

**ADMINISTRATIVE
TRIBUNAL
of the
INTERNATIONAL
MONETARY
FUND**

RULES OF PROCEDURE

**International Monetary Fund
Washington, D.C.
2004**

**RULES OF PROCEDURE
OF THE ADMINISTRATIVE TRIBUNAL
OF THE INTERNATIONAL MONETARY FUND¹**

RULE I

General

1. These Rules of Procedure shall apply to the Administrative Tribunal of the International Monetary Fund (hereinafter “Tribunal”).
2. These Rules shall be subject to the provisions of:
 - (a) the Fund’s Articles of Agreement;
 - (b) the Statute of the Tribunal.
3. For purposes of these Rules, the masculine pronoun shall include the feminine pronoun.

RULE II

Official Language

The working language of the Tribunal shall be English.

RULE III

President

The President of the Tribunal shall:

- (a) preside over the consideration of cases by the Tribunal;
- (b) direct the Registry of the Tribunal in the performance of its functions;

¹The Rules of Procedure, established in accordance with Article X, Section 2 of the Statute, entered into force on February 18, 1994 and were amended on August 31, 1994. These Rules were further amended on December 9, 2004, with effect with respect to all applications filed after December 31, 2004.

- (c) prepare an annual report on the activities of the Tribunal; and
- (d) perform the functions entrusted to the President by these Rules of Procedure.

RULE IV

Registry

Under the authority of the President, the Registrar 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 is received in or dispatched from his office;
- (d) attend hearings, meetings, and deliberations of the Tribunal;
- (e) keep the minutes of these hearings and meetings as instructed by the President;
- (f) upon the transmittal of an application to the Fund, unless the President decides otherwise, circulate within the Fund a notice summarizing the issues raised in the application, without disclosing the name of the Applicant, in order to inform the Fund community of proceedings pending before the Tribunal; and
- (g) expeditiously perform the functions entrusted to the Registrar by the Rules of Procedure and carry out tasks as assigned by the President.

RULE V

Recusal

1. In accordance with Article VII, Section 3 of the Statute, a member of the Tribunal shall recuse himself:

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(a) in cases involving persons with whom the member has a personal, familial or professional relationship;

(b) in cases concerning which he has previously been called upon in another capacity, including as advisor, representative, expert or witness; or

(c) if there exist other circumstances such as to make the member's participation seem inappropriate.

2. Any member recusing himself shall immediately inform the President of the Tribunal.

RULE VI

Representation

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.

RULE VII

Application

1. 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.

2. An application instituting proceedings shall be submitted to the Tribunal through the Registrar. Each application shall contain:

(a) the name and official status of the Applicant;

(b) the name of the Applicant's counsel or other representative, if any;

(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 he believes the decision is illegal;

(f) a statement of the supporting facts;

(g) the relief or remedy that is being sought pursuant to Article XIV of the Statute, including (i) the amount of compensation, if any, claimed by the Applicant or the specific performance of any obligation which is requested, or both, (ii) in a case where measures other than the payment of money are sought, any exceptional circumstances that would warrant the fixing of the amount greater than three hundred percent (300%) of salary in accordance with Article XIV, Section 2, and (iii) costs as the Tribunal may award pursuant to Article XIV, Section 4;

(h) any request for production of documents as provided by Article X of the Statute and Rule XVII below;

(i) any request for oral proceedings as provided by Article XII of the Statute and Rule XIII below; and

(j) any request for anonymity as provided by Rule XXII below.

3. The Applicant shall include as attachments all documents cited in the application in an original or in an unaltered copy and in a complete text unless part of it is obviously irrelevant. If a document is not in English, the Applicant shall attach a certified English translation. The Applicant shall also attach a copy of any report and recommendation of the Grievance Committee in the matter.

4. (a) The application shall be signed on the last page by the Applicant or the counsel or other representative, if any, whom he has designated in accordance with Paragraph 1 above. In the event of the Applicant's incapacity, the required signature shall be furnished by his legal representative.

(b) Four additional copies of the application and its attachments shall be submitted to the Registrar.

5. An application shall include evidence that the Applicant has satisfied the requirements of Article V, and that the application is being submitted to the Tribunal within the time limits prescribed by Article VI, of the Statute.

6. If the application does not fulfill the requirements established in Paragraphs 1 through 5 above, the Registrar shall advise the Applicant of the deficiencies and give him a reasonable period of time in which to make the appropriate corrections or additions. If this is done within

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the period indicated, the application shall be considered filed on the original date. Otherwise, the Registrar shall:

(a) notify the Applicant that the period of time within which to make the appropriate changes has been extended, indicating the length of time thereof;

(b) make the necessary corrections when the defects in the application do not affect the substance; or

(c) by order of the President, notify the Applicant that the submission does not constitute an application and cannot be filed as such.

7. Upon ascertaining that the formal requirements of this Rule have been met, the Registrar shall transmit a copy of the application to the Fund.

RULE VIII

Answer

1. Once an application has been transmitted by the Registrar to the Fund, the Fund shall answer the application within forty-five days of receipt unless, upon request, the President sets another time limit. The Fund's answer shall be submitted to the Tribunal and to the Applicant through the Registrar. The Fund shall include as attachments all documents referred to in the answer in accordance with the rules established for the application in Rule VII, unless the document has been attached to the application in which case reference should be made to the attachment number.

2. The answer shall be signed on the last page by the representative of the Fund.

3. Four additional copies of the answer and its attachments shall be submitted to the Registrar.

4. Upon ascertaining that the formal requirements of this Rule have been met, the Registrar shall transmit a copy of the Fund's answer to the Applicant. If these requirements have not been met, Rule VII, Paragraph 6 shall apply *mutatis mutandis* to the answer.

5. The Fund shall include in the answer its views on any requests for production of documents, oral proceedings, or anonymity that the Applicant has included in the application.

6. The Fund shall also include in the answer any of its requests, as permitted under these Rules, with respect to oral proceedings, anonymity or other matters.

RULE IX

Reply

1. The Applicant may file with the Registrar a reply to the answer within thirty days from the date on which the answer is received by him, unless, upon request, the President sets another time limit.

2. The complete text of any document referred to in the reply shall be attached in accordance with the rules established for the application in Rule VII, unless the document has been attached to an earlier pleading in which case reference should be made to the attachment number.

3. The requirements of Rule VII, Paragraph 4 shall apply to the reply.

4. Upon ascertaining that the formal requirements of this Rule have been met, the Registrar shall transmit a copy of the Applicant's reply to the Fund. If these requirements have not been met, Rule VII, Paragraph 6 shall apply *mutatis mutandis* to the reply.

5. If the Applicant seeks costs pursuant to Article XIV, Section 4 of the Statute, the amount and any supporting documentation shall be included.

6. The Applicant shall include his views on any requests that the Fund has made in its answer with respect to oral proceedings, anonymity or other matters.

RULE X

Rejoinder

1. The Fund may file with the Registrar a rejoinder to the reply within thirty days from the date on which the reply is received by it, unless, upon request, the President sets another time limit.

2. The complete text of any document referred to in the rejoinder shall be attached in accordance with the rules established for the application in

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Rule VII, unless the document has been attached to an earlier pleading in which case reference should be made to the attachment number.

3. The requirements of Rule VIII, Paragraphs 2 and 3, shall apply to the rejoinder.

4. Upon ascertaining that the formal requirements of this Rule have been met, the Registrar shall transmit a copy of the Fund's rejoinder to the Applicant. If these requirements have not been met, Rule VII, Paragraph 6 shall apply *mutatis mutandis* to the rejoinder.

5. Without prejudice to Rule XI, after the rejoinder has been filed, no further pleadings shall be received.

6. The Fund shall include in the rejoinder its response to any requests for costs or other matters that the Applicant has included in the reply.

RULE XI

Additional Pleadings

1. In exceptional cases, the President may, on his own initiative, or at the request of a party, call upon the parties to submit additional written statements or additional documents within a period which he shall fix. The additional documents shall be furnished in the original or in an unaltered copy and accompanied by any necessary certified translations.

2. The requirements of Rule VII, Paragraph 4, or Rule VIII, 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 Registrar, on receipt, to the other party or parties.

RULE XII

Summary Dismissal

1. Pursuant to Article X, Section 2(d) of the Statute, the Tribunal may, on its own initiative or upon a motion by the Fund, decide summarily to dismiss the application if it is clearly inadmissible.

2. The Fund may file such a motion within thirty days of its receipt 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.

3. The complete text of any document referred to in the motion shall be attached in accordance with the rules established for the answer in Rule VIII. The requirements of Rule VIII, Paragraphs 2 and 3, shall apply to the motion. If these requirements have not been met, Rule VII, Paragraph 6 shall apply *mutatis mutandis* to the motion.

4. Upon ascertaining that the motion meets the formal requirements of this Rule, the Registrar shall transmit a copy to the Applicant.

5. The Applicant may file with the Registrar an objection to the motion within thirty days from the date on which the motion is received by him.

6. The complete text of any document referred to in the objection shall be attached in accordance with the rules established for the reply in Rule IX. The requirements of Rule VII, Paragraph 4, shall apply to the objection to the motion.

7. Upon ascertaining that the objection meets the formal requirements of this Rule, the Registrar shall transmit a copy to the Fund.

8. There shall be no further pleadings in respect of a motion for summary dismissal unless the President so requests.

RULE XIII

Oral Proceedings

1. Oral proceedings shall be held if, on its own initiative or at the request of a party and following an opportunity for the opposing party to present its views pursuant to Rules VII–X, the Tribunal deems such proceedings useful. In such cases, the Tribunal shall hear the oral arguments of the parties and their counsel or representatives, and may examine them. In accordance with Article XII of the Statute, oral proceedings shall be open to all interested persons, unless the Tribunal decides that exceptional circumstances require that they be held in private.

2. At a time specified by the President, before the commencement of oral proceedings, each party shall inform the Registrar and, through him,

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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 or representatives, 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 or representatives may, under the direction of the President, put questions to the witnesses and experts. The Tribunal may also examine witnesses and experts.

(a) Each witness shall make the following declaration before giving evidence:

“I solemnly declare upon my honor and conscience that my testimony shall be the truth, the whole truth and nothing but the truth.”

(b) Each expert 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.”

5. 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.

6. The Tribunal may limit oral proceedings to the oral arguments of the parties and their counsel or representatives where it considers the written evidentiary record to be adequate.

RULE XIV

Intervention

1. Any person to whom the Tribunal is open under Article II, Section 1 of the Statute may, within thirty days of the issuance of the notice pre-

scribed by Paragraph (f) of Rule IV (and, in exceptional circumstances, thereafter up until the closure of the written pleadings on petition to the President), apply to intervene in a case on the ground that he 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. Rule VII, regarding the preparation and submission of an application shall apply *mutatis mutandis* to the application for intervention.

3. Upon ascertaining that the formal requirements of this Rule have been complied with, the Registrar shall transmit a copy of the application for intervention to the Applicant and to the Fund, each being entitled to present views on the issue of intervention within thirty days. At the request of a party or on his own initiative, the President may suspend the exchange of pleadings under Rules VII-X until the admissibility of the application for intervention has been decided. Upon expiration of the thirty-day period, whether or not the parties have replied, the Tribunal shall decide whether to grant the application to intervene. If the intervention is admitted, the intervenor shall thereafter participate in the proceedings as a party, and the schedule of pleadings shall be modified to accommodate his participation.

4. In the absence of an application for intervention, the Tribunal may invite the participation as an intervenor of any person to whom the Tribunal is open under Article II, Section 1 of the Statute and who has a right that may be affected by the judgment to be given by the Tribunal. The views of the Applicant and the Fund may be sought, in a manner consistent with Paragraph 3 of this Rule, on the question of whether an individual should be invited to intervene. If the intervention is admitted, the intervenor shall thereafter participate in the proceedings as a party, and the schedule of pleadings shall be modified to accommodate his participation.

RULE XV

Amicus Curiae

The Tribunal may, at its discretion, permit any person or persons, including the duly authorized representatives of the Staff Association, to

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communicate views to the Tribunal as *amici curiae*. The Tribunal may permit an *amicus curiae* access to the pleadings of the parties. The Tribunal shall enable the parties to submit timely observations on an *amicus* brief.

RULE XVI

Time Limits

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. For the purpose of determining whether 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 Registrar. 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.

RULE XVII

Production of Documents

1. The Applicant, pursuant to Rule VII, Paragraph 2(h), may request the Tribunal to order the production of documents or other evidence which he has requested and to which he has been denied access by the Fund. The request shall contain a statement of the Applicant's reasons supporting production accompanied by any documentation that bears upon the request. The Fund shall be given an opportunity to present its views on the matter to the Tribunal, pursuant to Rule VIII, Paragraph 5.

2. The Tribunal may reject the request if it finds that the documents or other evidence requested are irrelevant to the issues of the case, or that compliance with the request would be unduly burdensome or would infringe on the privacy of individuals. For purposes of deciding on the request, the Tribunal may examine *in camera* the documents requested.

3. The Tribunal may, subject to Article X, Section 1 of the Statute, order the production of documents or other evidence in the possession of the Fund, and may request information which it deems useful to its judgment, within a time period provided for in the order. The President may decide to suspend or extend time limits for pleadings to take account of a request for such an order.

RULE XVIII

Judgments

1. In accordance with Article XIII of the Statute, all deliberations of the Tribunal shall be confidential. 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 Registrar and shall contain the names of the members who have taken part in the decision.

3. Any member differing as to the grounds upon which the judgment was based or some of its conclusions, or dissenting from the judgment, may append a separate or dissenting opinion.

4. The judgment and any appended opinions shall be transmitted to the parties and to *amici curiae*. The Registrar shall notify the Fund community of the judgment and any appended opinions and shall arrange for their expeditious publication.

5. In accordance with Article XVII of the Statute, clerical and arithmetical errors in the judgment may be corrected by the Tribunal.

RULE XIX

Revision of Judgments

1. In accordance with Article XVI of the Statute, 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

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making application for the revision and such ignorance was not the responsibility of that party.

2. The revision must be requested within six months from the date on which the fact or document is discovered and, in any event, 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 VII through XI shall be applied, *mutatis mutandis*, to the request for revision.

RULE XX

Interpretation of Judgments

1. In accordance with Article XVII of the Statute, after a judgment has been rendered, a party may 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.

RULE XXI

Miscellaneous Provisions

1. The President shall, in consultation with the other members of the Tribunal, fix the dates of the Tribunal's sessions.

2. The Tribunal, or, when the Tribunal is not in session, the President after consultation where appropriate with the members of the Tribunal may in exceptional cases modify the application of these Rules, including any time limits thereunder.

3. 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.

RULE XXII

Anonymity

1. In accordance with Rule VII, Paragraph 2(j), an Applicant may request in his application that his name not be made public by the Tribunal.

2. In accordance with Rule VIII, Paragraph 6, the Fund may request in its answer that the name of any other individual not be made public by the Tribunal. An intervenor may request anonymity in his application for intervention.

3. In accordance with Rule VIII, Paragraph 5, and Rule IX, Paragraph 6, the parties shall be given an opportunity to present their views to the Tribunal in response to a request for anonymity.

4. The Tribunal shall grant a request for anonymity where good cause has been shown for protecting the privacy of an individual.

Administrative Tribunal of the International Monetary Fund

FORM OF APPLICATION²

- I. Information concerning the personal status of the Applicant:
 1. full name of Applicant:
 2. if Applicant's claim is based on the employment rights of another person:
 - (a) name and official status of person whose rights are relied upon:
 - (b) the relation of Applicant to person whose status entitles Applicant to come before the Tribunal:
 3. address for purposes of the proceedings:
 - telephone number:
 - fax number:

- II. Official status of Applicant or of the person whose status entitles Applicant to come before the Tribunal:
 1. Beginning and ending dates of each period of employment with the Fund:
 2. Employment status at time of decision contested (whether in active service or in retirement):
 3. Type of appointment:

¹Copies of Annexes A and B are available as separate forms from the Office of the Registrar.

²This FORM OF APPLICATION provides a format for presentation of an application. It is anticipated that additional pages will be attached setting forth in full Applicant's factual and legal arguments. Please consult Rule VII of the Administrative Tribunal's Rules of Procedure for the complete requirements for the filing of an application.

- III. Decision being challenged, date of the decision, and the authority responsible for the decision:

- IV. Channels of administrative review of the decision that Applicant has pursued and the results:

- V. Reasons why Applicant challenges the decision and its legality:

- VI. Statement of supporting facts:

- VII. The relief or remedy that is being sought (see Article XIV of the Statute), including (i) the amount of compensation, if any, claimed by Applicant or the specific performance of any obligation which is requested, or both, (ii) in a case where measures other than the payment of money are sought, any exceptional circumstances that would warrant the fixing of the amount greater than three hundred percent (300%) of salary in accordance with Article XIV, Section 2 of the Statute, and (iii) costs as the Tribunal may award pursuant to Article XIV, Section 4 of the Statute:

- VIII. Any request for production of documents (see Article X of the Statute and Rule XVII of the Rules of Procedure):

- IX. Any request for oral proceedings (see Article XII of the Statute and Rule XIII of the Rules of Procedure):

FORM OF APPLICATION

- X. Any request for anonymity (see Rule XXII of the Rules of Procedure):
- XI. Annexes to be attached pursuant to Rule VII, para. 3 of the Tribunal's Rules of Procedure:
- “3. The Applicant shall include as attachments all documents cited in the application in an original or in an unaltered copy and in a complete text unless part of it is obviously irrelevant. If a document is not in English, the Applicant shall attach a certified English translation. The Applicant shall also attach a copy of any report and recommendation of the Grievance Committee in the matter.”
- XII. Any additional information that Applicant wishes to present to the Tribunal.

**Form of Appointment
of Representative (and Counsel)***

***APPOINTMENT OF REPRESENTATIVE
(AND COUNSEL)****

I, _____

do hereby designate _____

[Name]

[Address]

as my duly authorized representative [and counsel] to file/maintain (circle as appropriate) an application with the IMF Administrative Tribunal. [If known, give case number.] To this end, the above-named representative [and counsel]* is authorized to sign pleadings, appear before the Tribunal, and take all other necessary action in connection with the pursuance of the case on my behalf. This designation shall take effect immediately and shall remain in effect until revoked by me and the Tribunal has been so informed in writing.

Date

Signature

*Delete the brackets if your representative will also assist you as counsel. If not, delete the words "and counsel" in the caption and below.

