Rules of Procedure of the Administrative Tribunal of the Asian Development Bank
Introduction to Revision of Rules of Procedure of the Administrative Tribunal of the Asian Development Bank

The Tribunal has revised its Rules under the Statute of the Tribunal, taking into account developments in the field of dispute resolution in the international civil service, experience under the previous Rules, and changes in technology. Prior to adoption of the revisions, the Tribunal provided the Bank and the Staff Council with an opportunity to comment on the draft Rules. The Tribunal adopted the revised Rules through an electronic meeting of its Members on 10 February 2021. These Rules apply to applications submitted on or after 1 March 2021.

Certain revisions address powers of the President and the Executive Secretary (Rules 3 and 4); the notification, location, and means of holding Tribunal sessions (Rule 5(3) and (4)); submission of an application by electronic means or in paper copy (Rule 6(1)); some details to be supplied in accordance with amended Annexes I and II to the Rules; requests for anonymity (Rules 6(3) and Rule 7(3)); details regarding annexes to be furnished (Rule 6(6)); clarification of time limits for filing an application (Rule 6(9) and (10)); dismissal of a clearly inadmissible application (Rule 6(12) and (13)); aspects governing oral proceedings (Rule 11); and provisions on intervention, third parties and amicus curiae (Rules 16 and 17).

Newly introduced rules concern recusal of a Member of the Tribunal (Rule 5(10) and (11)); preparation of an annual report of the Tribunal (Rule 3(3)); anonymous notification of a filing (Rule 6(15)); changes to the time-frames for handling a preliminary objection to jurisdiction (Rule 7(1)), the Applicant’s reply (Rule 8(1)), and the Bank’s rejoinder (Rule 9(1)); timing of an application for costs (Rule 13); the possibility of an amicable settlement or withdrawal of an application (Rule 14); provisional measures in exceptional cases (Rule 18); consolidation (Rule 19); deliberations of the Tribunal (Rule 20); advance provision of a decision or judgment to the parties prior to its publication (Rule 21(2)); correction of a judgment in case of clerical or arithmetic error (Rule 22(1) and (3)); and addition of references to practice directions and the Tribunal’s Code of Ethics (Rules 23(2) and 24).

Under the new rules, applicants and the Bank are no longer required to submit six copies of pleadings. Signatures may now be provided electronically. The revisions also make some minor changes to simplify or clarify wording (such as in Rule 15 on remand), and to employ “he or she” / “him or her” in the text. The Rules now feature a table of contents and additional headings. In a few cases, the order in which the rules appear has changed.
RULES OF PROCEDURE OF THE ADMINISTRATIVE TRIBUNAL OF THE ASIAN DEVELOPMENT BANK
(Rules established under Article VI of the Statute. As revised on 10 February 2021.)

TABLE OF CONTENTS

SECTION I: Organization
   Rule 1 – Term of Office of Members
   Rule 2 – President and Vice-President
   Rule 3 – Duties of President and Vice-President
   Rule 4 – Executive Secretary and Staff

SECTION II: Sessions, Panels and Recusal
   Rule 5
      Para. 1 – Plenary Sessions
      Para. 2 – Special Plenary Session
      Para. 3 – Notice of Session
      Para. 4 – Location and means of holding sessions
      Para. 5 – Quorum
      Paras. 6 to 9 – Panels
      Paras. 10 to 11 – Recusal

SECTION III: Proceedings
   Rule 6 – The Application
      Paras. 1 to 2 – Content of Application
      Para. 3 – Request for Anonymity
      Para. 4 – Pleas
      Para. 5 – Explanatory Statement
      Para. 6 – Annexes
      Para. 7 – Presentation of Case; Representation of Applicant
      Para. 8 – Authentication
      Paras. 9 to 10 – Time Limits for Filing an Application
      Para. 11 – Corrections to Application
Paras. 12 to 13 – Dismissal of Clearly Inadmissible Application
Para. 14 – Transmission to the Bank for Response
Para. 15 – Public Announcement of Filing

Rule 7 – The Answer
Para. 1 – Preliminary Objection to Jurisdiction
Paras. 2 to 3 – Filing of the Answer
Para. 4 – Authentication
Para. 5 – Transmission of Answer to the Applicant

Rule 8 – Reply of the Applicant

Rule 9 – Rejoinder of the Bank

Rule 10
Paras. 1 to 2 – Additional Statements, Documents, and Information
Para. 3 – Obtaining Information
Para. 4 – Production of Documents and Inquiry

Rule 11 – Oral Proceedings

Rule 12
Para. 1 – Oral Evidence
Para. 2 – Oath or Declaration
Para. 3 – Exclusion of Evidence

Rule 13
Para. 1 – Listing of the Case for Decision
Para. 2 – Application for Costs

Rule 14
Para. 1 – Application for Adjournment
Para. 2 – Withdrawal of Application
Para. 3 – Amicable Settlement

SECTION IV: Remand of a Case
Rule 15 - Remand

SECTION V: Intervention, Third Parties and Amicus Curiae
Rule 16 – Intervention by Individuals
Rule 17 - Third Parties; Amicus Curiae
SECTION VI: Provisional Measures; Consolidation
   Rule 18 – Provisional Measures
   Rule 19 – Consolidation

SECTION VII: Decisions, Judgments, and their Publication
   Rule 20 – Deliberations and Judgments
   Rule 21 – Notification and Publication of Decisions/Judgments

SECTION VIII: Correction or Revision of a Decision/Judgment
   Rule 22
      Para. 1 - Discovery of Clerical or Arithmetic Error
      Para. 2 – Discovery of a Fact

SECTION IX: Miscellaneous Provisions
   Rule 23 – Modification and Supplementation of Rules
   Rule 24 – Code of Ethics
   Rule 25 – Entry into Force

ANNEX I – Form of First Section of Application and Requirements for Annexes under Rule 6

ANNEX II – Form of First Section of Request for Intervention under Article VI of the Statute and Rule 16
SECTION I: Organization

Rule 1

Term of Office of Members

Subject to any contrary decision of the Board of Directors of the Asian Development Bank (hereinafter referred to as the “Bank”), the term of office of members of the Tribunal shall commence on the first day of October of the year of their appointment by the Board of Directors of the Bank.

Rule 2

President and Vice-President

1. The Tribunal shall elect a President and a Vice-President for terms of three years. The President and the Vice-President thus elected shall take up their duties immediately. They may be re-elected. Unless indicated otherwise, references in these rules to the “President” and “Vice-President” mean these individuals.

2. Upon the expiration of the term of office of the President, the Vice-President shall act as President until a successor is elected. Upon the expiration of the term of office of the Vice-President, the senior member of the Tribunal shall act as Vice-President until a successor is elected.

3. If the President or the Vice-President ceases to be a member of the Tribunal or ceases to hold office before the expiration of the normal term, the Tribunal shall elect a successor for the unexpired portion of the term.

4. The election of the President or the Vice-President shall be by vote or assent of a majority of the members of the Tribunal, at a plenary session or by correspondence.
Rule 3

Duties of President and Vice-President

1. The President shall direct the work of the Tribunal and of its Secretariat. The President shall represent the Tribunal in all administrative matters and shall preside at sessions and meetings of the Tribunal.

2. The President may, as may be required, make orders for the conduct of proceedings and deal with any necessary matter not expressly provided in the present Rules, when permitted by the Statute.

3. The President shall prepare an annual report on the activities of the Tribunal, which shall be published.

4. If the President is unable to act, the Vice-President shall act as President.

Rule 4

Executive Secretary and Staff

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

   (a) Receive applications instituting proceedings and related documentation for each case submitted to the Tribunal, including electronically;

   (b) Transmit all documents and make all notifications required, including electronically, in connection with proceedings before the Tribunal;

   (c) Maintain for each case a record of all documents received and sent, and of all actions taken, in connection with the case, including the dates thereof and of their receipt by or dispatch from the Executive Secretary’s office;

   (d) Attend hearings and meetings of the Tribunal when instructed by the President;

   (e) Keep minutes of these hearings and meetings when instructed by the President;
(f) Facilitate the transmittal of the transcript of notes or recordings in case of oral proceedings before the Tribunal;

(g) Arrange for the public notifications required under these rules and for publication of the judgments and final decisions of the Tribunal;

(h) Maintain the archives of the Tribunal;

(i) Assist the Tribunal in issuing practice directions relating to pleadings and hearings;

(j) Expeditiously carry out the above tasks and others assigned by the President.

2. In addition to the Executive Secretary, the Tribunal shall have such other staff as it may deem necessary, who shall be placed at its disposal by the President of the Bank. The Executive Secretary, if unable to act, shall be replaced for the time being by a person appointed by the President of the Bank in consultation with the President of the Tribunal.

SECTION II: Sessions, Panels and Recusal

Rule 5

Plenary Sessions

1. The Tribunal shall hold a plenary session once a year on a date fixed by the President for the purpose of hearing cases, forming panels, and any other matters affecting the administration or operation of the Tribunal including, if necessary, the election of the President and the Vice-President. When, however, there are no cases on the list referred to in Rule 13, paragraph 1, and no other business which in the opinion of the President would justify the holding of a session for their consideration, the President may, after consulting the other members of the Tribunal, decide to hold the plenary session on a later date.
Special Plenary Session

2. A special plenary session may be convened by the President when, in his or her opinion, the number or urgency of cases requires such a session or it is necessary to deal with a question affecting the operation of the Tribunal.

Notice of Session

3. Notice of the convening of a plenary session or a special plenary session shall be given to the members of the Tribunal at least thirty (30) days in advance of the date of the opening of such a session. The dates of the session shall be publicly notified in advance.

Location and means of holding sessions

4. The Tribunal shall ordinarily hold its sessions in person at the Bank’s headquarters. The Tribunal may decide to hold a session at another location or by electronic means, taking into account the prevailing circumstances, and the need for fairness and efficiency in the conduct of proceedings.

Quorum

5. Three members of the Tribunal shall constitute a quorum for plenary sessions.

Panels

6. In accordance with Article V of the Statute, the President, in consultation with the Vice-President, shall determine whether a case warrants consideration by a panel consisting of all its members or by a panel of three members, and the composition of any panel of three members.

7. A party may make a written request, giving reasons, that the case be heard by all the members of the Tribunal. Such request shall be made, at the latest, by the applicant in the reply filed under Rule 8, and by the Bank in the rejoinder filed under Rule 9.

8. The President shall be the presiding member of any panel of which he or she is a member. If the President is not a member of a panel, the Vice-President shall be the presiding member of the panel if he or she is a member of it. If neither the President nor
the Vice-President is a member of a panel, the President shall appoint one member to be the presiding member of that panel.

9. The presiding member of a panel shall exercise all the functions of the President of the Tribunal in relation to cases before that panel.

Recusal

10. In accordance with Article V, paragraph 5 of the Statute, a member of the Tribunal shall recuse himself or herself from a case if there is an actual or potential conflict of interest, such as:

   (a) having a personal, familial or professional relationship with a person involved in the case;

   (b) having been called upon previously in another capacity, such as advisor, representative, expert or witness, in relation to the matter;

   (c) there being any other circumstances that would make participation in the case inappropriate.

11. When assigned to a case, a member recusing himself or herself shall immediately inform the President of the Tribunal, who shall take action as needed. When the President recuses himself or herself the Vice-President shall act as the President in that case.

SECTION III: Proceedings

Rule 6

Content of Application

1. An application instituting proceedings under Article II of the Statute shall be submitted electronically to the Tribunal, addressed to admintribunal@adb.org, or in paper copy addressed to the Office of the Administrative Tribunal at the Headquarters of the Bank.
An application shall be divided into four sections, which shall be entitled, respectively:

I. Information regarding the personal and official status of the applicant;
II. Pleas;
III. Explanatory Statements; and
IV. Annexes.

2. The information concerning the personal and official status of the applicant shall be presented in the form contained in Annex I of these rules or its electronic equivalent.

Request for Anonymity

3. At the time of instituting proceedings or at the latest upon filing a reply, the applicant may request that his or her name, or the name of any witness or person cited, remain anonymous. The applicant shall provide reasons for the Tribunal in support of such a request.

Pleas

4. The section on pleas shall indicate all the measures and decisions which the applicant is requesting the Tribunal to order or take. The pleas shall specify:

(a) any preliminary or provisional measures, such as the production of additional documents or the hearing of witnesses, which the applicant is requesting the Tribunal to order before proceeding to consider the merits;

(b) the decisions which the applicant is contesting and whose rescission is requested under Article X, paragraph 1 of the Statute;

(c) the obligations which the applicant is invoking and the specific performance of which is requested under Article X, paragraph 1 of the Statute;

(d) the amount of compensation claimed by the applicant in the event of use of the option given under Article X, paragraph 1 of the Statute; and

(e) any other relief, including an application for costs, which the applicant may request in accordance with the Statute.
Explanatory Statement

5. The explanatory statement section shall set out concisely the facts and the legal grounds on which the pleas are based. It shall specify, *inter alia*, the provisions of the contract the non-observance of which is alleged.

Annexes

6. The annexes section shall contain the texts of all documents referred to in the application in accordance with the following rules:

   (a) the applicant shall certify that each document submitted is a true copy;

   (b) documents that are not in English shall be accompanied by any necessary translations, certified by the translator;

   (c) where only part of a document is relevant to the application, only such part, including the citation, shall be annexed; and

   (d) every endeavor shall be made to avoid annexing or otherwise presenting a document more than once.

Presentation of Case; Representation of the Applicant

7. An applicant may present his or her case before the Tribunal, in written form or, if allowed pursuant to Rule 11, paragraph 1, in oral proceedings. The applicant may designate any person to represent him or her before the Tribunal.

Authentication

8. The applicant shall sign the last page of the application. The applicant may instead, by means of a letter transmitted for that purpose to the Executive Secretary, authorize signature by his or her designated representative. In the event of the applicant’s incapacity, the required signature shall be furnished by his or her duly authorized representative. Signatures may be provided electronically.
Time Limits for Filing an Application

9. The applicant shall file the application with the Executive Secretary within ninety (90) days after the latest of the following, taking into account Article II, paragraph 3(b) of the Statute:

   (a) the occurrence of the event giving rise to the application;

   (b) receipt of notice, after the applicant has exhausted all other remedies within the Bank, that the relief asked for or recommended will not be granted;

   (c) receipt of notice that the relief asked for or recommended will be granted, if such relief shall not have been granted within thirty (30) days after receipt of such notice; or

   (d) the date of communication of the contested decision of the Pension Committee of the Bank to the party concerned.

If the President of the Bank and the applicant have agreed to submit the application directly to the Tribunal in accordance with the option given to them under Article II, paragraph 3(a) of the Statute, the filing shall take place within ninety (90) days of the date on which the President of the Bank notifies the applicant of agreement for direct submission.

10. The date of filing shall be considered as the first of these dates:

    (a) the date on which the applicant submitted a complete application electronically, or

    (b) the date on which the Executive Secretary received one complete paper copy of the application.

Corrections to the Application

11. If the filing requirements of this rule are not fulfilled, the Executive Secretary may call upon the applicant to make the necessary corrections to the application within a period which the Executive Secretary shall prescribe. With the approval of the President, the Executive Secretary may make the necessary corrections when the defects in the application do not affect the substance.
**Dismissal of Clearly Inadmissible Application**

12. If the President considers that an application is clearly inadmissible, he or she may instruct the Executive Secretary to take no further action pending implementation of paragraph 13 of this Rule. This instruction shall suspend all procedural time limits.

13. In the circumstances mentioned above, the President shall, following consultation with the other members of the Tribunal, either dismiss the application as clearly inadmissible or order that the application shall proceed in the ordinary way.

**Transmission to the Bank for Response; Bank Representation**

14. After ascertaining that the filing requirements for an application have been met, the Executive Secretary shall provide a copy of the application to the Bank for its response. The Bank may designate any person to represent it before the Tribunal.

**Public Announcement of Filing**

15. Shortly after notifying the Bank of the application, the Executive Secretary shall publicly announce the date of its filing, its number and a summary of the relief sought, without disclosing the identity of the applicant or any other person.

**Rule 7**

**Preliminary Objection to Jurisdiction**

1. If the Bank objects to the exercise of jurisdiction by the Tribunal, and seeks a decision on this point before filing the answer, the Bank may file a written objection within fifteen (15) days of provision of the application to it. Upon the filing of such objection, the President may suspend proceedings on the merits. The applicant shall present written observations on the objection within fifteen (15) days of receipt thereof. If the President considers it necessary, additional pleadings on the objection may be required. After considering the pleadings, the Tribunal or, when not in session, the President shall either uphold the objection, reject it, or declare that it shall be joined to the merits of the case. As appropriate, the President may then fix a new date for the Bank to file its answer.
Filing of the Answer

2. Within sixty (60) days of the date on which the application is provided to the Bank by the Executive Secretary, the Bank shall submit its answer to the Tribunal electronically or in paper copy. The answer shall include pleas, an explanatory statement, and annexes. The annexes shall contain all documents referred to in the answer that are not already annexed to the application. They shall be presented in accordance with the rules established for the application.

3. When filing its answer or, if required, its rejoinder, the Bank may request that the name of any witness or person cited remain anonymous. The Bank shall provide reasons for such a request.

Authentication

4. The Bank’s representative shall sign the last page of the answer. Signature may be provided electronically.

Transmission of Answer to the Applicant

5. After ascertaining that the filing requirements have been complied with, the Executive Secretary shall provide a copy of the answer to the applicant.

Rule 8

The Reply of the Applicant

1. The applicant may, within thirty (30) days of the date on which the answer is provided to him or her, file with the Executive Secretary a written reply to the answer, electronically or in paper copy. If the President decides it necessary, he or she may direct the applicant to file a reply. The reply must be concise and avoid repetition of assertions made in the application as well as any new pleas.

2. Any document referred to in the reply which had not been previously submitted to the Tribunal shall be annexed to the reply in accordance with the rules established for the application.

3. The reply shall be signed in accordance with the rules established for the application. Signature may be provided electronically.
4. After ascertaining that the filing requirements of this rule have been complied with, the Executive Secretary shall provide a copy of the reply to the Bank.

**Rule 9**

*The Rejoinder of the Bank*

1. The Bank may, within twenty (20) days of the date on which the reply was provided to it, file a written rejoinder to the reply, electronically or in paper copy. The President may direct the Bank to file a rejoinder if he or she decides that it is necessary. The rejoinder must be concise and avoid repetition of statements in the answer.

2. Any document referred to in the rejoinder which had not been previously submitted to the Tribunal shall be annexed to the rejoinder in accordance with the rules established for the application.

3. The Bank’s representative shall sign the last page of the rejoinder. Signature may be provided electronically.

4. After ascertaining that the filing requirements have been complied with, the Executive Secretary shall provide a copy of the rejoinder to the applicant.

5. Unless Rule 10 is applied, the written proceedings shall be closed after the rejoinder, if one has been filed or, if not, after the reply has been filed.

**Rule 10**

*Additional Statements, Documents, and Information*

1. In exceptional cases, the President may, on his or her own initiative, or at the request of either party, call upon the parties to submit additional written statements or additional documents within a period which he or she shall fix. The additional documents shall be furnished in the same manner as other submissions. When necessary, a document shall be accompanied by a translation into English.

2. Each written statement and additional documents shall, on receipt, be communicated by the Executive Secretary to the other party, unless at the request of the submitting party, the Tribunal decides otherwise. The personnel files communicated to the Tribunal shall be made available to the applicant by the Executive Secretary in
accordance with the instructions issued by the Tribunal.

Obtaining Information

3. In order to complete the documentation of the case prior to its being placed on the list for decision by the Tribunal, the President may obtain any necessary information from any party, witnesses or experts. The President may designate a member of the Tribunal or any other disinterested person to take oral statements. Any such statement shall be made under oath or declaration and provided to the parties in accordance with paragraph 2 above.

Production of Documents and Inquiry

4. The Tribunal may at any stage of the proceedings call for the production of documents or of such other evidence as may be required. It may arrange for any measures of inquiry as may be necessary.

Rule 11

Oral Proceedings

1. Oral proceedings, including the presentation and examination of witnesses or experts, may be held only if the Tribunal so decides, on its own motion or at the request of a party filed up to the date fixed for filing the rejoinder.

2. By a date set by the President of the Tribunal sufficiently in advance of any oral proceedings, each party shall inform the Executive Secretary and, through him or her, the other party, of the names and description of proposed witnesses and experts. For each application for hearing a witness or expert, the party shall indicate the points to which the evidence is to refer. The Tribunal shall decide on each application and determine the sequencing of any oral proceedings.

3. The Tribunal may decide that witnesses or experts shall reply in writing to any written questions posed. The parties shall, however, retain the right to comment on any such written replies.

4. Practice directions of the Tribunal may provide further instructions on the conduct of oral proceedings.
Rule 12

Oral Evidence

1. The Tribunal may examine witnesses and experts. The parties or their representatives or lawyers may, under the control of the President, put questions to the witnesses and experts.

Oath or Declaration

2. Each witness shall make the following oath or declaration before giving evidence:

“I solemnly swear/declare upon my honor and conscience that I will speak the truth, the whole truth and nothing but the truth”.

Each expert shall make the following oath or declaration before making a statement:

“I solemnly swear/declare upon my honor and conscience that my statement will be in accordance with my sincere belief.”

Exclusion of Evidence

3. The Tribunal may exclude evidence which it considers irrelevant, frivolous, or lacking in probative value. The Tribunal may also limit the oral testimony if it considers the written documentation adequate.

Rule 13

Listing of the Case for Decision

1. When the President considers the documentation of a case to be complete, he or she shall instruct the Executive Secretary to place the case on the list for decision, and the Executive Secretary shall inform the parties as soon as the case is listed. Other than an application seeking reasonable costs as foreseen in Article X, paragraph 2 of the Statute, no additional statements or documents may be filed after the case has been included in the list, unless the Tribunal otherwise permits or requires.
Application for Costs

2. An application for costs as permitted under Article X, paragraph 2 of the Statute may be submitted within ten (10) days of receipt of notification of the listing of a case.

Rule 14

Application for Adjournment

1. Any application for the adjournment of a case shall be decided by the President or, when the Tribunal is in session, by the Tribunal.

Withdrawal of Application

2. Should the applicant notify the Tribunal that he or she is withdrawing the application, the President may accept the withdrawal without convening the Tribunal, as long as the withdrawal is unconditional. The withdrawal shall be noted in the archives of the Tribunal.

Amicable Settlement

3. The Tribunal or, when it is not in session, the President may encourage mediation or direct discussions aimed at facilitating an amicable settlement of the application. With the consent of the parties, the proceedings will then be suspended. If a settlement is not reached, the proceedings will resume.

4. If a settlement is reached, the President may accept it without convening the Tribunal, and proceedings will end. The result shall be noted in the archives of the Tribunal.

5. No opinion expressed, suggestion, proposal, concession, or other document drawn up for the purpose of seeking an amicable settlement may be relied on for any purpose by the Tribunal or by the parties to the proceedings.
SECTION IV: Remand of a Case

Rule 15

Remand

1. If, prior to a determination on the merits, the Tribunal finds that a procedure prescribed in the rules of the Bank has not been observed, the Tribunal may notify the parties accordingly in order to permit a request for institution or correction of the required procedure, in application of Article X, paragraph 3 of the Statute.

2. If a request permitted under Article X, paragraph 3 of the Statute has not been made within five (5) working days reckoned from the date of notification made under paragraph 1 above, the Tribunal shall decide on the substance of the case.

SECTION V: Intervention, Third Parties and Amicus Curiae

Rule 16

Intervention by Individuals

1. Any person to whom the Tribunal is open under Article II, paragraph 2 of the Statute may apply to intervene at any stage prior to the listing of a case on the ground that he or she has a right which may be affected by the judgment to be given by the Tribunal. A person seeking to intervene shall file a request for intervention in the form of Annex II or its electronic equivalent in accordance with the conditions laid down in this Rule. The same shall apply to a request for intervention by the Chairperson of the Pension Committee if he or she considers that his or her administration may be affected by a judgment to be given by the Tribunal.

2. The rules regarding the preparation and submission of applications shall apply mutatis mutandis to the request for intervention.

3. The Tribunal shall rule on the admissibility of every request for intervention submitted under this rule.
4. After ascertaining that the filing requirements of this rule have been complied with, the Executive Secretary shall provide a copy of the request for intervention to the applicant and to the Bank. The President of the Tribunal shall decide which documents, if any, relating to the proceedings are to be provided to the potential intervenor by the Executive Secretary.

**Rule 17**

*Third Parties; Amicus Curiae*

1. When it appears that a person may have an interest in the outcome of an application, the Tribunal, or when not in session, the President may instruct the Executive Secretary to provide a copy of the application submitted in the case and invite comments within a specified time. Any such comments shall be provided to the parties, who may submit their observations on the comments within the time specified. The Tribunal, or when not in session, the President shall then decide that the person should be invited to participate in the proceedings, and if the invitation is accepted, that person shall have the corresponding rights and obligations of a party.

2. The Tribunal may permit any person or entity with a substantial interest in the outcome of a case to participate as a friend-of-the-court (*amicus curiae*). It may also permit the duly authorized representatives of the Staff Council of the Bank so to participate.

**SECTION VI: Provisional Measures; Consolidation**

*Rule 18*

*Provisional Measures*

Within the limits of Article X, paragraph 5 of the Statute (“the filing of an application shall not have the effect of suspending execution of the decision contested”), the Tribunal or, if not in session, the President of the Tribunal may in exceptional cases, and for reasons stated, order provisional measures to be taken to permit proper adjudication of an application.
Rule 19

Consolidation

When considering that identical issues of fact or law are presented, the Tribunal or, when it is not in session the President may, on its own initiative or at the request of the applicant, the Bank, or an intervenor, consolidate cases or any aspect of the proceedings in a case.

SECTION VII: Decisions, Judgments, and their Publication

Rule 20

Deliberations and Judgments

1. The Tribunal shall deliberate in closed session. Deliberations of the Tribunal are confidential.

2. At any time before rendering its judgment, the Tribunal may on its own motion provide for the confidentiality of any person mentioned in the case.

3. Once a judgment has been adopted in accordance with Article IX of the Statute, it shall be signed by the President of the Tribunal, the members participating in the panel and the Executive Secretary.

4. The judgment in a case is final and binding.

Rule 21

Notification and Publication of Decisions/Judgments

1. The Executive Secretary shall arrange for the publication of the final decisions and judgments of the Tribunal.

2. The Executive Secretary shall provide each party with the final decision or judgment in a case prior to its publication.
SECTION VIII: Correction or Revision of a Decision/Judgment

Rule 22

Discovery of Clerical or Arithmetic Error

1. The Tribunal may on its own initiative correct a clerical or arithmetic error in a final decision or judgment. It may also do so at the request of a party if filed within ninety (90) days of the party’s receipt of the judgment. The parties may be invited to present their observations on such a correction.

Discovery of a Fact

2. In accordance with Article XI of the Statute regarding discovery of a fact which (a) by its nature might have had a decisive influence on the judgment of the Tribunal and (b) was unknown to both the party and the Tribunal at the time of delivery of the final decision or judgment, that party may request the Tribunal to revise it. Such a request must be filed within six (6) months after the party acquired knowledge of this fact, and in any case not later than five years from the date of the final decision or judgment.

3. In either case, the request with its supporting documentation shall be notified to the other party, which shall have an opportunity to submit its observations.

SECTION IX: Miscellaneous Provisions

Rule 23

Modification and Supplementation of Rules

1. The Tribunal or, when it is not in session, the President, after consulting the other members of the Tribunal, may:

   (a) in exceptional cases modify the application of these rules, including any time limits thereunder; and

   (b) deal with any matter not expressly provided for in the present rules.
2. The Tribunal may issue practice directions.

Rule 24

Code of Ethics

The Code of Ethics for Members of the Asian Development Bank Administrative Tribunal was adopted with effect from 28 February 2018. The Tribunal may amend, supplement, or replace it.

Rule 25

Entry into Force

The present rules shall apply to any application filed after 1 March 2021.

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ANNEX I

A. FORM OF FIRST SECTION OF APPLICATION AND REQUIREMENTS FOR ANNEXES UNDER RULE 6

Information concerning the personal and official status of the applicant.

1. Applicant:
   (a) name and first names;
   (b) date and place of birth;
   (c) nationality; and
   (d) telephone or cell phone number and postal and electronic addresses for purposes of the proceedings.

2. Name, telephone or cell phone number, and postal and electronic addresses of person representing the applicant before the Tribunal (if any).

3. Official status of applicant (see Statute, Article II):
   (a) office/departinent where the applicant works or worked at the time of the decision contested;
   (b) effective date of contract;
   (c) title and level at time of decision contested; and
   (d) type of applicant’s appointment.

4. If the applicant was not a staff member at the time of the contested decision, state:
   (a) the name, first names, nationality, and official status of the staff member whose rights are relied on; and
   (b) the relation of the applicant to the said staff member who entitles the former to come before the Tribunal.
5. Date of the decision contested.

6. Description of remedies exhausted within the Bank.

7. The applicant’s request, if any, for anonymity, with reasons.

**B. REQUIREMENTS REGARDING ANNEXES**

1. Each document shall constitute a separate annex and shall be numbered with an Arabic numeral and certified. The word “ANNEX”, followed by the number of the document, shall appear at the top of the first page.

2. The annexed documents shall be preceded by a table of contents indicating the number, title, nature, date and, where appropriate, symbol of each annex.

3. The words “see annex”, followed by the appropriate number shall appear in parentheses after each reference to an annexed document in the other sections of the application.

4. Whenever possible, annexes should be attached in chronological order.
ANNEX II

FORM OF FIRST SECTION OF REQUEST FOR INTERVENTION UNDER ARTICLE VI OF THE STATUTE AND RULE 16

Information concerning the personal and official status of the intervenor.

1. Case in which intervention is sought.

2. Intervenor:
   (a) name and first names;
   (b) date and place of birth;
   (c) nationality; and
   (d) telephone or cell phone number and postal and electronic addresses for purposes of the proceedings.

3. Name, telephone or cell phone number and postal and electronic addresses of person representing the intervenor before the Tribunal.

4. Official status of intervenor:
   (a) office/department where the intervenor works or worked is a staff member;
   (b) effective date of contract;
   (c) title and level; and
   (d) type of intervenor’s appointment.

5. If the intervenor was not a staff member at the time of the contested decision, state:
   (a) the name, first names, nationality, and official status of the staff member whose rights are relied on; and
   (b) the title under which the intervenor claims he or she is entitled to the rights of the said staff member.