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**Practice Directions for the Parties
to Judicial Proceedings
before
the NATO Administrative Tribunal**

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Table of contents

Introduction	5
Definitions	7
Written procedure	9
Rule 9.5, Rule 12.3, Rule 14.4 and Rule 15.4	9
Filing and submission methods	9
Date of filing and time limits	9
Submission methods	10
Communication between the Registrar and the parties	11
Formalities	11
Classified documentation	11
Withdrawal	11
Language	12
Categorization	12
Pleas	12
Annexes	13
Additional participants	14
Rule 18, Rule 19, Rule 20, Rule 21, and Rule 22	14
Additional participants	14
Amicus curiae	14
Measures	15
Rule 23, Rule 24	15
Amicable settlement	15
Interim measures	15

Oral procedures	15
Rule 25 and Rule 26	15
Oral procedure	15
Witness procedure	15
Additional documentation	16
In camera hearings	16
Written procedure only	16
Practicalities	17
Attendance at a hearing session	17
Conduct during the hearing	18
Participation via videoconferencing	18
 Guidelines	
 In-person attendance at the Administrative Tribunal's hearings	19
Information for all attendees	19
Access to NATO HQ premises	19
 Hearings held via videoconferencing	20
Security awareness	20
Practical guidelines	20
 Samples	21
Sample of a cover letter for an appeal submission	21
Sample of an appeal submission	22
Sample of a list of annexes	23

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Introduction

In accordance with the Rules of Procedure of the Administrative Tribunal (Rule 1.6 and Rule 5(h) of Appendix 1 to Annex IX to the NATO Civilian Personnel Regulations), under the authority of the President, the Registrar of the Tribunal shall issue practice directions relating to the lodging of written pleadings and the preparation for and conduct of hearings.

These Practice Directions (hereinafter “Directions”) are for information purposes only. They do not amend, and are subject to, the requirements of Annex IX to the NATO Civilian Personnel Regulations (CPR), the Tribunal’s Rules of Procedure (ROP), and any directions given by the Tribunal in a particular case.

The purpose of these Directions is to assist the parties in understanding the procedures followed in proceedings before the NATO Administrative Tribunal (AT). By outlining in greater detail the conduct of the proceedings before the Tribunal, they give the parties and their representatives a better understanding of the provisions, in particular with regard to the preparation and submission of written documents and the conduct of hearings.

Compliance with these Directions contributes to the smooth and efficient conduct of proceedings, in the interests of all parties and the Tribunal.

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Definitions

Appellant	A staff member or his/her legal successor, or a member of the retired NATO staff or his/her legal successor, who has lodged an appeal with the AT as prescribed in Article 1.1(f) of Annex IX to the CPR.
NATO body	The civilian or military headquarters, agencies or other organizational units as described in paragraph B(v)(a) of the Preamble to the Civilian Personnel Regulations.
Head of NATO body (HONB)	The senior responsible officer of any NATO body that employs international civilian personnel.
NATO Civilian Personnel Regulations (CPR)	The Regulations applicable throughout the North Atlantic Treaty Organization that govern personnel administration in each NATO body for international civilian personnel, consultants and temporary (civilian) personnel.
President	The President of the Tribunal appointed by the Council pursuant to Article 6.1 of Annex IX to the CPR.
Registrar	The Registrar of the Tribunal designated under Article 6.4.1 of Annex IX to the CPR.
Respondent	The NATO body against which the appellant is lodging his/her appeal, as described in Article 1.1(g) of Annex IX to the CPR.
Rules of Procedure (ROP)	The AT Rules of Procedure established by the Tribunal in accordance with Article 6.2.4 of Annex IX to the CPR.
Submission	A record submitted to the AT's attention constituting: an appeal or a reply (if submitted by the appellant), an answer or a rejoinder (if submitted by the respondent).

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Written procedure

Rule 9.5, Rule 12.3, Rule 14.4, and Rule 15.4

Filing and submission methods

Date of filing and time limits

1. An appeal shall be filed within the time limits prescribed by the CPR (Article 6.3.1 of Annex IX) and any further submission (answer, reply or rejoinder) shall be filed within the time limits notified by the Registrar, in accordance with the provisions of the CPR.
2. The date of filing of an appeal, answer, reply or rejoinder shall be considered the first of the following dates:
 - the date on which the appellant has submitted an electronic copy of the appeal *[answer, reply or rejoinder, as appropriate]*, together with its complete enclosures, using the Tribunal's e-submission tool. A complete paper copy of the appeal *[answer, reply or rejoinder, as appropriate]* shall be dispatched by mail to the Tribunal no later than one week following submission on the portal;
 - or
 - the date on which the Registrar has received an electronic copy of the appeal *[answer, reply or rejoinder, as appropriate]*, and its complete enclosures, at mailbox.tribunal@hq.nato.int. A complete paper copy of the appeal *[answer, reply or rejoinder, as appropriate]*, shall be dispatched by mail to the Tribunal no later than one week following submission of the electronic copy;
 - or
 - the date on which the Registrar has received by mail one paper copy of the appeal *[answer, reply or rejoinder, as appropriate]*, and its complete enclosures. However, a complete electronic version of the appeal *[answer, reply or rejoinder, as appropriate]* shall be either deposited using the e-submission tool or submitted by e-mail to the Registrar at mailbox.tribunal@hq.nato.int no later than one week following receipt of the paper copy.
3. The established time limits for the different submissions are set by the CPR and are as follows:
 - upon transmittal by the Registrar of an appeal, the respondent shall answer within 60 days of its receipt;
 - upon transmittal by the Registrar of the respondent's answer, the appellant may file a reply within 30 days of its receipt;
 - upon transmittal by the Registrar of the appellant's reply, the respondent may submit a rejoinder within 30 days of its receipt.
4. In exceptional cases and in accordance with Article 6.6.4 of Annex IX to the CPR, the Tribunal may depart from the applicable time limits.

5. Either party may request an expedited hearing on the basis of exceptional circumstances, in particular the need to avoid irreparable harm. Before deciding on the request, the President will take into account the view of the other party on the matter.

Submission methods

6. A party can choose how to lodge his/her/its submission, either by using the e-submission tool, by e-mail, by mail or by hand-delivery. No matter what method is chosen, once the submission is done the Tribunal's subsequent exchanges with the parties take place primarily through its password-protected portal (the "AT Portal").

7. The statements of appeal, answer, reply and rejoinder and all supporting material shall be prepared in accordance with the requirements of Rules 9, 12, 14 and 15 (as applicable) of the AT ROP.

8. Scanned documentation shall be of good quality and be readable. Electronic files should not be submitted in compressed or archived form, and the size of each document must not exceed 20 MB. Locked digitally signed documentation cannot be accepted.

9. Guidelines on accessing and using the AT Portal are available on the AT website for parties that opt for submission using the e-submission tool. Parties shall send any technical queries to the Registrar in due time so that appropriate assistance can be provided.

10. If a party opts for e-mail submission, the e-mail address to use is mailbox.tribunal@hq.nato.int.

11. If a party opts for submission by mail, the documentation shall be sent by registered mail, parcel delivery service, or internal NATO mail distribution (where applicable), to reach the Registrar's office within the prescribed time limits.

The postal address to use is the following:

NATO Headquarters
NATO Administrative Tribunal
Blvd Leopold III
B-1110 Brussels

12. Hand-delivery is possible; the party must first contact the Registrar by e-mail at the address indicated at paragraph 10 above, to make an appointment for delivery within the prescribed time limits.

13. In addition to any digital submission (through the AT portal or via e-mail), one original paper copy shall be provided to the address indicated at paragraph 11 above, for archiving purposes. In addition to any submission by mail (or hand-delivery), a follow-up digital copy shall be provided at the e-mail address indicated at paragraph 10 above.

Communication between the Registrar and the parties

14. In the interest of smooth, expeditious administration of justice, communication between the Registrar and the parties will be primarily by e-mail. The e-mail address to use is mailbox.tribunal@hq.nato.int.

Formalities

15. Every submission shall be sent to the Registrar. The information to be included in the submissions and in the supporting evidence is listed under Rule 9 of the ROP and is, *mutatis mutandis*, applicable to all subsequent submissions. In order to avoid misunderstandings, the parties, in their writings, should avoid where possible the use of symbols, signs or unspecified abbreviations and acronyms.

16. The original paper copy of the submission must not be bound or affixed together (i.e. no glue, staples or binders). Only one original copy shall be submitted to the Registrar's office.

17. Upon receipt and review of the submission, if it is determined that minor defects or omissions are to be corrected, the Registrar duly informs the party concerned, which shall comply with the instruction given.

Classified documentation

18. No NATO classified documentation shall be included in the submissions. The provisions of Articles 6.7.2 and 6.7.5 of Annex IX to the CPR are applicable and the Registrar shall be contacted beforehand to liaise appropriately. The parties must furthermore take all necessary steps to ensure that the documentation provided is either a declassified version of a NATO document or a NATO Unclassified extract from it.

Withdrawal

19. The appellant can withdraw his/her appeal provided that such withdrawal is not subject to conditions. He/she shall inform in writing the Registrar (following the same methods for any other submission as indicated above) as soon as possible so that the Tribunal can promptly take action and does not spend time on the case unnecessarily.

Language

20. Submissions are accepted only if provided in one of the two official languages of the Organization (English or French). If a document is not in one of these languages, it is the parties' responsibility to provide either an English or French version.

Categorization

21. Upon receipt of a submission, the Registrar will process the documentation. The document will bear:

- (a) the case number, which will be repeated in each subsequent submission;
- (b) the year in which the initial filing was made;
- (c) consecutive page numbering (for all submissions).

22. The submissions are to be identified as follows:

Appeal	Pièce A
Answer	Pièce B
Reply	Pièce C
Rejoinder	Pièce D

23. Written submissions by additional participants under Chapter III of the ROP are to be identified as follows:

Third Parties	TP
Office of the Legal Adviser	OLA
Interveners	INT
Council	Council
Amicus Curiae	Amicus

Pleas

24. In the interest of both parties and for the proper administration of justice, submissions should be as concise as possible, given the nature of the facts and the complexity of the issues raised. Accordingly, as a general rule, a submission (appeal and answer, not including the annexes) shall not exceed 20 pages (A4 format, Arial or equivalent font, font size 12, single line spacing, 2.5 cm margins – or 30 pages using 1.5 line spacing). Other procedural documents (reply and rejoinder) shall not exceed 10 single-spaced pages (or 15 pages using 1.5 line spacing, following the same character and font requirements as above).

Annexes

25. Parties should limit their selection of documents to those relevant to the proceedings. If lengthy documents are required, parties are asked to submit only the relevant extracts and to identify clearly the document from which the extract is taken. Information to which the AT has access (e.g. AT judgments) should not be reproduced, and only the relevant extracts should be quoted in the text. After either party has introduced a document as an annex, it should not be included again in subsequent submissions; instead, each party should refer to the document in its original location.

26. The following rules must be followed for the annexes:

- the annexes must be preceded by a table of contents indicating the annex number, title, nature and date;
- the annexes and the topic to which they refer must be clearly indicated in the submissions; and
- the annexes must be clearly legible.

27. Parties can find examples of an appeal submission *infra* under “Samples”.

Additional participants

Rule 18, Rule 19, Rule 20, Rule 21 and Rule 22

Additional participants

28. Submission methods for additional participants, as outlined under Chapter III of the ROP, follow the same filing methods described *supra* in these Directions. The time limits for Third Parties, Office of the Legal Adviser, Interveners, and Council's observations are defined in the respective rules of the ROP. For the submission of an *amicus curiae* brief the additional procedure at paragraph 29 below applies.

Amicus curiae (or "Friend of the Court") briefs

29. The submission of the *amicus curiae* brief to the Tribunal must be made, in writing, in one of the two official languages of the Organization, specifying, *inter alia*, the following:

- the name address and contact information of the person(s) submitting the application;
- the reference of the case to which the submission pertains;
- the person(s) qualifications, including any relationship he/she has with any party to the case; and
- the reasons for believing that the submission will aid in the proper determination of the case or issue.

30. The brief shall not exceed 20 pages or 6,000 words.

31. The brief must be filed no later than 30 days after the filing of the reply in the case to which the submission pertains. Potentially interested persons are encouraged to consult with the Tribunal's Registrar as early as possible to find out the deadline and other relevant information.

32. Upon receipt, the Registrar will send a copy of the brief to the Tribunal. The Tribunal shall then decide whether the brief is permitted, including whether access to the pleadings of the parties is permitted.

33. The Tribunal shall enable the parties to submit timely observations on an *amicus* brief.

Measures

Rule 23, Rule 24

Amicable settlement

34. Parties who wish to suspend the proceedings to explore the possibilities of an amicable settlement shall inform the Registrar (using the same submission methods as indicated above) as soon as possible.

Interim measures

35. In the event of any interim measures to be taken, parties shall inform the Registrar about these as soon as possible (using the same submission methods as indicated above) to enable expeditious handling by the Tribunal of the provisions under Rule 24.

Oral procedures

Rule 25 and Rule 26

Oral procedure

36. Upon completion of the written exchanges, parties receive the official invitation to the hearing. The invitation indicates the date and time of the hearing as well as the composition of the Panel that will examine the case. If the notified party cannot be present at the hearing, the case will be examined *in absentia* of the party concerned.

37. The hearing invitation can be used for official or travel purposes. If a party requires additional certifications, he/she shall contact the Registrar in due time.

Witness procedure

38. The parties may submit names of witnesses they wish to have called in accordance with Article 6.7.4 of the CPR and the procedure at Rule 25 of the ROP. It is for the Tribunal, however, to decide which witnesses will be heard. The Tribunal normally asks to have written statements from the witnesses; if it is not possible to provide such written statements, explanations must be given as to why.

39. Each party will call its own witness, who will be questioned on the relevant facts. Following this examination, the opposing party may cross-examine the witness.

40. Witnesses are examined by the calling party or that party's lawyer. The appellant will begin the hearing with his/her own witness. The appellant can always testify in his/her own disciplinary case.

41. Questions must pertain only to the facts relevant to the dispute. They cannot be put

in such a way as to suggest the desired answer; however, a leading question will be allowed if the witness is clearly trying to elude a question or to favour another party or, being a party, is adverse in interest to the examining party.

42. When the party has finished examining a witness it has called, any other party adverse in interest may cross-examine the witness on any fact relevant to the dispute and in any manner show cause for rebutting the witness's testimony.

43. The witness may be called again by the calling party, either to be examined on new facts revealed on cross-examination or to explain answers to the questions asked by another party.

44. The Tribunal may ask the witness any question it considers useful.

Additional documentation

45. Documents not already in the record may not be submitted at the hearing, except under very exceptional circumstances when a party's request is granted by the Tribunal. A party expecting to request permission to submit documents at the hearing should be prepared to explain why the documents were not submitted earlier, and bring sufficient copies to allow distribution in the event that the Tribunal allows them to be submitted.

In camera hearings

46. In accordance with Article 6.7.1 of the CPR, if warranted by exceptional circumstances, such as the personal and private nature of the matters, the Tribunal shall decide that the hearings are to be held in private. Cases involving matters of discipline are in any case held *in camera*. No attendees other than the parties will therefore be allowed in such cases.

Written procedure only

47. The parties can agree to have the case examined through a written procedure only (i.e. without an oral hearing) under Rule 25 of the ROP. Such a request shall be noted in the submissions, or reach the Registrar, in accordance with the above-mentioned submission methods, no more than 15 days after the last submission has been distributed to the parties.

48. In such cases the parties will be informed by the Registrar of the date and time when the case will be examined as well as of the composition of the Panel.

Practicalities

49. Hearings are normally held at NATO Headquarters, Brussels, in a conference room in the Conference Centre.

50. The hearing is opened by the AT President, who welcomes and introduces the parties and/or their representatives. The judges are expected already to have read the submissions thoroughly, and the parties and/or representatives are asked to concentrate on the main issues and legal arguments of their case. The AT President closes the hearing when the panel considers that there are sufficient elements to reach a conclusion in the case.

51. The speaking time is fixed by the AT President. As a general rule, the parties and/or representatives are given the floor twice, beginning with the appellant: a first time after the opening of the hearing to present the case (maximum allocated time 15/20 minutes), and a second time after the debate/exchange with the judges (which occurs after the respondent has presented its views) to sum up their positions (maximum allocated time 5/10 minutes). If the appellant is present and wishes to do so, he/she is given the opportunity to address the AT with a brief statement (maximum allocated time 5 minutes). Should the parties and/or their representatives have specific audio/video requirements in support of their oral submissions, they must contact the Registrar beforehand in order to make proper arrangements. The parties and/or the representatives speak from their allocated seated positions.

52. The conference room is equipped with an automatic amplification system and, when given the floor by the President, speakers are asked to press the button on the microphone before starting to speak. Simultaneous interpretation in English/French is available by selecting the appropriate language from each speaker's dock. Technical assistance is available in the room.

53. In order to support the work of the interpreters, speaking notes and other reference documentation should be provided in advance of the meeting where possible.

Attendance at a hearing session

54. The hearings are open to any interested person who meets the specifications of Article 6.7.1 of Annex IX to the CPR. In accordance with the NATO Security Regulations regulating access to NATO Headquarters, parties who do not have an access badge will be escorted to the hearing room prior to the hearing. Parties requiring escort should contact the Registrar beforehand to make the necessary arrangements.

55. In accordance with Article 6.7.6 of the CPR, all those attending a hearing of the Tribunal "shall preserve the utmost secrecy concerning the facts which come to their knowledge and the views expressed during the hearings."

56. The hearings are not recorded. Any recording of the hearing by the parties, their representatives and/or participants constitutes a breach of the CPR and the applicable Security Regulations.

Conduct during the hearing

57. Attendees at the hearing must be silent and behave respectfully in the conference room and Conference Centre. While on site, they must abide by the NATO Security Regulations; during the hearing they must also follow the instructions of the President of the Tribunal and the Registrar.

58. Failure to comply with the guidelines and/or specific instructions given, will result in refusal of access to the HQ or attendance at the selected hearing(s).

Participation via videoconferencing

59. In accordance with Rule 26.9, the members of the Panel and the parties may participate using videoconferencing. Parties can find specifications for online attendance *infra*.

In-person attendance at the Administrative Tribunal's hearings

Information for all attendees

60. Interested persons meeting the criteria of Article 6.7.1 of Annex IX to the CPR and wishing to attend a hearing should inform the Registrar by e-mail at mailbox.tribunal@hq.nato.int, indicating the hearing(s) they wish to attend. This must be done not later than one week before the first hearing of the AT session takes place.

61. The list of attendees will be closed one week before the first hearing takes place. Only persons on the list will be allowed to enter the conference room where the hearing is held. Due to the limited number of seats in the conference rooms, only a limited number of attendees will be admitted and seats will be allocated on a first-come-first-served basis.

Access to NATO HQ premises

62. Access to NATO premises must be in compliance with applicable NATO Security Regulations and measures in place.

63. The following procedures apply for accessing NATO HQ:

- 1) Attendees holding a NATO security badge: no access procedure required.
- 2) Attendees NOT holding a NATO security badge:
 - a) staff members holding a NATO security clearance: a temporary pass can be issued. The Security Officer of the respective Agency, or failing that the Security Officer of the Delegation to NATO of the country of which the person is a national, shall contact the Office of Security at NATO HQ (Brussels) with a request specifying "NATO Administrative Tribunal – day/month/year" and indicating: family name, first name, date of birth and level of security clearance held.

These steps are to be taken directly by the individual concerned.

- b) former staff members not holding a NATO security clearance and retired staff members: family name, first name, date/place of birth and nationality must be provided to the Registrar, not later than two weeks before the hearing takes place, at mailbox.tribunal@hq.nato.int. The Registrar will take the necessary steps to allow escorted access to the conference room. Attendees will be informed of when and where to meet their escort.

Hearings held via videoconferencing

Security awareness

- 64. Participants have a responsibility to ensure that the information being discussed or shared cannot be overheard or seen by anyone who is not part of the hearing session.
- 65. Participants are responsible for maintaining security awareness and ensuring anti-virus software is installed and security settings are updated.
- 66. It is not permitted to record the meeting or take screenshots.

Practical guidelines

- 67. Participants are requested to take part in technical tests that may be carried out prior to the meeting.
- 68. Participants should connect via a computer for optimal audio-visual quality. Smartphones and tablets should be avoided. The computer should be connected to the Internet via an Ethernet cable, not WiFi.
- 69. Participants should use a headset with integrated shock absorption and microphone. In the computer's Audio Device Settings window, 'Headset' must be shown as the audio device.
- 70. All participants are asked to connect from a quiet location, remove all sources of noise (phones and home equipment), disconnect loudspeakers, and avoid rustling paper close to their microphone.
- 71. Microphones must remain muted unless the participant has the floor.
- 72. If a number of remote participants are gathered together and share a connection, they must equip the room with boundary microphones placed as close as possible to the person(s) speaking.
- 73. It is recommended that all video feeds remain on throughout the meeting.
- 74. When taking the floor, participants are asked to:
 - Wait for two seconds after switching on the microphone; and
 - Speak softly and clearly into the microphone, and at a reasonable pace.If reading from their notes, participants should ensure they pause regularly to allow interpretation to catch up.
- 75. When entering their screen name to join the event, participants should use a format that makes their identity clear to the other participants or follow the organizer's instructions.
- 76. Interpretation is available for online meetings.

Sample of an appeal submission and its annexes

Sample: Cover letter

To: AT Registrar (address)

Indicate the **date**

Indicate the **subject** (e.g. appeal against [name of the NATO body])

Indicate the following:

- last name, first name of the person submitting the appeal;
- the HONB against whom the appeal is submitted;
- the postal address, e-mail address and telephone number of the appellant (for the purposes of the proceedings) or alternatively, if represented, of the representing counsel.

Handwritten signature

(of the appellant or the representing counsel, as applicable)

Enclose:

- the signed original appeal;
- the table summarizing the supporting evidence;
- the supporting evidence.

Sample: Appeal submission

To: AT President

The submission shall detail the argumentation of the case, in facts and in law.

In particular, the following shall be indicated:

- a brief explanation of the **facts in chronological order**, including:
 - a. the HONB decision challenged; and
 - b. as applicable, the pre-litigation channels pursued in accordance with the relevant provisions of Annex IX and the associated documentation (e.g. the Complaints Committee report, etc.);
- the main **legal arguments**, including:
 - c. the legal grounds for the appeal (e.g. the CPR articles and/or other policies or general principles which allegedly have been violated); the reasons why the decision is being challenged; how the requirements of Annex IX for the AT to consider the appeal have been met (e.g. jurisdiction, admissibility);
 - d. supporting facts, evidence and documents, including statements by supporting witnesses (if any) and any additional requests (e.g. for production of documents, written proceedings only, anonymity, etc.);
- the **relief or remedy sought**, including:
 - e. the amount of compensation sought (if any) and/or the specific performance of an obligation;
 - f. any request for costs (if any).

Indicate the **date**

Handwritten signature

(of the appellant or the representing counsel, as applicable)

Sample: List of annexes

LIST OF ANNEXES

- Annex 1** description of the document enclosed (title and nature, e.g. HONB letter, contract, etc.), date of the document
- Annex 2** description of the document enclosed (title and nature, e.g. HONB letter, contract, etc.), date of the document
- Annex 3** ...