



## **GAVI ALLIANCE AD HOC APPEALS TRIBUNAL**

### **Statute and Rules of Procedure**

An Ad Hoc Appeals Tribunal (hereinafter “the Tribunal”) of GAVI Alliance (hereinafter “GAVI”) is hereby established and shall be governed by the present Statute and Rules of Procedure (hereinafter the “Rules”), as well as any internal rules which the Tribunal may adopt and amend from time to time in accordance with Article 9(3) below.

#### **ARTICLE 1**

1. The Tribunal shall be composed of a President. In case the President in charge cannot act in a case for whatever reason, including due to a conflict of interest, he shall be replaced by an alternate selected by GAVI from a list of judges or other legal experts.
2. The GAVI Secretariat shall maintain a list of judges or other legal experts in the fields of employment law and dispute resolution involving international institutions. Experts may be placed on the list upon a referral by outside legal counsel and after the expert’s independence has been confirmed by GAVI. They shall have no personal or financial relationship with any GAVI Secretariat staff or members of the GAVI Board.
3. The Tribunal will be called upon as needed when an employee of GAVI submits a complaint (hereinafter “the complainant”) in accordance with the rules of procedures outlined below, and the internal procedures established to resolve the matter have been fully exhausted in accordance with their terms.
4. The Tribunal shall be competent to hear and make decisions on disputes arising out of the alleged non-observance, in substance or in form, of:
  - i) the terms of appointment of the employee,
  - ii) such provisions of the GAVI Policies and Procedures Manual as are applicable to the case.
5. For the purpose of the present Rules, the expression “employee” shall mean:
  - i) any person whose current or former employment agreement, whether open-ended or fixed-term (temporary), provides that he shall be an employee,
  - ii) any person on whom the rights of the employee as defined in point i) above have devolved on his or her death,
  - iii) any other person who can show that he is entitled to some rights under the terms of appointment of a deceased employee as defined in point i) above.

## **ARTICLE 2**

1. The complainant shall address his or her complaint against GAVI in writing to the Director of Human Resources within 90 days after the date of the final decision on the matter by GAVI's Chief Executive Officer. The complainant shall state the facts of his or her case and the request for relief, and the evidence in support of the complaint.
2. The complainant shall, pursuant to Article 4 below, submit his or her complaint to the Tribunal. GAVI shall provide to the complainant the contact details of the President of the Tribunal together with a copy of these Rules of Procedure.
3. Upon request, the 90 days time limit may be extended at the discretion of the Tribunal, if the heirs of a deceased employee or the trustee of an employee who is not in a position to manage his or her own affairs files the complaint in the name of the said employee.
4. The filing of a complaint with the Tribunal shall not suspend the execution of GAVI's Chief Executive Officer's decision challenged by the complainant.

## **ARTICLE 3**

1. The complainant may plead his or her own case or appoint a lawyer or other representative at his or her own cost.
2. GAVI's representative(s) shall be one (or more) of its own serving or former staff members, or outside legal counsel at GAVI's discretion.

## **ARTICLE 4**

1. The complainant or the complainant's representative shall:
  - a. submit to the Tribunal, with a copy to GAVI, a brief either in English or French stating the facts of the case and the request for relief, as well as the evidence in support of the complaint;
  - b. append to any text which is not in English or French a translation into the language chosen in accordance with (a). The Tribunal may order that the translation be certified if the circumstances so require.
2. The language chosen in accordance with (a) shall be used in the subsequent phases of the proceedings, unless the Tribunal decides otherwise taking into account all relevant circumstances.

## **ARTICLE 5**

1. Within 30 days after the date of receipt of the complaint, GAVI shall:

- a. submit to the Tribunal, with a copy to the complainant, an answer brief to the complaint in the language chosen by the complainant, as well as the evidence in support of its answer;
  - b. append to any text which is not in the language chosen by the complainant a translation into that language. The Tribunal may order that the translation be certified if the circumstances so require.
2. Upon a reasoned request by GAVI, this 30-day time limit may be extended at the discretion of the Tribunal. If GAVI files no answer brief within the time limit fixed, the written pleadings shall be deemed closed.

## **ARTICLE 6**

1. Within 30 days after the date of receipt of GAVI's answer, the complainant may submit to the Tribunal, with a copy to GAVI, a further brief in reply.
2. Upon a reasoned request by the complainant, this 30-day time limit may be extended at the discretion of the Tribunal. If the complainant files no reply brief within the time limit fixed, the written pleadings shall be deemed closed.
3. If the complainant files a reply brief, GAVI may submit to the Tribunal, with a copy to the complainant, a rejoinder brief within 30 days after the date of receipt of the complainant's reply.
4. If GAVI files no rejoinder brief, the written pleadings shall be deemed closed.

## **ARTICLE 7**

1. The Tribunal shall have full power to review the facts and the then-applicable GAVI Policies and Procedures Manual.
2. The Tribunal may, on its own motion or on the application of either party, order the submission of any further written statement or any document and may set a time limit for such submission.
3. The Tribunal may, on its own motion or on the application of either party, take evidence and order any appropriate measures of investigation as it deems fit, including the appearance of the parties before it, the hearing of any witness and/or expert, and the consultation of any competent authority.
4. An application by either party for hearings shall identify any witness and/or expert whom that party wants the Tribunal to hear and the issues which the party wants the witness and/or expert to address.
5. The Tribunal shall determine whether and to what extent to conduct any hearings.

6. In any hearing, the Tribunal shall allow oral submissions by the parties and may also hear oral testimony and/or expert evidence from any witness/expert as permitted by the Tribunal.

## **ARTICLE 8**

1. The Tribunal shall decide on its competence in case it is disputed by either party.
2. The Tribunal shall decide on the merits of the dispute between the complainant and GAVI based on the GAVI Policies and Procedures Manual , as well as general principles of customary international administrative and employment law.
3. Each decision shall be in writing, briefly reasoned, dated and signed by the President (or his alternate, if applicable).
4. The decision of the Tribunal shall be final, binding on both the complainant and GAVI and without appeal. Upon a reasoned and timely request by either party, the Tribunal shall be competent to interpret its decision, to correct any clerical errors or to revise its decision in case new facts are discovered.
5. In addition to damages, the Tribunal may award to the complainant costs incurred by the complainant in connection with the proceedings before the Tribunal.
6. Where the Tribunal deems that the complainant has brought a frivolous complaint against GAVI, the Tribunal may order costs against the complainant if the circumstances so justify in the Tribunal's discretion.

## **ARTICLE 9**

1. GAVI will pay for all costs and expenses incurred by the Tribunal, except as awarded pursuant to Article 8 (6) above.
  2. The present Rules may be amended by GAVI. Any such amendment will only be applicable to new complaints filed under Article 2 after the date such amended rules are adopted by GAVI.
  3. The Tribunal may in its own discretion also adopt additional internal rules for its tasks and proceedings as may be required, to the extent such rules supplement the present Rules and are compatible with them, in the Tribunal's discretion.
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