
3. The requirements of Rule IX, Paragraphs 4 and 5, shall apply to the Reply.
4. Upon ascertaining that the formal requirements of this Rule have been met, the Executive Secretary shall transmit a copy of the Applicant's Reply to the Respondent.

Rule XII (new)

Respondent's Rejoinder:

1. The Respondent may file with the Executive Secretary a written Rejoinder within **thirty (30) days** of receiving the Applicant's Reply, **unless upon justified request and exceptionally**, the President sets another time limit.
2. The complete text of any document referred to in the written Rejoinder shall be annexed thereto in accordance with the rules established for the application in Rule IX.
3. The requirements of Rule X, Paragraphs 2 and 3, shall apply *mutatis mutandis* to the Rejoinder.
4. Upon ascertaining that the formal requirements of this Rule have been met, the Executive Secretary shall transmit a copy of the Respondent's Rejoinder to the Applicant.
5. Without prejudice to Rule XIII, after the Rejoinder has been filed, no further pleadings may be received.

Rule XIII

Additional Pleadings:

1. In exceptional cases, the President may at the request of either party or otherwise, call upon the parties to submit additional written statements or additional documents within a period which the President shall fix. The additional documents shall be furnished in the original or a certified copy and accompanied by any necessary translations.
2. The requirements of Rule IX, Paragraphs 4 and 5, or Rule X, Paragraphs 2 and 3, as the case may be, shall apply to any written statements and additional documents.
3. Written statements and additional documents shall be transmitted by the Executive Secretary, on receipt, to the other party or parties.

Rule XIV (new)

Admissibility of Applications:

1. The Respondent may file a motion within **thirty (30) days** of receipt of an Application alleging non-admissibility of the Application. The filing

of the motion shall suspend the period of time for answering the Application until the motion is acted on by the Tribunal.

2. The complete text of any document referred to in such a motion shall be annexed thereto in accordance with the rules established for the Application in Rule IX. The requirements of Rule X, paragraphs 2 and 3, shall apply *mutatis mutandis* to the motion.
3. Upon ascertaining that the motion meets the formal requirements of this Rule, the Executive Secretary shall transmit a copy thereof to the Applicant.
4. The Applicant may file with the Executive Secretary a written Objection to the motion within **thirty (30) days** from the date on which the motion is transmitted to the Applicant.
5. The complete text of any document referred to in the Objection shall be annexed thereto in accordance with the rules established for the Application in Rule IX. The requirements of Rule IX, Paragraphs 4 and 5, shall apply to the Objection.
6. Upon ascertaining that the Objection meets the formal requirements of this rule, the Executive Secretary shall transmit a copy thereof to the Respondent.
7. There shall be no further pleadings in respect of a motion filed under this Rule unless the President so requests.
8. Upon receipt of all the pleadings under this Rule, the Tribunal shall rule on the admissibility or non-admissibility of the Application.

Rule XV

Oral Proceedings:

1. Oral proceedings shall be held if the Tribunal decides that such proceedings are necessary for the disposition of the case. In such cases, the Tribunal shall hear the oral arguments of the parties and their counsel, and may examine them. Such oral proceedings of the Tribunal shall be open to the staff of the Bank.
2. At a time specified by the Tribunal, before the commencement of oral proceedings, each party shall inform the Executive Secretary and, through the Executive Secretary, the other parties, of the names and description of any witnesses and experts whom the party desires to be

heard, indicating the points to which the evidence is to refer. The Tribunal may also call witnesses and experts.

3. The Tribunal shall decide on any application for the hearing of witnesses or experts and shall determine, in consultation with the parties or their counsel, the sequence of oral proceedings. Where a witness is not in a position to appear before the Tribunal, the Tribunal may decide that the witness shall reply in writing to the questions of the parties. The parties shall, however, retain the right to comment on any such written reply.
4. The parties or their counsel may, under the direction of the President, put questions to the witnesses and experts. The Tribunal may also examine witnesses and experts.
5. Each witness shall make the following declaration before giving evidence:

"I solemnly declare upon my honor and conscience that my testimony will be in accordance with my sincere belief".
6. The Tribunal may disregard evidence which it considers irrelevant, frivolous, or lacking in probative value.
7. The Tribunal may limit oral testimony where it considers the written documentation adequate.
8. The President is empowered to issue such orders and decide such matters as are necessary for the orderly disposition of cases, including ruling on objections raised concerning the examination of witnesses or the introduction of documentary evidence.

Rule XVI

Notice to Bank Community:

In order to inform the Bank community of proceedings before the Tribunal, the Executive Secretary, shall prior to each session of the Tribunal, unless the President decides otherwise, circulate within the Bank the list of cases for each session and the nature of each application.

Rule XVII (new)

Interventions:

1. Any person to whom the Tribunal is open under Article III, Section 1 of the Statute may, after the Respondent has filed an Answer, and before the

closure of the written pleadings, apply to intervene in a case on the ground that the party has a right which may be affected by the judgment to be given by the Tribunal. Such person shall for that purpose draw up and file an application to intervene in accordance with the conditions laid down in this Rule.

2. The rules regarding the preparation and submission of applications specified above shall apply *mutatis mutandis* to the application for intervention.
3. Upon ascertaining that the formal requirements of this Rule have been complied with, the Executive Secretary shall transmit a copy of the application for intervention to the Applicant and to the Respondent, each being entitled to present views on the issue of intervention within **fifty (50) days**. Upon expiration of that deadline, whether or not the parties have replied, the President, in consultation with the other Judges of the Tribunal, shall decide whether to grant the application to intervene. If intervention is admitted, the intervenor shall thereafter participate in the proceedings as a party.

Rule XVIII (new)

Amicus Curiae:

The Tribunal may permit any person or representative non-governmental organization with special competence in cases submitted to the Tribunal to file written submissions as Amicus Curiae not later than the date fixed for the filing of the Applicant's reply. It may also permit the duly authorized representatives of the staff Council so to participate. If the Tribunal grants the request, the Executive Secretary shall transmit a copy of the accompanying brief to the parties who may comment thereon, within thirty (30) days of the date on which the brief is transmitted to them.

Rule XIX (new)

Time Limits:

1. The calculation of time limits prescribed in these rules, all of which refer to calendar days, shall not include the day of the event from which the period runs, and shall include the next working day of the Bank when the last day of the period is not a working day.
2. For the purpose of determining whether the time limits have been met, the date of dispatch (whether by postal service or courier), when accompanied by proof thereof, shall be accepted as the date of filing the same as if the filing had been effected on that date by hand delivery to

the office of the Executive Secretary. In exceptional circumstances, filing of pleading by means other than postal service, courier or hand may be permitted by the Executive Secretary in consultation with the President.

Rule XX

Production of Documents:

1. The Applicant may, before the closure of the pleadings, request the Tribunal to order the production of documents or other evidence which he has requested and to which the Applicant has been denied access by the Respondent, accompanied by any relevant documentation bearing upon the request and the denial or lack of access. The Respondent shall be given an opportunity to present its views on the matter to the Tribunal.
2. The Tribunal may reject the request to the extent that it finds that the documents or other evidence requested are clearly irrelevant to the case, or that compliance with the request would be unduly burdensome or would infringe on the privacy of individuals. For purposes of assessing the issue of privacy, the Tribunal may examine *in camera* the documents requested.
3. The Tribunal may, subject to Article IX, Section 1 of the Statute, order the production of documents or other evidence in the possession of the Respondent, and may request information which it deems useful to its judgment.
4. When the Tribunal is not in session, the President shall exercise the powers set forth in this Rule.

Rule XXI (New)

Judgments:

1. All deliberations of the Tribunal shall be *in camera*. The judgment shall be adopted by majority vote.
2. Once the final text of the judgment has been approved and adopted, the judgment shall be signed by the President and the Executive Secretary and shall contain the names of the Judges who have taken part in the decision.
3. The judgment shall be transmitted to the parties and to *amici curiae*. The judgment shall be available to interested persons upon request to the Executive Secretary, who shall arrange for their publication.

4. **The text of the judgment delivered in the language chosen by the Applicant shall be authentic.**

Rule XXII

Revision of Judgments:

1. A party may request revision of a judgment issued by the Tribunal, but only in the event that a fact or a document is discovered which by its nature might have had a decisive influence on the judgment of the Tribunal and which at the time of the judgment was unknown to the Tribunal and to the party to the case making application for the revision and such ignorance was not the responsibility of that party.
2. The revision must be requested within thirty (30) days from the date on which the fact or document is discovered. In any event, the revision must be requested within one year from the date on which the party requesting the revision was notified of the judgment unless, upon request, the president sets another time limit.
3. The procedure set forth in Rules X to XIII shall be applied, *mutatis mutandis*, to the request for revision.
4. The Tribunal shall decide whether to admit the application for revision. If the application is admitted, the Tribunal shall pass judgment on the matter at issue in accordance with these Rules.

Rule XXIII

Interpretation of Judgments:

1. In accordance with Article XII, Section 3 of the Statute, after a judgment has been rendered, a party may within sixty (60) days of notification of the judgment, apply to the Tribunal requesting an interpretation of the operative provisions of the judgment.
2. The Application shall be admissible only if it states with sufficient particularity in what respect the operative provisions of the judgment appear obscure or incomplete.
3. The Tribunal shall, after giving the other party or parties a reasonable opportunity to present its or their views on the matter, decide whether to admit the application for interpretation. If the application is admitted, the Tribunal shall issue its interpretation, which shall thereupon become part of the original judgment.

Article XXIV (new)

Anonymity:

In accordance with Rule IX 2. a), an Applicant may request in his application that his name not be made public by the Tribunal when the judgment is published on the Bank's website.

Article XXV (new)

Miscellaneous Provisions:

1. The President shall, in consultation with the other Judges of the Tribunal, set the dates of the Tribunal's sessions.
2. The Tribunal or, when the Tribunal is not in session, the President, may deal with any matter not expressly provided for in the present Rules.

Article XXVI (new)

Amendments:

These Rules may be amended by the Tribunal in plenary session.

These amendments shall enter into force on 1 January 2007.

Tunis, 1 December 2006

The President of the Administrative Tribunal
Professor Maurice GLELE AHANHANZO