



**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

- 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

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