



**SAHARA  
AND SAHEL  
OBSERVATORY**

# **APPEAL MECHANISM PROCEDURE**

June 2023

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## ACRONYMS

<b>AMP</b>	Appeal Mechanism Procedure
<b>ARP</b>	Appeal Review Panel
<b>CPPP</b>	Comprehensive Procedure for Prohibited Practices
<b>ES</b>	Executive Secretary
<b>GCGHU</b>	Governance Compliance and Grievance Handling Unit
<b>HRU</b>	Human Resources Unit
<b>IT</b>	Investigative team
<b>MRT</b>	Monitoring and Reporting Team
<b>OSS</b>	Sahara and Sahel Observatory

## DEFINITIONS

**Allegation:** A statement or accusation made by an individual, suggesting the occurrence of a fraudulent act not necessarily supported by evidence, or including the identification of the suspects. However, such a statement typically includes a stated motive for the accusation.

**Appeal Review Panel:** An independent, temporary panel established by OSS' Board to impartially review appeals against final decisions regarding prohibited practices.

**Appellant:** The individual or entity (Covered Individual or Counterparty) who submits an appeal against a final decision made by the OSS.

**Board:** Board of the OSS.

**Comprehensive Procedure for Prohibited Practices (CPPP):** The OSS's established internal procedure for handling reports and investigations of suspected wrongdoing.

**Counterparty:** Any individual, organization, institution, or other entity involved in OSS activities.

**Covered individual:** Any individual working at any level or grade within the OSS.

**Evidence:** A physical object, record, document in any form, statement, or other information intended to prove the existence or nonexistence of a claim or fact.

**Executive Secretary:** The Executive Secretary of the OSS.

**Final Decision:** The conclusive determination made by the Executive Secretary and the Head of the GCGHU regarding a reported wrongdoing, including any disciplinary or corrective actions imposed, as per Step 7 of the CPPP.

**Governance Compliance and Grievance Handling Unit (GCGHU):** Independent body within the OSS directly reporting to the Executive Secretary and responsible for ensuring adherence to governance principles and regulations. The GCGHU oversees the implementation of OSS policies and procedures, and addresses complaints or grievances raised by stakeholders, partners or any individual or entity working or involved in OSS activities. La GCGHU plays a critical role in promoting transparency, accountability and ethical conduct, while effectively managing and resolving any complaints or disputes that may arise within the Observatory.

**Human Resources Unit (HRU):** A body forming part of the OSS Administrative and Financial Department (AFD). Its duties mainly include recruitment, personnel and benefits management. It also deals with cases of misconduct and unethical behavior falling within its remit.

**Investigative Team (IT):** A subdivision of the Governance Compliance and Grievance Handling Unit (GCGHU) charged with conducting investigations in conjunction with the appropriate OSS body.

**Monitoring and Reporting Team (MRT):** A subdivision of the Governance Compliance and Grievance Handling Unit (GCGHU) responsible for monitoring and reporting any suspicious activity related to OSS activities.

**Prohibited Practices:** Any of the following practices related to OSS activities: Coercion, Collusion, Corruption, Financing terrorism, Fraud, Harassment, Misuse, Misconduct, Money laundering, Obstructive practices, Retaliation against a whistleblower and/or a witness, Sexual abuse, Sexual exploitation.

**Prohibited Practices Policy:** The OSS' Policy for Prohibited Practices.

**Prohibited Practices:** Concrete actions that fall under the definition of OSS' Prohibited Practices Policy.

**Working Day:** Any day from Monday to Friday that is not a public holiday in Tunisia.

**Wrongdoing:** Any behavior or action that violates OSS policies is morally or ethically unacceptable, or is contrary to the standards or policies of the Observatory. Wrongdoing includes, but is not limited to, prohibited practices, unlawful acts or instructions involving violations of law, waste, mismanagement, abuse of power, conflict of interest, etc.

## 1- INTRODUCTION AND OBJECTIVE

This Appeal Mechanism Procedure (hereinafter referred to as the Procedure or AMP) is designed to establish a clear, fair, and transparent process through which Covered Individuals and Counterparties can appeal final decisions made regarding findings of prohibited practices and the imposition of corrective or disciplinary actions. It serves as a critical component of the Sahara and Sahel Observatory (hereafter referred to as OSS or Observatory) commitment to upholding the highest standards of integrity, accountability, and due process in all its operations.

To operationalize this commitment, the Procedure outlines specific objectives that guide its implementation and use:

- To ensure continued adherence to principles of fairness, impartiality, and due process by providing a formal avenue for review of decisions.
- To provide an opportunity for individuals or entities to seek redress where new evidence emerges, procedural errors are identified, or the severity of the action taken is deemed disproportionate to the established wrongdoing.
- To reinforce trust in the OSS's internal grievance and accountability mechanisms by demonstrating a commitment to comprehensive and just resolution of all matters.
- To safeguard the rights of all parties involved in a reported wrongdoing, ensuring that final decisions are robust and well-founded.

## 2- SCOPE

This AMP applies to all appeals lodged against final decisions made by the Executive Secretary (ES) and the Head of the Governance Compliance and Grievance Handling Unit (GCGHU) following an investigation into alleged prohibited practices, as outlined in Step 7 of the Comprehensive Procedure for Prohibited Practices (CPPP).

It specifically covers:

- Covered Individuals: Any individual working at any level or grade within the Observatory who has been subject to disciplinary action (e.g., censure, suspension, reduction in pay, demotion, legal action, resignation, or dismissal) resulting from a substantiated finding of prohibited practice.
- Counterparties: Any organization, institution, entity, or individual involved in OSS activities that has been subject to remedies or actions (e.g., termination of activities or agreements, suspension of contract, blacklisting or debarment, refund or recovery of funds, legal action) following a substantiated finding of prohibited practice.

This procedure does not apply to preliminary assessments, ongoing investigations, or recommendations, but specifically to the ultimate final decision communicated to the concerned party.

## 3- PROCEDURE STEPS

### 3.1 APPEAL GROUNDS

An appeal against a final decision may be lodged only on one or more of the following specified grounds. The Appellant must clearly articulate and provide supporting documentation for each ground invoked.

### 3.1.1 PROCEDURAL IRREGULARITIES

A significant and demonstrable deviation from the established procedures outlined in the Comprehensive Procedure for Prohibited Practices (CPPP) or other relevant OSS policies during the investigation or final decision-making process. Such irregularity must be shown to have materially affected the fairness or outcome of the case. Examples include, but are not limited to, failure to notify the accused party within a reasonable time, denial of the opportunity to respond to allegations, or bias on the part of the investigative body.

### 3.1.2 NEW EVIDENCE

The discovery of new, credible, and relevant evidence that was not known or reasonably discoverable by the Appellant at the time of the initial investigation and decision. This new evidence must be of a nature that could reasonably alter the previous finding or the severity of the sanction imposed if it had been available and considered during the original process.

### 3.1.3 ERROR OF FACT OR LAW

A demonstrable error in the interpretation of the facts presented during the investigation or in the application of relevant OSS policies, procedures, or applicable legal principles, which directly led to an incorrect finding of wrongdoing or an inappropriate decision. This ground requires the Appellant to clearly identify the specific factual or legal error and explain its impact on the final decision.

### 3.1.4 DISPROPORTIONATE SANCTION

The disciplinary or corrective action imposed is clearly excessive, unreasonable, or inappropriate given the nature and proven severity of the established wrongdoing, as compared to similar cases or established OSS guidelines for sanctions. This ground does not dispute the finding of wrongdoing but challenges the appropriateness of the penalty.

## 3.2 PROCEDURE STEPS

The appeal process is structured into distinct steps to ensure thorough and impartial review.

### 3.2.1 SUBMISSION OF APPEAL REQUEST

Only the individual or entity directly affected by and against whom a final decision has been made (the "Appellant") has the right to submit an appeal. This right cannot be delegated without explicit written authorization.

The Appellant must submit a formal written appeal request to the Governance Compliance and Grievance Handling Unit (GCGHU) within fifteen (15) working days from the date of formal receipt of the written notification of the final decision. Appeals submitted beyond this timeframe will generally not be considered unless exceptional circumstances, beyond the Appellant's control, can be demonstrably proven and accepted by the GCGHU.

The appeal request must be comprehensive and include:

- A clear and unambiguous statement identifying the specific final decision being appealed.
- A precise articulation of the grounds for appeal, explicitly referencing one or more of the categories outlined in Section 3.1 (Appealable Grounds).
- A detailed narrative explanation and all supporting documentation (e.g., new evidence, records demonstrating procedural irregularity, legal arguments) pertinent to each stated ground for appeal.
- A clear statement of the desired outcome of the appeal (e.g., overturn the finding of wrongdoing, reduce the disciplinary action, order a new investigation into specific aspects).

To ensure proper recording and tracking, all appeal requests and accompanying documentation must be submitted in person or through the formal channels designated for grievances by the Observatory, as stipulated in Section 3.1 of the CPPP:

Email: [gcghu@oss.org.tn](mailto:gcghu@oss.org.tn)  
Hotline: +216 71 206 633/634  
Mailing Address: Governance Compliance and Grievance Handling Unit  
Observatoire du Sahara et du Sahel  
BP 31. Boulevard du Leader Yasser Arafat. Tunis 1080  
Republic of Tunisia

### 3.2.2 ACKNOWLEDGMENT AND PRELIMINARY REVIEW BY GCGHU (MRT)

The Monitoring and Reporting Team (MRT) of the GCGHU is responsible for acknowledging receipt of the appeal request. This acknowledgment will be sent to the Appellant within three (3) working days of receiving the appeal, confirming receipt and the date of submission.

The MRT will conduct a preliminary assessment of the appeal request within seven (7) working days of acknowledgment. This assessment is to determine if the appeal meets the formal requirements outlined in Section 3.2.1 (Submission of appeal request). This assessment focuses on completeness and adherence to formal submission criteria, not on the merits of the appeal.

If the preliminary assessment reveals that the appeal request is incomplete or does not meet the formal requirements, the MRT will promptly notify the Appellant in writing. This notification will specify the missing information or deficiencies and provide a reasonable timeframe, typically five (5) working days, for the Appellant to submit the necessary corrections. Failure to provide the required information within the stipulated timeframe may result in the appeal being rejected on formal grounds without a review of its merits.

### 3.2.3 ESTABLISHMENT OF AN AD-HOC APPEAL REVIEW PANEL

Upon successful validation of the appeal request, the Head of the GCGHU shall formally notify OSS Board. In response, the Board will promptly initiate the establishment of an independent ad hoc Appeal Review Panel (ARP), with the primary objective of ensuring impartiality and objectivity throughout the review process.

The ARP shall consist of five (5) highly impartial and independent individuals. These individuals shall be external independent experts. They must possess relevant expertise in areas such as legal matters, human resources, financial governance, or organizational ethics. To guarantee impartiality, individuals who were directly involved in the initial investigation, the review of the investigation report, or the final decision-making process of the specific case under appeal must be explicitly excluded from the Appeal Review Panel.

The ARP's mandate is strictly to impartially review the appeal based on the grounds raised by the Appellant. This review will encompass all relevant documentation from the original investigation and the final decision. It is crucial to understand that the Appeal Review Panel's role is not to conduct a new investigation into the alleged wrongdoing, but rather to review the integrity of the prior decision-making process and the appropriateness of the final outcome based on the evidence and arguments presented in the appeal.



### 3.2.4 APPEAL REVIEW PANEL ASSESSMENT AND DELIBERATION

The Appeal Review Panel will be granted full and unfettered access to all relevant documentation pertaining to the case. This includes, but is not limited to, the original report of wrongdoing, all evidence collected during the initial investigation, the Investigative Team's (IT) findings, the Appellant's original response to the allegations, the final decision notification, and the complete appeal submission with all supporting documents.

To ensure a comprehensive and fair review, the ARP may, at its sole discretion, request additional clarification or information. Such requests may be directed to the Appellant, the Investigative Team (IT), or the relevant OSS body (e.g., HRU, External and Internal Auditors, or ESC) that participated in the initial investigation. Any new information received by the Panel during this stage will be shared with all relevant parties for their comments within a reasonable timeframe (e.g., 5 working days) before final deliberation.

As a general rule, the review process will be based solely on written submissions. Oral hearings will only be granted in exceptional circumstances where the Panel unanimously deems such a hearing absolutely essential for a fair and just review, particularly if there are complex factual disputes that cannot be resolved through written submissions.

Following the receipt of all necessary documentation and any requested additional information, the Panel will convene to deliberate on the appeal. Deliberations will be confidential and focused on assessing the merits of the appealable grounds raised against the final decision.

### 3.2.5 APPEAL REVIEW PANEL RECOMMENDATIONS

Within twenty (20) working days of its establishment and having received all necessary documentation and conducted its review, the Appeal Review Panel will prepare a confidential report. This report will meticulously outline its findings regarding each appealable ground, including a clear analysis of the evidence presented and its conclusions.

Based on its findings, the ARP will formulate one of the following recommendations to OSS' Board:

- Upholding the original decision: If the ARP finds that the appeal grounds are not substantiated or that the original decision was sound and free from material error.
- Overturning the original decision: If the ARP determines that a material error of fact or law, or a significant procedural irregularity, occurred that fundamentally invalidates the original finding of wrongdoing.
- Modifying the sanction/remedy: If the ARP concludes that while the finding of wrongdoing is upheld, the original disciplinary or corrective action imposed was clearly disproportionate to the severity of the established wrongdoing.
- Remitting the case for further investigation: If new, compelling evidence is presented in the appeal that warrants further inquiry and could potentially alter the outcome of the initial investigation. The Panel would specify the scope of the further investigation.

The Panel's comprehensive report and recommendations will be formally submitted in confidence to the Board.

### 3.2.6 FINAL DECISION ON APPEAL

Upon receipt of the Appeal Review Panel's report and recommendations, the Board will undertake a thorough review of the ARP's findings, analysis, and proposed recommendations.

The Board will make the ultimate and final decision on the appeal within seven (7) working days of receiving the Appeal Review Panel's report. This decision will consider the ARP's recommendations but remains at the discretion of the Board. This decision is final and binding within the Observatory and concludes the internal appeal process.

The IT of the GCGHU will be responsible for formally notifying the Appellant in writing of the Board's final decision on the appeal. This notification will be issued promptly after the decision is made and will include a brief explanation of the rationale behind the decision.

### 3.2.7 RECORD KEEPING

All stages of the appeal process, including the submission, review, deliberation, and decision-making, will maintain strict confidentiality. Access to appeal documents and information will be limited to individuals directly involved in the appeal process (Appellant, GCGHU staff, Appeal Review Panel members, OSS' Board and the Executive Secretary). All parties involved are bound by the Observatory's policies on data protection, privacy, and confidentiality to protect the integrity of the process and the privacy of all individuals concerned.

All documentation related to the appeal, including the initial appeal request, all correspondence, evidence, minutes of the Appeal Review Panel meetings (if any), the ARP's report and recommendations, and the Board's final decision, will be meticulously recorded and archived. The GCGHU will maintain these records in the official grievance registry, ensuring proper historical documentation.

## 4- APPEAL MECHANISM PROCEDURE

What?	How?	Who?
<b>Step 1 – Submission of appeal request</b>	A formal appeal is submitted to the MRT through formal channels designated for grievances by the OSS, as stipulated in Section 3.1 of the CPPP	Appellant
<b>Step 2 – Acknowledgment and preliminary review</b>	Acknowledgment sent to the Appellant within three (3) working days  Preliminary assessment of the appeal request within seven (7) working days of acknowledgment	MRT
<b>Step 3 – Establishment of an ad-hoc Appeal Review Panel</b>	Upon successful validation of the appeal request, the Head of the GCGHU formally notifies the Board who promptly establishes the independent ad hoc Appeal Review Panel (ARP)	OSS' Board
<b>Step 4 – Appeal request assessment and deliberation</b>	A review is conducted and a confidential report is prepared within twenty (20) working days	ARP
<b>Step 5 – ARP recommendations</b>	The formulation of recommendations are incorporated into the report and are formally submitted to the Board	ARP
<b>Step 6 – Final decision</b>	Final decision on the appeal is rendered within seven (7) working days of receiving the ARP's report	OSS' Board
<b>Step 7 – Archiving</b>	The appeal case is recorded	IT

## 5- EFFECTIVENESS AND REVIEW

This Procedure shall be effective upon adoption by the Executive Secretary of the OSS. It will apply, to the extent possible, to all ongoing OSS projects and programs, as well as those approved after the effective date.

This Procedure will remain in effect until amended or replaced. It will be reviewed and updated as necessary.