



**PRACTICE DIRECTION
ON RECORDS OF THE DISPUTE
TRIBUNAL**

Adopted at the Sixth Plenary Meeting in New York
pursuant to art. 36.2 of the Rules of Procedure of the Dispute Tribunal

Introduction

1. The purpose of this Practice Direction is to assist the parties in understanding the Dispute Tribunal's procedures concerning the nature of and access to the records of the Tribunal.
2. The information contained in this Practice Direction is subject to the Dispute Tribunal's Statute and Rules of Procedure, or any direction given by a Judge in a particular case.

Definitions

3. For the purpose of this Practice Direction the following terms shall mean:
 - a. *Case file*: All judicial documents received by the Registry related to a specific case;
 - b. *eFiling portal*: The eFiling portal is a web interface that allows parties to a dispute to submit their case application and file documents electronically, ensuring that the application is directed to the appropriate Registry. It allows the user to receive notifications and have access to the documents relating to their case (communications, submissions by the other party, orders by the Tribunal, judgments, etc.);
 - c. *Court Case Management System (CCMS)*: The integrated electronic court case management system, accessed through the eFiling Portal, created by the Office of Administration of Justice for the management of cases before the Dispute Tribunal and the Appeals Tribunal, which contains, *inter alia*, the electronic versions of judicial records filed with the Registries of the Tribunals;
 - d. *Confidential*: Filing, exhibit or other material or information classified as such which can only be accessed by specified recipients;

- e. *Ex parte*: Refers to judicial records for which access has been restricted to exclude certain parties to the judicial process;
- f. *Filings*: All case-related official court documents submitted for filing with the Registry. Filings are classified as public/unclassified, confidential or *ex parte*;
- g. *Judicial records*: Case-related materials which form part of the official case record of the Tribunal as kept by the Registry, including, but not limited to, filings made by parties in the cases, issuances of the Tribunal, transcripts, audio and video recordings of hearings and exhibits admitted in the cases;
- h. *Parties*: Applicant, respondent, intervening party, and individual having been granted leave to participate in the proceedings and participant(s) in a friend-of-the-court brief.

General principles

- 4. Public nature of the Tribunal's work. The work of the Tribunal should be open and transparent, except insofar as the nature of any information that is deemed sensitive.
- 5. The Tribunal has the power to grant, refuse or restrict access to its records.
- 6. Access to the records of the Tribunal shall be subject to the need to protect personal data.

Judicial records/types of records covered by the Practice Direction

- 7. Judicial records of the Tribunal shall include:
 - a. Pleadings and submissions of parties;
 - b. Filings related to friend-of-the-court applications from eligible stakeholders;
 - c. Oral and written evidence;

- d. Motions;
 - e. Objections;
 - f. Rulings;
 - g. Judgments;
 - h. Audio-visual recordings of oral proceedings, if any;
 - i. Transcripts of oral proceedings, if any;
 - j. Translation of original filings and judicial issuances, if any.
8. Records excluded from the Practice Direction include:
- a. Deliberations of the Tribunal pursuant to article 11.2 of its Statute;
 - b. Personal notes of the Judges and material generated for and from the deliberation process;
 - c. Records of the meetings of the Judges.

Custody of the records

9. The Registry shall be the custodian of the records of the Dispute Tribunal.

Access to the records by parties

10. Parties to the proceedings have full access to the records of the cases. With regard to *ex parte* filings/issuances, parties shall not have access to such materials except by leave of a Judge on good cause shown.

11. Parties shall, as a rule, access the case records electronically through means prescribed by the Registry such as the eFiling portal or by any other cost effective means.

12. Parties to a case can be granted access to audio-visual recordings of oral proceedings when available. Written requests to this effect shall be submitted to the Registrar. Access to such

records will generally be granted through electronic or any other cost effective means.

13. Access to materials other than judicial issuances pertaining to cases other than the ones to which one is a party can only be granted by a Judge. Written requests to this effect should be submitted through the Registrar using the generic form available on the Tribunal's website, or some other means acceptable to the Registrar.

14. If a person is granted leave to intervene, a request to have access to the records of the Tribunal shall be decided by a Judge on the basis of a form prescribed by the Registrar.

Access to the records by the United Nations Appeals Tribunal

15. The United Nations Appeals Tribunal shall be entitled as of right to copies of the records of cases under appeal.

Access to the records by the public

16. Access to non-confidential issuances of the Tribunal such as judgments and orders is publicly available through the website of the Tribunal and at the Registry of the Tribunal.

Certified true copies of judicial records

17. Certified copies of case-related documents issued by the Tribunal may be produced by the Registrar at the request of a party or any person with a standing before the Tribunal.

18. Certified true copies of case-related documents should bear the stamp and signature of the Registrar or his authorized delegate.

19. The Registrar may establish and impose reasonable fees or conditions for services such as the certification of copies of documents, making copies of audio-visual materials, etc.