

RULES OF PROCEDURE OF THE ADMINISTRATIVE TRIBUNAL

CHAPTER III DISQUALIFICATIONS AND CHALLENGES

Article 13: Mandatory disqualifications

1. The following circumstances constitute mandatory disqualifications from hearing a particular case:
 - (a) Having a personal interest in the case;
 - (b) Having been a counselor, adviser, attorney, expert, or witness in the case either during or prior to the procedures mentioned in Article VI of the Statute, or in the course of the judicial procedure;
 - (c) Having taken cognizance of the case in any of the administrative procedures mentioned in Article VI of the Statute;
 - (d) Being a relative of any of the parties within the fourth degree of consanguinity or the second degree of affinity.
2. When a member of the Tribunal finds himself in any of the situations contemplated in this Article he shall be disqualified ipso jure, and the Tribunal shall so declare.

Article 14: Recusal

1. The following constitute reasons for recusement from hearing a given case:
 - (a) Being a relative of any of the counselors, advisers, attorneys, or representatives of a party within the fourth degree of consanguinity or the second degree of affinity;
 - (b) Being an intimate friend of, or bearing manifest animosity toward, any of the parties;
 - (c) Having expressed a formal opinion with respect to the case in question;
 - (d) Any other reason affecting impartiality.
2. When a member of the Tribunal finds himself in any of the situations contemplated in this Article, he shall disqualify himself from hearing the case and shall inform

the President of his disqualification, through the Secretary. The President shall first hear the parties and shall decide whether it is proper to accept the disqualification. If this is accepted, the President shall immediately request the corresponding alternate member to appear, or if this is not possible, shall continue the proceedings with the two remaining judges, in the absence of objections by the parties, or shall postpone the case for another session.

Article 15: Recusation

1. The parties have the right to recuse a member of the Tribunal, stating the reason. The reasons given above for mandatory disqualification and recusal are also reasons for recuse.

Formalities and Opportunity

2. The challenge should be presented in writing, accompanied by the pertinent documentary evidence, if there is any, and with the offer of the other corresponding evidence, within five days following the date on which the party concerned has been informed of the composition of the Panel. When the recusation be based on a supervening fact, the same form of procedure shall be followed within five days following the date on which the party concerned has learned of the fact that motivates the challenge.

In special circumstances the President may extend these periods, but in no case may he reduce them.

Procedure, settlement and effect of challenges

3. When a challenge has been received the parties concerned shall be notified through the Secretary, giving a period of up to fifteen days to submit an answer to the challenge, and after the pertinent evidence has been considered, the Tribunal shall decide upon the question within three working days.

In the event that the recusation is clearly groundless or malicious, or alleged for manifestly dilatory purposes, the Tribunal shall decide upon it without further procedure.

If the challenge is upheld, the presiding member shall call upon an alternate member from among those not selected for the current panel.

The decisions on matters of recusations shall be made public before the conclusion of the session of the Tribunal.

Recusation against the President or more than one member

4. When a challenge is presented against the President, the procedure indicated above being observed, the Tribunal shall decide upon the case with the panel members who have not been challenged. If two or more panel members have been challenged, the issue will be decided by a voting of all the remaining members of the Tribunal.