

UNITED NATIONS DISPUTE TRIBUNAL

INFORMATION NOTE TO PARTIES APPEARING BEFORE THE UNITED NATIONS DISPUTE TRIBUNAL

rev. 18 February 2011

Notice: The information contained in this note is subject to the Dispute Tribunal's Statute and Rules of Procedure, or any direction given by a Judge in a particular case. In the event of any perceived inconsistency, confirmation should be sought from the relevant Registrar in writing as to how the matter is to be administered.

TABLE OF CONTENTS

| | | |
|-------------|---|-----------|
| I. | TEMPLATES AND STANDARD FORMS..... | 3 |
| II. | FILING OF DOCUMENTS AND MATERIAL WITH THE REGISTRY | 3 |
| | A. THE APPROPRIATE REGISTRY | 4 |
| | B. CONFIDENTIALITY | 4 |
| | C. URGENT MEASURE | 5 |
| | D. EX PARTE FILINGS | 5 |
| | E. CASE RECORD | 5 |
| | F. NUMBERING PROCEDURE FOR JUDGMENTS AND ORDERS | 6 |
| | G. METHOD OF NOTIFICATION | 6 |
| III. | HEARINGS..... | 6 |
| | A. MANAGEMENT OF PROCEEDINGS | 6 |
| | B. PRESENCE IN THE FIELD | 7 |
| | C. SCHEDULING OF HEARINGS | 7 |
| | D. STANDARD OF CONDUCT OF COUNSEL..... | 7 |
| | E. COURT ETIQUETTE | 7 |
| | F. TRIBUNAL OFFICER DURING HEARINGS..... | 8 |
| | G. WITNESSES APPEARING BEFORE THE TRIBUNAL | 8 |
| | H. TRANSMISSION OF AN ORDER TO APPEAR..... | 9 |
| | I. PRESENTATION OF DOCUMENT OR MATERIAL TO BE TENDERED AS AN EXHIBIT DURING A HEARING . | 9 |
| | J. ARRANGEMENTS FOR REMOTE TESTIMONY BY MEANS OF AUDIO OR VIDEO-LINK OR OTHER TECHNOLOGY | 9 |
| | K. RECORDING OF HEARINGS..... | 10 |
| | L. MODES OF INTERPRETATION DURING HEARINGS | 10 |
| IV. | PUBLICATION OF JUDGMENTS AND ORDERS..... | 11 |
| V. | INFORMATION SYSTEM, STORAGE, ARCHIVE AND DATABASES..... | 11 |
| | A. ELECTRONIC SYSTEM | 11 |
| | B. CONSULTATION OF DOCUMENTS OR MATERIAL STORED IN THE REGISTRY..... | 11 |
| | C. RECORDS | 11 |

I. TEMPLATES AND STANDARD FORMS

1. In order to ensure the appropriate formatting of documents for use during the proceedings before the Dispute Tribunal, the parties should use the templates and standard forms issued by the Registries to file submissions. The templates and forms are posted on the website of the Dispute Tribunal (www.un.org/en/oaj) or may be obtained by writing to one of the Registries (undt.geneva@unog.ch, undt.nairobi@unon.org, undt-newyork@un.org).

II. FILING OF DOCUMENTS AND MATERIAL WITH THE REGISTRY

2. Documents and material should be filed with the Registry by electronic means and in PDF format. Electronic files should not be sent in compressed or archived form (for example, ZIP files should be avoided). All emails to a Registry, including those transmitting submissions from the parties, must include the case number and the last name of the applicant in the subject line of the email communication. The size of each email sent to the Registry should not exceed 7 megabytes in order to avoid delivery failure. All emails to a Registry are to be addressed to the Registry's email account. All communications with a Registry are to be copied to the other party, unless a party seeks to make an *ex parte* filing (see paragraph 13 below).

3. Filing by hand or post may be done if electronic means are not available. In the event it is done by mail, the date of submission will be the date of shipping or the postal stamp.

4. For filing purposes, the working hours of the Registries are:

Geneva: 9:00 to 18:00 hours Monday to Friday

Nairobi: 8:30 to 16:00 hours Monday to Thursday

8:30 to 14:00 hours on Fridays

New York: 9:00 to 17:00 hours Monday to Friday

A. The appropriate Registry

5. Documents, material and communications are to be sent or mailed to the appropriate Registry of the Dispute Tribunal.

6. Applications from staff assigned at the time of the contested decision in duty stations located in Europe or part of Western Asia (including Armenia, Azerbaijan, Georgia, Russia and Turkey), as well as related communications, must be sent to the Registry in Geneva (undt.geneva@unog.ch).

7. Applications from staff in duty stations located in Africa, the Arabian Peninsula (including Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, the United Arab Emirates and Yemen), Iran, Iraq, Israel, Jordan, Lebanon, Syria, as well as Palestine at the time of the contested decision, as well as related communications, must be sent to the Registry in Nairobi (undt.nairobi@unon.org).

8. Applications from staff assigned in duty stations not covered by the Geneva and Nairobi Registries, including the Caribbean, Central and Eastern Asia (including Afghanistan, India, Kazakhstan, Pakistan, Turkmenistan and Uzbekistan), North America, South America or the Pacific at the time of the contested decision, as well as related communications, must be sent to the Registry in New York (undt-newyork@un.org).

9. An application deemed not to have been filed with the appropriate Registry will be redirected.

10. If filed by hand or by post, documents or material are to be submitted to the relevant Registry at the addresses provided on the website of the Dispute Tribunal.

B. Confidentiality

11. Notwithstanding that submissions filed before the Dispute Tribunal are normally not available to the public, where confidentiality is claimed, documents and material filed with the Registry must indicate the level of confidentiality sought, stating the reasons why confidentiality is claimed. Submissions that are confidential and meant to be

accessible and known only to a limited number of persons must be marked as “CONFIDENTIAL” on the cover page of the submission as well as in the subject line where filed electronically.

C. Urgent measure

12. A party filing a document or material which requires an urgent measure to be taken should insert the word “URGENT” on the cover page in capital letters.

D. *Ex parte* filings

13. Where a submission is made for proceedings to be held without notification of one or more of the participants or where those participants do not have an opportunity to voice their arguments, documents, material and orders must be filed *ex parte*. The words “EX PARTE” must be inserted on the cover page in capital letters and the recipients other than the Tribunal must be specified after the phrase “only available to”. The reasons for filing on *ex parte* basis must be specified in the submission.

E. Case record

14. Cases before the Dispute Tribunal (including cases transferred from the old system of administration of justice) are registered in a case management system and the matter is assigned a case number which is communicated to the parties via email. The case number is composed of the acronym “UNDT”, for the United Nations Dispute Tribunal, followed by “GVA”, “NBI” or “NY” indicating the location of the Registry at which the case was filed, the year the case was commenced, and the serial number of the case for that year, e.g., UNDT/GVA/2010/001.

15. The case record is a full and accurate record of all proceedings.

F. Numbering procedure for judgments and orders

16. The judgment number is composed of, first, the acronym “UNDT”, second, the year in which the judgment was issued, third, a serial number in a given year that is sequential across the three Registries of the Tribunal.

17. An order number is composed of a serial number, followed by, in brackets, “GVA”, “NBI” or “NY” indicating the location of the Registry where the order was issued, and the year of issuance, e.g., Order No. 119 (NY/2010).

G. Method of notification

18. Documents, material, orders or judgments are notified to the parties as an email attachment originating from the email account of one of the Tribunal’s Registries. The email, and any letter from the Registry that may be attached to it, constitutes the notification form to a party. The email notification contains the following information:

- (a) The case number;
- (b) The filing date of the document, material, order or judgment;
- (c) The title of the document, material, order or decision;
- (d) The notification date;
- (e) The recipient(s) of the document, material, order or judgment; and
- (f) The level of confidentiality of the document, material or order.

19. Where it is not possible to notify documents, material, orders or judgments electronically, they may be notified by facsimile, by post or by hand together with a notification note.

III. HEARINGS

A. Management of proceedings

20. The Registrar makes all the necessary practical arrangements for proceedings, whether held in public or in closed session. Issues raised by participants related to the

management of hearings should be addressed to the Registrar by writing to the relevant Registry (undt.geneva@unog.ch, undt.nairobi@unon.org, undt-newyork@un.org).

B. Presence in the field

21. As appropriate, the Tribunal may hold hearings at duty stations other than Geneva, Nairobi or New York.

C. Scheduling of hearings

22. The Registries publish a calendar of hearings that is posted on the intranet page of the Office of Administration of Justice or any other medium deemed suitable by the Registries. The calendar states useful information including the case number, the Judge or panel of Judges seized thereof, the date, time and location of the proceedings and, if appropriate, whether the proceedings are to be held in public or in closed session.

23. In scheduling hearings, the Registries give precedence to proceedings relating to requests for suspension of action filed pursuant to articles 13 and 14 of the Rules of Procedure of the Dispute Tribunal.

D. Standard of conduct of counsel

24. Counsel appearing before the Dispute Tribunal must comport themselves in accord with standards of conduct expected of counsel. In particular, they must uphold the highest standards of integrity, diligence and efficiency.

E. Court etiquette

25. Counsel must wear formal business attire when appearing before the Tribunal. When the Judge or panel of Judges enters the courtroom, all persons present will stand. The Judge will bow to counsel and, at the same time, counsel will bow to the Judge. This is a mark of mutual professional respect. Counsel will stand or ask for leave to remain seated when addressing the Judge and when addressed by the Judge. Counsel will sit when the Judge is addressed by another counsel and when that other counsel is addressed

by the Judge. The Judge will be addressed as “Your Honour” throughout the hearing. When the case is adjourned and the Judge rises to leave the court, all will stand, counsel and Judge will bow. All persons in the courtroom will remain standing and silent until the Judge leaves the courtroom. When counsel enters or leaves the courtroom while proceedings are in session, they must turn and bow to the Judge on entering or exiting, as the case may be.

F. Tribunal Officer during hearings

26. The Registrar ensures that the necessary practical arrangements for the conduct of the hearing are in place. The participants to the hearing must bring to the attention of the Registry any information that they deem necessary. The Registrar may appoint a Tribunal Officer to provide support to the Dispute Tribunal, in particular in respect of procedural matters. During hearings, the Tribunal Officer acts as a focal point for all courtroom-related matters.

G. Witnesses appearing before the Tribunal

27. The participants must provide the Tribunal and the opposing party with the names of the witnesses they intend to call at the hearing at least fifteen calendar days before the hearing or at the date ordered by the Tribunal. They must ensure that the witnesses they intend to call are available for the hearing, including arranging for their presence should they wish the witnesses to appear in person. They must also provide all information about the location and contact details of the witnesses they wish to call. Notwithstanding the foregoing, the Tribunal retains discretion to refuse or require the presence of a particular witness, for the purpose of the proper conduct of a case.

28. The witness of a participant may discuss his or her statement with counsel prior to giving oral testimony, but must not read from a prepared statement unless copies of such statement have been prepared and circulated to all parties prior to the hearing. A party calling a witness must not discuss the case with the witness once the testimony has started and until the testimony is completed.

H. Transmission of an order to appear

29. When the Tribunal issues an order to appear under article 17 of the Rules of Procedure, the Registrar transmits the request to the person concerned. The Registrar must be informed without delay of any problem that may impede or prevent the execution of the summons.

I. Presentation of document or material to be tendered as an exhibit during a hearing

30. For the purpose of the preparation of the hearing and presentation of evidence during a hearing, participants must provide to the Tribunal Officer and to the other party, in electronic version, the evidence they intend to use at the hearing at least fifteen calendar days before the scheduled hearing or at a date ordered by the Tribunal. Evidence provided may be transmitted by the Tribunal Officer to the interpretation and translation service, if necessary, under strict conditions of confidentiality. If during a hearing, a party chooses to provide a hard copy of evidence adduced electronically, the party tendering the document must provide sufficient copies to the participants to the hearing.

J. Arrangements for remote testimony by means of audio or video-link or other technology

31. The Registry makes necessary arrangements whenever the Tribunal orders that a party, witness or any other participant be heard by means of audio or video-link or other technology. At a date ordered by the Tribunal and no less than seven calendar days before the hearing, the party must provide the Registry with contact details and any other information to facilitate the testimony of the relevant party.

32. In choosing a venue for a remote testimony, the following locations, in particular, may be considered by the Registry:

- (a) The other branches of the Dispute Tribunal or any convenient UN duty stations;
- (b) A national Tribunal;

- (c) An office of an international organization; or
- (d) An embassy or a consulate.

33. In the case of a video-link, any person giving evidence by way of video-link should be able to see and hear the Judges and the person questioning him or her. Likewise, the Judges and the person questioning him or her should be able to see and hear the witness as well as any evidence submitted from the remote location.

K. Recording of hearings

34. The Registry may cause to be made a full and accurate record of all proceedings, including transcripts, audio or video recordings, when deemed necessary by the Tribunal.

L. Modes of interpretation during hearings

35. The Registry advises on the most suitable mode of interpretation for the proceedings to be interpreted. Interpretation services, if required, may include the following:

- (a) Simultaneous interpretation, where the interpreter renders the speaker's message immediately and continuously from a booth;
- (b) Chuchotage or whispering, which is simultaneous interpretation by an interpreter whispering an interpretation of what is said to a maximum of two listeners;
- (c) Consecutive interpretation, where the interpreter interprets aloud, usually taking notes as the speaker speaks and then concisely interpreting several sentences at a time for an unlimited number of listeners;
- (d) Liaison interpretation, where the interpreter interprets aloud in and out of two or more languages, interpreting a few sentences at a time, for a very limited number of listeners; and
- (e) Sight translation, for written documents that need to be translated orally. The interpreter may need to read the document once before performing the sight translation.

IV. PUBLICATION OF JUDGMENTS AND ORDERS

36. The public versions of the judgments of the Dispute Tribunal are published on the website of the Dispute Tribunal (www.un.org/en/oaj).

V. INFORMATION SYSTEM, STORAGE, ARCHIVE AND DATABASES

A. Electronic system

37. An electronic information system that manages and provides access to documents, material, orders and decisions will be established in due course.

B. Consultation of documents or material stored in the Registry

38. Any request to consult or gain access to the original form of evidence must be made in writing. Practical arrangements for such consultation are determined by the Registry.

39. Parties may request the Tribunal to consult the original form of audio or video recordings of proceedings, if any. Reasons for such a request must be provided in writing to the Registrar. In the event that access is granted, the material must not be reproduced or shared in any manner with third parties, unless authorized by the Tribunal.

C. Records

40. Records pertaining to cases are managed in accordance with UN rules in respect of the creation, management and disposition of records.