

International Monetary Fund Administrative Tribunal

Office of the Registrar

ELECTRONIC FILING OF PLEADINGS DURING PANDEMIC

Pursuant to Rule XVI<sup>1</sup> of the Tribunal's Rules of Procedure and in consultation with the President of the Administrative Tribunal, the Registrar has decided, in the exceptional circumstances of the COVID-19 pandemic and consequent remote working arrangements of the Office of the Registrar, that until further notice:

- The filing of all pleadings with the IMF Administrative Tribunal shall be made by secure electronic means, in accordance with the attached Protocol for Electronic Filing of Pleadings, which may be revised from time to time.
- The filing procedures described herein do not suspend or extend any filing deadlines, which are governed by the Tribunal's Statute and Rules of Procedure.
- If, in the view of a party or potential party, the filing of pleadings electronically poses an impediment to pursuing its rights before the Tribunal, that party shall consult with the Registrar as to whether alternative arrangements may be made.

Celia Goldman

Registrar

Washington, D.C.

June 30, 2020

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<sup>1</sup> Rule XVI of the Tribunal's Rules of Procedure provides in pertinent part: "In exceptional circumstances, filing of pleadings by means other than postal service, courier or hand may be permitted by the Registrar in consultation with the President."

## PROTOCOL FOR ELECTRONIC FILING OF PLEADINGS

### Communication of Intention to File Application

1. At least three working days prior to the intended date of filing, in order to ensure efficient operation of the secure electronic filing process, Applicant (or, if Applicant is represented (*see* Rule VI<sup>2</sup> and Rule VII(1)<sup>3</sup>), then their duly authorized counsel or representative) shall notify the Registrar of the intention to file an Application and the date for such filing. For this purpose, the Registrar may be contacted by phone (202-623-6008) or email ([ATBReception@imf.org](mailto:ATBReception@imf.org)).
  
2. In communicating an intention to file an Application, it will be necessary to provide the Registrar with an email address for purposes of the proceedings. This will be used to afford access to the IMF Box system described below. (*See* Paragraph 4 below regarding establishment of a Box account.)
  
3. The filing procedures described in this Protocol do not suspend or extend any filing deadlines, which remain governed by Article VI of the Statute (in the case of the Application) and by Rules VIII - X of the Rules of Procedure (for subsequent pleadings).<sup>4</sup> Rule XVI prescribes how time limits are calculated.<sup>5</sup>

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<sup>2</sup> Rule VI provides: “In accordance with Article X, Section 3 of the Statute, each party may at any time choose to be assisted by counsel or other representative, whose designation shall be notified to the Registrar.”

<sup>3</sup> Rule VII(1) provides: “An application shall be filed by the Applicant or his duly authorized counsel or other representative, following the form attached as Annex A hereto. If an Applicant wishes to be represented, he shall also complete the form attached as Annex B hereto.”

<sup>4</sup> The statute of limitations for the filing of an Application may be waived only by the Tribunal and in exceptional circumstances. (Statute, Article VI(3).) The filing deadlines for subsequent pleadings apply “unless, upon request, the President sets another time limit.” (Rule VIII(1) (Answer), Rule IX(1) (Reply), and Rule X(1) (Rejoinder).)

<sup>5</sup> Rule XVI provides in part: “The calculation of time limits prescribed in these Rules of Procedure, 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 Fund when the last day of the period is not a working day.”

### Use of IMF Box system for Filing and Transmittal of Pleadings

4. The filing of all pleadings with the Office of the Registrar of the IMF Administrative Tribunal, and their transmittal by the Registrar to the opposing party, shall be made using the IMF Box system. This is the electronic document repository and transmittal system adopted by the IMF for secure written collaboration between IMF entities (including the Office of the Registrar of the IMF Administrative Tribunal) and external parties. **As an external party, Applicant<sup>6</sup> will need to establish their own Box account for this purpose. A free Box account may be obtained at <https://www.box.com> by choosing “Individual” plans, “Free.” The email address to be used for the Box account is the email address for purposes of the proceedings.**
5. The collaboration via Box will be effected by inviting Applicant into the IMF Box system for the limited purpose of filing and transmittal of pleadings. The Registrar and the Registrar’s Assistant will be “*Co-owners*” of the Box folder described herein. As such, they will have full access to the contents of the folder. In parallel with the responsibilities associated with their access to hard copy pleadings, personnel employed by the Office of the Registrar, in relation to their access to electronic pleadings, “. . . shall not, at any time, disclose confidential information received in the performance of their duties.” (Statute, Article IX(2).)
6. For purposes of filing and transmittal of pleadings via the IMF Box system, the parties to a case will be designated as “*Viewer Uploaders*,” affording them the ability to upload content to, and download content from, the “IMFAT Depository/Transmittal Folder” when invited to do so in accordance with this Protocol.

### Format of Electronic Pleadings

7. All pleadings shall be filed in PDF format. For ease of use by the Tribunal, Registrar, and opposing party, the electronic pleading and its annexes shall either be “bookmarked” or the pleading and each of its annexes shall be submitted as separate PDF documents. Inclusion of a table of contents is strongly encouraged.<sup>7</sup>

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<sup>6</sup> As used in this Protocol, the term “Applicant” shall mean, in the case of an Applicant who is represented (*see* Rule VI and Rule VII(1)), their duly authorized counsel or representative.

<sup>7</sup> The “Form of Application,” found as Annex A of the Rules of Procedure, provides a checklist of items to be included in the Application; these requirements are set out in full in Rule VII. Additionally, an Applicant who chooses to be represented by counsel or other representative shall complete and sign the “Form of Appointment of Representative (and Counsel),” found as Annex B of the Rules of Procedure, which shall be submitted with the Application. (Rule VII(1).)

8. In accordance with Rule VII(4)(a) for the Application (and Rules VIII(2), IX (3), and X(3) for subsequent pleadings), all pleadings shall be authenticated by scanned signature of the party or, as applicable, the party's duly authorized counsel or representative.

9. The requirement of Rule VII(b) that "[f]our additional copies of the application and its attachments shall be submitted" is suspended. The parallel requirements to submit four additional copies of subsequent pleadings (*see* Rules VIII(3), IX(3), and X(3)) are likewise suspended.

10. With the exception noted above, the requirements of Rules VII – X shall continue to apply.

#### Filing of Application

11. Once the intention to file an Application has been communicated to the Registrar, including the email address for purposes of the proceedings, the Registrar shall invite Applicant to upload the Application to the Box folder called "IMFAT Depository/Transmittal Folder."

12. The date on which Applicant uploads the Application to the "IMFAT Depository/Transmittal Folder" will be the date of filing. The Registrar shall print, date stamp, and then re-scan the first page of the Application and upload it to the Box folder to confirm the date of filing.

13. The Registrar shall review the Application for compliance with Rule VII(1-5). As provided by Rule VII(6), if the Application does not fulfill those requirements, the Registrar shall advise Applicant of the deficiencies and provide a reasonable period of time in which to make any necessary corrections or additions.

14. Upon ascertaining that the formal requirements of Rule VII have been met (*see* Rule VII(7)), the Registrar shall so notify Applicant.

Registrar's Transmittal of Application to Respondent

15. The Registrar shall then remove Applicant from access to the Box folder and transmit the Application by opening the "IMFAT Depository/Transmittal Folder" to Respondent.<sup>8</sup>

16. On the date that the folder is opened to Respondent, the Registrar shall notify it by email that the Application has been transmitted via the IMF Box system. In accordance with Rule VIII(1), Respondent will have 45 days from that notification in which to file its Answer. (The Box folder will remain open for three working days for Respondent to download the Application; however, the period for filing the Answer will run from the date of notification.) The Registrar shall additionally notify Applicant that the Application has been transmitted to Respondent.

Filing of Answer

17. Unless Respondent advises the Registrar that it intends to file the Answer prior to the date on which it is due, the Registrar shall open the "IMFAT Depository/Transmittal Folder" to Respondent three working days in advance of the due date. Respondent shall advise the Registrar at least three working days prior to the intended date of filing of the name and email address of the representative it has designated to file the Answer.

18. The date on which Respondent uploads the Answer to the "IMFAT Depository/Transmittal Folder" will be the date of filing. The Registrar shall print, date stamp, and then re-scan the first page of the Answer and upload it to the Box folder to confirm the date of filing.

19. The Registrar shall review the Answer for compliance with Rule VIII. As provided by Rule VIII(4), if the Answer does not fulfill those requirements, the Registrar shall advise Respondent of the deficiencies and provide a reasonable period of time in which to make any necessary corrections or additions.

20. Upon ascertaining that the formal requirements of Rule VIII have been met (*see* Rule VIII(4)), the Registrar shall so notify Respondent.

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<sup>8</sup> As used in this Protocol, the term "Respondent" shall mean, in parallel with the practice applicable to hard copy pleadings, unless the Registrar is notified otherwise, the following representatives of Respondent International Monetary Fund: General Counsel, Assistant General Counsel (Administrative Unit), and Director of the Human Resources Department (HRD).

Registrar's Transmittal of Answer to Applicant

21. The Registrar shall then remove Respondent from access to the Box folder and transmit the Answer by opening the "IMFAT Depository/Transmittal Folder" to Applicant.
  
22. On the date that the folder is opened to Applicant, the Registrar shall notify them by email that the Answer has been transmitted via the IMF Box system. In accordance with Rule IX(1), Applicant will have 30 days from that notification in which to file any Reply. (The Box folder will remain open for three working days for Applicant to download the Answer; however, the period for filing the Reply will run from the date of notification.) The Registrar shall additionally notify Respondent that the Answer has been transmitted to Applicant.

Filing of Reply

23. Unless Applicant advises the Registrar that they intend to file the Reply prior to the date on which it is due, the Registrar shall open the "IMFAT Depository/Transmittal Folder" to Applicant three working days in advance of the due date.
  
24. The date on which Applicant uploads the Reply to the "IMFAT Depository/Transmittal Folder" will be the date of filing. The Registrar shall print, date stamp, and then re-scan the first page of the Reply and upload it to the Box folder to confirm the date of filing.
  
25. The Registrar shall review the Reply for compliance with Rule IX. As provided by Rule IX(4), if the Reply does not fulfill those requirements, the Registrar shall advise Applicant of the deficiencies and provide a reasonable period of time in which to make any necessary corrections or additions.
  
26. Upon ascertaining that the formal requirements of Rule IX have been met (*see* Rule IX(4)), the Registrar shall so notify Applicant.

Registrar's Transmittal of Reply to Respondent

27. The Registrar shall then remove Applicant from access to the Box folder and transmit the Reply by opening the "IMFAT Depository/Transmittal Folder" to Respondent.
  
28. On the date that the folder is opened to Respondent, the Registrar shall notify it by email that the Reply has been transmitted via the IMF Box system. In accordance with Rule X(1), Respondent will have 30 days from that notification in which to file any Rejoinder. (The Box

folder will remain open for three working days for Respondent to download the Reply; however, the period for filing the Rejoinder will run from the date of notification.) The Registrar shall additionally notify Applicant that the Reply has been transmitted to Respondent.

#### Filing of Rejoinder

29. Unless Respondent advises the Registrar that it intends to file the Rejoinder prior to the date on which it is due, the Registrar shall open the “IMFAT Depository/Transmittal Folder” to Respondent three working days in advance of the due date. Respondent shall advise the Registrar at least three working days prior to the intended date of filing of the name and email address of the representative it has designated to file the Rejoinder.

30. The date on which Respondent uploads the Rejoinder to the “IMFAT Depository/Transmittal Folder” will be the date of filing. The Registrar shall print, date stamp, and then re-scan the first page of the Rejoinder and upload it to the Box folder to confirm the date of filing.

31. The Registrar shall review the Rejoinder for compliance with Rule X. As provided by Rule X(4), if the Rejoinder does not fulfill those requirements, the Registrar shall advise Respondent of the deficiencies and provide a reasonable period of time in which to make any necessary corrections or additions.

32. Upon ascertaining that the formal requirements of Rule X have been met (*see* Rule X(4)), the Registrar shall so notify Respondent.

#### Registrar’s Transmittal of Rejoinder to Applicant

33. The Registrar shall then remove Respondent from access to the Box folder and transmit the Rejoinder by opening the “IMFAT Depository/Transmittal Folder” to Applicant. The Box folder will remain open for three working days for Applicant to download the Rejoinder for their information. The Registrar shall additionally notify Respondent that the Rejoinder has been transmitted to Applicant.

34. In accordance with Rules VII – X, the transmittal of the Rejoinder to Applicant concludes the exchange of the regular pleadings.

Filing of Additional Pleadings, and Pleadings in relation to Summary Dismissal, Intervention, Amicus Curiae, and Revision and Interpretation of Judgments

35. The filing of any additional pleadings (Rule XI), pleadings in relation to a motion for summary dismissal (Rule XII), an application for intervention (Rule XIV), a request to communicate views as an amicus curiae (Rule XV), or requests for revision of judgment (Rule XIX) or interpretation of judgment (Rule XX) shall be done *mutatis mutandis* in accordance with the procedures set out above for the regular pleadings.