



DIRECTIVE ON THE AIIB SPECIAL APPEALS TRIBUNAL

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Summary of Content: This Directive establishes the AIIB Special Appeals Tribunal pursuant to Article 13(4) of the Staff Regulations, and promulgates the Rules of the Tribunal.

Related Documents: Staff Regulations, Staff Rules

DIRECTIVE ON THE AIIB SPECIAL APPEALS TRIBUNAL

1. OVERRIDING OBJECTIVES

- 1.1. This Directive establishes the Special Appeals Tribunal of the Asian Infrastructure Investment Bank (the “Tribunal”) pursuant to Article 13(4) of the Staff Regulations of the Bank. The Tribunal serves as a final instance of appeal within the Bank’s staff grievance mechanism and provides an independent and impartial right of appeal for staff grievances.
- 1.2. This Directive also promulgates the Rules of the Tribunal (the “Rules”), which govern the conduct of proceedings before the Tribunal, provide direction to the parties on procedural matters, and establish procedural safeguards to ensure the fair and timely adjudication of appeals submitted to the Tribunal.

2. DEFINITIONS

The terms, acronyms, and abbreviations used in this Directive shall have the meanings set forth below:

- 2.1. “Internal Legal Framework” has the meaning as defined in the Directive on the Internal Legal Framework.
- 2.2. “HR System” means the Bank’s Human Resources Information System, which serves as the primary platform for the recording, processing, and approval of human-resources-related transactions and requests, in accordance with the Bank’s applicable procedures.
- 2.3. “Panel” means the list of Independent Reviewers established and maintained under Staff Rule 8.01, listed in a roster alphabetized by first name.
- 2.4. “Staff Council” means the body of representative Staff Members selected by Staff Members for consultation with the Bank in accordance with Article 11 of the Staff Regulations.
- 2.5. Unless otherwise defined in this Directive, terms and acronyms used in the Rules shall have the meaning as set out in relevant provisions of the Rules.

3. SCOPE OF APPLICATION

- 3.1. This Directive applies to all Staff Members and former Staff Members of the Bank.

4. RULES OF THE TRIBUNAL

- 4.1. The Rules of the Tribunal are set forth in the Annex and form an integral part of this Directive.

4.2. The Rules shall enter into effect upon the Effective Date of this Directive.

4.3. The Rules shall remain in effect until such time as a different appeals mechanism, established by the Bank in accordance with Article 13(4) of the Staff Regulations, becomes operational.

5. APPLICATION AND WAIVER

5.1. The Tribunal shall make all final decisions regarding the interpretation and application of the Rules, including whether to grant a waiver thereof, in accordance with relevant provisions of the Rules.

ANNEX – Rules of the AIIB Special Appeals Tribunal

Article 1 The Principles

1. These Rules enable the Special Appeals Tribunal (the “Tribunal”) to consider appeals fairly, justly, and impartially. The overriding objectives of these Rules include:

- (a) ensuring that the parties are afforded an appropriate opportunity to make their case;
- (b) addressing appeals in a manner that is proportionate to the complexity and importance of the issues raised;
- (c) allowing flexibility in the proceedings;
- (d) addressing matters efficiently and cost-effectively;
- (e) avoiding delay, so far as is compatible with proper consideration of the issues; and
- (f) promoting the amicable resolution of disputes.

2. The Tribunal shall seek to give effect to these principles in interpreting or exercising any power given to it under these Rules, while always fulfilling its primary aim of securing the just adjudication of disputes.

3. The Bangalore Principles of Judicial Conduct, as recognized in the United Nations Economic and Social Council resolution 2006/23 dated July 27, 2006,¹ shall apply, *mutatis mutandis*, to the conduct of judges of the Tribunal.

4. The parties and their representatives shall assist the Tribunal to further the application of these principles and shall cooperate with each other and with the Tribunal.

Article 2 Composition of the Tribunal

1. For any appeal, a chamber of the Tribunal (a “Chamber”) shall be constituted by three judges drawn from the list of Independent Reviewers (the “Panel”) established and maintained under Staff Rule 8.01. All provisions in these Rules referencing the Tribunal shall be applicable to a Chamber, unless otherwise specified in these Rules. Judgments and decisions given by any Chamber shall be considered as rendered by the Tribunal.

2. The presiding judge of each Chamber shall be, subject to Articles 24 and 25 of these Rules, the first available Panel member, following the order in which members who have not served as an Independent Reviewer in any Administrative Review under Staff Rule 8.01 appear on the Panel. The other two judges of the Chamber shall be the second and third available Panel member, designated according to the same method.

3. The judges of a Chamber shall be designated within 15 calendar days of the Secretariat deciding that an application meets the formal requirements for instituting proceedings pursuant to Article 11 of these Rules.

4. No Independent Reviewer shall be designated as a judge on an appeal concerning any recommendation made by that Independent Reviewer under Staff Rule 8.01.

¹ The Bangalore Principles of Judicial Conduct is accessible via https://www.unodc.org/res/ji/import/international_standards/bangalore_principles/bangaloreprinciples.pdf.

Article 3 Secretariat

1. The Tribunal shall be supported by a Secretariat, which shall provide all necessary administrative and support services to it.

2. The Secretariat shall be established in Beijing, China, and shall be headed by an Executive Secretary appointed by the President of the Bank. Such Executive Secretary shall be legally qualified, independent from the Bank, and engaged as a consultant reporting to the judges of the Tribunal.

3. The Secretariat shall discharge the duties set out in these Rules and shall support the work of the Tribunal at the direction of the presiding judge in any appeal. In particular, the Secretariat shall:

- (a) receive and transmit all documents and make all notifications required in these Rules or required by a presiding judge or a Chamber in connection with proceedings before the Tribunal;
- (b) maintain a register of all appeals, and establish for each appeal a master file, which shall record all actions taken in connection with the preparation of the appeal for a Chamber's consideration, the dates thereof, and the dates on which any document or notification forming part of the procedure is received in or dispatched from the Executive Secretary's office;
- (c) perform any other duties that are required by the presiding judge of a Chamber for the efficient functioning of the Tribunal in any particular appeal;
- (d) assist in the preparation of appeals for deliberation, including the provision of summaries and the collection of relevant case law, provided that neither the Executive Secretary nor any other personnel of the Secretariat shall draft or take part in the drafting of judgments, orders, or directions, which function shall be performed solely by the judges.

4. The Executive Secretary shall be provided with an exclusive email address of the Tribunal. Judges of the Tribunal shall also be provided with their respective email addresses by the Bank. Neither the email address of the Executive Secretary nor those of the judges shall be the subject of review or access, under any circumstances, by any Bank Personnel without authorization by the Chamber constituted in the case concerned, or if no case or multiple cases are concerned, by a Chamber constituted specifically in accordance with Article 2 of these Rules. The Tribunal shall be provided with access to all relevant Internal Legal Framework documents of the Bank.

5. The Executive Secretary, if unable to act, shall be replaced by an individual appointed by the President of the Bank.

Article 4 Jurisdiction of the Tribunal

1. The Tribunal's jurisdiction shall comprise:

- (a) all appeals filed against an Administrative Review Decision by the President under Staff Rule 8.01;
- (b) any other matter referred to it by the Bank or to which the Bank poses no jurisdictional objection.

2. In the event of a dispute as to whether the Tribunal has jurisdiction under these Rules, the matter shall be decided by the Chamber constituted in that appeal.

Article 5 Access to the Tribunal

1. Appeals shall be brought to the Tribunal by a written application, on a prescribed application form, addressed to the Executive Secretary. Applications may be filed by:

- (a) any Staff Member of the Bank;
- (b) any former Staff Member of the Bank;
- (c) any person making claims in the name of a person defined in subparagraphs (a) and (b) above who is incapacitated or deceased.

2. The Chamber constituted in a particular appeal may grant leave to the Staff Council to file a brief in that case consistent with its Terms of Reference.

Article 6 Applicable Law

1. In deciding on each appeal, the Tribunal shall apply the Articles of Agreement establishing AIIB, the Internal Legal Framework of the Bank, and general principles of international administrative law.

2. The Tribunal shall also give due regard to the precedential effect of its previous decisions.

Article 7 Fact-finding by the Tribunal

1. The Tribunal shall, unless otherwise determined by the Chamber constituted in a particular appeal, be bound by the findings of fact made by an Independent Reviewer under Staff Rule 8.01.

2. In any appeal, the Chamber may:

- (a) affirm, reverse, or modify findings of fact of the Independent Reviewer under Staff Rule 8.01 on the basis of substantial evidence in the written record; or
- (b) undertake inquiries to establish additional findings of fact, subject to paragraph 3 of the present article, if it determines that further findings of fact are necessary.

3. Where the Chamber constituted in a particular appeal determines that the facts are likely to be established with additional documentary evidence, including written testimony, it may receive such additional evidence in the interests of justice and the efficient and expeditious resolution of an appeal. The evidence under this paragraph shall not include evidence that could have been presented to the Independent Reviewer under Staff Rule 8.01 but was not.

Article 8 Decisions of the Tribunal and Scope of Relief

1. In respect of appeals under Article 4, paragraph 1(a) of these Rules, the Tribunal may affirm, reverse, or modify the Administrative Review Decision. In respect of matters referred to it under Article 4, paragraph 1(b) of these Rules, the Tribunal may render decisions as it deems appropriate. In all appeals, the Chamber may issue all orders necessary or appropriate to facilitate the consideration of appeals pending before it.

2. The Tribunal may order one or more of the following types of relief, provided that the total amount of compensation and costs awarded under subparagraphs (a), (b), and (c) shall not exceed two (2) years of base salary for the Staff Member concerned:

- (a) Rescission of the contested administrative decision or specific performance, provided that, where the contested administrative decision concerns appointment, promotion, or termination, the Tribunal shall also set an amount of compensation that the President of the Bank may elect to pay as an alternative to the rescission of the contested administrative decision or specific performance ordered.
- (b) Compensation for harm, supported by evidence. The Tribunal shall provide reasons for that decision.
- (c) Costs against a party, where the Tribunal determines that such party has manifestly abused the appeals process. The Tribunal may not otherwise order the payment of costs by or to either party.

For purposes of this Article 8, “base salary” means the latest annual base salary as reflected in the Bank’s HR System as of the date of the judgment or, if the applicant has been separated from the Bank, the date of the applicant’s separation from the Bank, exclusive of all non-salary components such as allowances, benefits, subsidies, and retirement plan contributions.

3. The Tribunal shall not award exemplary or punitive damages.

Article 9 Representation

1. The parties may, at any time, choose to be assisted by legal counsel or other representatives, whose designation shall be notified to the Tribunal.

2. An applicant who wishes to designate a representative shall complete such details on the application form or, after the filing of the application, shall so advise the Tribunal by sending a signed letter of representation as an attachment to an email addressed to the Executive Secretary, which letter shall state the following:

- (a) Full name;
- (b) Place of work and job title;
- (c) Email address;
- (d) Contact phone number;
- (e) Mailing address;
- (f) Whether the representative is a current or former staff member of the Bank; and
- (g) A statement authorizing such representative to receive any and all notifications and other communications from the Chamber on behalf of the applicant.

3. Upon receipt of the applicant’s designation of a representative, all contact between the Tribunal and the applicant shall be through the designated representative.

Article 10 Time for Filing of an Application

1. Unless otherwise agreed between the parties, no application may be filed until the President’s Administrative Review Decision has been rendered under Staff Rule 8.01.

2. All applications in respect of appeals under Article 4, paragraph 1(a) of these Rules shall be filed within 45 calendar days of the receipt by an applicant of the President’s Administrative Review Decision under Staff Rule 8.01. For appeals in which the President’s Administrative Review Decision under Staff Rule 8.01 has been rendered prior to the entry into effect of these Rules, applications may be filed within 45 calendar days of the entry into effect of these Rules.

Article 11 Application by the Applicant

1. The application by the applicant shall be submitted on a prescribed application form. It shall specify, inter alia, the provisions of the letter of appointment or of the terms of appointment the non-observance of which is alleged.

2. The application form shall be accompanied by:

- (a) a statement not exceeding 10 pages in A4 paper size, Arial font, font size 12 and 1.5 spacing, explaining the legal and factual grounds for the application;
- (b) the annexes, limited to those submitted to the Independent Reviewer in accordance with Staff Rule 8.01, where the application concerns an appeal filed against an Administrative Review Decision by the President under Staff Rule 8.01;
- (c) a brief chronology of events (not exceeding two pages in A4 paper size, Arial font, font size 12 and 1.5 spacing), where appropriate.

3. The signed original application form and the annexes thereto shall be submitted together to the Secretariat. The documents shall be transmitted electronically.

4. An application may be filed by the applicant, or their representative designated in accordance with Article 10 of these Rules, where necessary and appropriate.

5. After ascertaining that the application complies with the requirements of the present article, within five calendar days of its submission, the Secretariat shall transmit a copy of the application to the respondent. If the formal requirements of the article are not fulfilled, the Secretariat may require the applicant to conform the application to the requirements of the present article within a specified time, not exceeding seven calendar days. Failure to make the correction within the specified time shall cause the application to be deemed not to have been filed, without prejudice to the applicant's right to file a fresh application subject to the time limits under Article 10 of these Rules. Once the corrections have been properly made, the Secretariat shall immediately transmit a copy of the application to the respondent. The time of original filing shall be the time taken into account for ascertaining compliance with Article 10, paragraph 2 of these Rules.

6. The Chamber may direct the Secretariat to inform an applicant that the application is not receivable because it is out of time or it is beyond the jurisdiction of the Tribunal as provided under Article 4, paragraph 1 of these Rules.

7. The filing of an application shall not suspend the execution of the decision that is being contested.

Article 12 Response by the Respondent to the Application

1. The response by the respondent to an applicant's application shall be submitted on a prescribed response form.

2. The response form of the respondent shall be accompanied by:

- (a) a statement, which shall not exceed 10 pages, in A4 paper size, Arial font, font size 12 and 1.5 spacing, setting out legal arguments in support of the response;
- (b) the annexes, limited to those submitted to the Independent Reviewer in accordance with Staff Rule 8.01, where the application concerns an appeal filed against an Administrative Review Decision by the President under Staff Rule 8.01.

3. The signed original response form and the annexes thereto shall be submitted together to the Secretariat within 30 calendar days of the date on which the respondent received the application transmitted by the Secretariat. The documents shall be transmitted electronically.

4. After ascertaining that the response complies with the requirements of the present Article, the Secretariat shall immediately transmit a copy of the response to the applicant. If the formal requirements of the present Article are not fulfilled, the Secretariat may require the respondent to resubmit the response in conformity with the requirements of the present Article within seven calendar days. Once the corrections have been properly made, the Secretariat shall transmit a copy of the response to the applicant. If the corrections are not submitted within the established time limit, including any extension granted by the presiding judge of the Chamber, the written pleadings will be considered closed, and the Chamber will adjudicate the matter only on the basis of the application submitted by the applicant and such additional documents as it may require.

Article 13 Reply to the Response

After receiving the response of the respondent, the applicant may file a reply to the response within 15 calendar days of its receipt. Such reply shall only be in answer to the response and shall not exceed five pages, in A4 paper size, Arial font, font size 12 and 1.5 spacing, and with no annexes.

Article 14 Additional Documentary Evidence and Submissions, Including Written Testimony

1. Where the Chamber constituted in a particular appeal determines that the facts are likely to be established with additional documentary evidence, it may receive such additional evidence from a party. The Chamber shall not receive additional written evidence if it was available to the party seeking to submit the evidence and should have been presented to the Independent Reviewer.

2. Of its own volition, the Chamber may order the production of evidence if it is in the interests of justice and the efficient and expeditious resolution of the appeal.

3. A copy of each written submission and document submitted to the Tribunal in connection with an appeal will be sent by the Secretariat, upon receipt, to the other party. If a party or witness refuses to produce a document on the grounds of confidentiality, the Chamber constituted in a particular appeal may examine the document *in camera* for the purpose of determining whether, and on what terms, the document should be produced or taken into account, without first transmitting a copy to the other party. Should it be determined that the relevance of the document overrides its confidentiality, a copy of such document may be transmitted to the other party. In so doing, the Chamber may, at the request of either party, impose additional measures to preserve the confidentiality of the document, such as by redaction, limited disclosure of relevant parts, or other protective measures. The party receiving the document or part(s) thereof shall take necessary measures to maintain confidentiality. The Chamber shall not take into account in its deliberations any document offered by a party that has not been disclosed to the other party.

4. A document, or any part thereof, may be the subject of a claim of confidentiality by the respondent on the basis of legal professional privilege. The General Counsel of the Bank shall certify confidentiality, including the basis for that certification, in respect of such documents. Any such claim will be subject to a final determination by the Chamber.

Article 15 Hearings

1. The Chamber constituted in an appeal may decide to hold hearings on its own initiative or at the written request of a party, if such hearings would assist in the expeditious and fair resolution of the appeal.

2. If a hearing is held, the normal sequence of proceedings at the hearing shall be as follows:

- (a) The hearing is formally convened by the presiding judge.
- (b) The applicant or applicant's representative makes an opening statement (limited to five minutes or such greater time as shall be allowed).
- (c) The representative of the respondent makes an opening statement (limited to five minutes or such greater time as shall be allowed).
- (d) Witnesses, including any experts, are called by the Chamber and are examined first by the judges. The parties may then be permitted to clarify aspects of the witnesses' testimony and/or to cross-examine the witness for such time as is considered appropriate for a just handling of the proceedings.
- (e) Closing statement by the applicant or applicant's representative (limited to 10 minutes or such greater time as shall be allowed).
- (f) Closing statement by the representative of the respondent (limited to 10 minutes or such greater time as shall be allowed).
- (g) Reply by the applicant to the closing statement of the representative of the respondent (limited to five minutes or such greater time as shall be allowed).
- (h) End of hearing.

3. Where evidence is given, each person testifying must individually make a declaration in one of the following forms:

- (a) In the case of a witness: "I solemnly declare upon my honor and conscience that I will speak the truth, the whole truth and nothing but the truth."
- (b) In the case of an expert: "I solemnly declare upon my honor and conscience that my statement will be in accordance with my sincere belief."

Article 16 Docket of Appeals

1. When the presiding judge considers the written pleadings of an appeal to be sufficiently complete, they shall instruct the Secretariat to place the appeal in the docket of appeals ready for consideration by the Tribunal. Where it is determined by the Chamber constituted in a particular appeal that there will be a hearing, following consultation with the parties as to their availability, the Secretariat shall fix the hearing date(s).

2. As soon as the date(s) for which an appeal listed for hearing and/or consideration has been fixed, the Secretariat shall notify the parties.

3. Any request for the adjournment of an appeal that is listed for hearing and/or consideration shall be decided by the Chamber constituted for the appeal.

Article 17 Working Language

The working language of the Tribunal shall be English. All documents submitted shall be in English or accompanied by an authorized translation into English, and all hearings shall take place in English.

Article 18 Waiver of Rules Concerning Written Pleadings and Time Limits

1. The Chamber constituted in an appeal may waive the requirements of any article of these Rules concerning written proceedings.
2. In exceptional cases, the Chamber constituted in a particular appeal may shorten or extend a time limit fixed by these Rules or waive any rule when the interests of justice so require.

Article 19 Exclusion of All Documents and Statements Made During Mediation

1. Except in applications concerning the enforcement of a mediation agreement, all documents prepared for, and oral statements made, during any informal conflict resolution process or mediation are absolutely privileged and confidential and shall never be disclosed to the Tribunal.
2. Subject to the provisions of paragraph 1 above, if a document relating to the mediation process is submitted to the Tribunal, the Executive Secretary shall return that document to the submitting party. If such information is part of the application, response, reply, or any other written pleadings or submissions made to the Tribunal by a party, all pleadings shall be returned to that party for resubmission in compliance with paragraph 1 above.
3. Such resubmissions shall occur within seven calendar days of the rejection of the submission. Failure to comply with this time limit will cause the submission to be excluded from consideration.

Article 20 Deliberations of the Tribunal

Deliberations of the Tribunal shall be conducted by virtual means. All deliberations shall be kept confidential.

Article 21 Case Management and Orders

1. The presiding judge of any Chamber may, at any time, either on a motion of a party or on their own volition, issue any order that appears to be appropriate for the fair and expeditious management of the appeal and to do justice to the parties.
2. If, before the date fixed for the consideration or hearing of an appeal, the applicant informs the Tribunal in writing, with notice to the respondent, that they wish to discontinue the proceedings, the presiding judge may order the appeal to be removed from the register.
3. If an application has become devoid of purpose and there is no longer any need to adjudicate upon it, the presiding judge may, at any time, on their own volition, after having informed the parties of that intention and, if applicable, received their observations, issue a reasoned order dismissing the application.
4. All Staff Members have a duty to cooperate with the proceedings of the Tribunal, including giving an accurate and truthful account of actions, witness account, and/or other relevant information, as the Tribunal may need for the purpose of the proper consideration of an appeal.

5. Access to all written pleadings and documents produced in an appeal considered by the Tribunal shall be restricted to individuals involved in an appeal and other persons solely on a “need to know” basis.

Article 22 Adoption and Issuance of Judgments

1. Judgments shall be adopted by majority vote.
2. Judgments of the Tribunal shall be final and binding upon the parties.
3. Judgments are expected to be delivered expeditiously within 60 calendar days and shall in no case be delivered more than 90 calendar days after an appeal becomes ready for consideration by the Tribunal in accordance with Article 16, paragraph 1 of these Rules.
4. Judgments shall be issued in writing and shall state the facts, law, and reasons on which they are based.
5. A reasoned summary judgment may be issued at any time where it is in the interests of justice to do so on the application of a party or by the Chamber constituted in an appeal on their own motion.
6. A judge may append a separate, dissenting, or concurring opinion.
7. Judgments shall be in English, two signed originals of which shall be deposited in the archives of AIIB.
8. The Executive Secretary shall transmit a copy of the judgment to each party.
9. Once signed by the presiding judge of the Chamber constituted in a particular appeal, a judgment shall be final and not subject to further review or appeal, subject to Article 26 on revision of judgments.

Article 23 Publication of Judgments

1. The Executive Secretary shall arrange for publication of the judgments of the Tribunal after they are delivered.
2. The published judgments shall exclude the names of the parties and may, on the decision of the Chamber, be further redacted in the interests of justice and to protect witnesses or victims of misconduct.

Article 24 Conflict of Interest

1. The term “conflict of interest” means any factor that may impair or reasonably give the appearance of impairing the ability of a judge to independently and impartially adjudicate an appeal assigned to them.
2. A conflict of interest arises where an appeal assigned to a judge involves any of the following:
 - (a) A person with whom the judge has a personal, familial, or professional relationship;

- (b) A matter in which the judge has previously served in another capacity, including as an adviser, counsel, expert, witness, or Independent Reviewer;
- (c) Any other circumstances that would make it appear to a reasonable and impartial observer that the judge's participation in the adjudication of the matter would be inappropriate.

Article 25 Recusal

1. A judge of the Tribunal who has a conflict of interest as defined in Article 24 of these Rules shall recuse themselves from the appeal and shall so inform the presiding judge of the Chamber constituted in that appeal.

2. A party may make a reasoned request for the recusal of a judge on the grounds of conflict of interest to the presiding judge of a Chamber, or if such an application involves the presiding judge, to all three judges on the Chamber, who, after seeking comments from the judge subject to the request, shall decide on the request and shall inform the party of the decision in writing.

3. A decision by a judge to recuse themselves, or a decision by the presiding judge or other relevant judge to recuse a judge, shall be final and shall be communicated to the parties concerned by the Executive Secretary.

Article 26 Revision of Judgments

1. Either party may apply to the Tribunal, on a prescribed form, for revision of a judgment on the basis of the discovery of a decisive fact that was, at the time the judgment was rendered, unknown to the Tribunal and to the party applying for revision, provided that such ignorance was not due to negligence.

2. The application for revision will be sent to the other party, who has 30 calendar days to submit comments to the Executive Secretary on a prescribed form. The application for revision must be made within 30 calendar days of the discovery of the fact and within one year of the date of the judgment. The application for revision shall not exceed five pages, in A4 paper size, Arial font, font size 12, and 1.5 spacing, and the comments thereon by the other party shall not exceed five pages, in A4 paper size, font size 12 and 1.5 spacing.

Article 27 Interpretation of Judgments

Either party may apply to the Tribunal, on a prescribed form, for interpretation of the meaning or scope of a judgment. The application for interpretation shall be sent to the other party, who shall have 15 calendar days to submit comments on the application on a prescribed form. The Tribunal will decide whether to admit the application for interpretation and, if it does so, shall issue its interpretation. The application for interpretation shall not exceed five pages, in A4 paper size, Arial font, font size 12, and 1.5 spacing, and the comments thereon by the other party shall not exceed five pages, in A4 paper size, font size 12, and 1.5 spacing.

Article 28 Correction of Judgments

Clerical or arithmetical mistakes, or errors arising from any accidental slip or omission, may at any time be corrected by the Tribunal either at its own initiative or on the application by any of the parties on a prescribed form.

Article 29 Execution of Judgments

1. A party which has been awarded monetary compensation and/or costs in a judgment shall provide to the Secretariat details of their bank account capable of receiving US dollars within 30 days of the delivery of the judgment. Payment of monetary compensation and/or costs shall be made in US dollars within 30 days of receipt by the Secretariat of such bank account details, exclusive of any banking fees or charges that may be applicable to the payment.

2. Where a judgment requires execution within a certain period of time and such execution has not been carried out, either party may apply to the Tribunal for an order for execution of the judgment.

3. Interest upon any money ordered to be paid shall accrue from the date it fell due until it is paid, at the Secured Overnight Financing Rate (SOFR) then prevailing, administered, and published by the Federal Reserve Bank of New York (or a successor administrator) or any successor source. Any such interest will be simple interest only. No interest shall accrue for the period of delay in the payment of monetary compensation and/or costs due to the failure of the relevant party to provide details of their bank account capable of receiving US dollars.

Article 30 Titles

The titles to the articles in these Rules are for reference purposes only and do not constitute an interpretation of the article concerned.

Article 31 Calculation of Time Limits

Unless otherwise specified, the time limits prescribed in these Rules shall:

- (a) refer to calendar days in Beijing time (UTC+8), but do not include the day of the event from which the period runs;
- (b) include the next working day of the Secretariat when the last day of the period is not a working day;
- (c) be deemed to have been met if the documents in question were dispatched by electronic means on the last day of the period.

Article 32 Procedural Matters Not Covered in These Rules

1. The Chamber constituted in a particular appeal shall make all final decisions regarding the interpretation and application of these Rules, including whether to grant a waiver thereof.

2. All procedural matters that are not expressly provided for in these Rules shall be dealt with by decision of the Chamber constituted in a particular appeal.