



PRACTICE DIRECTION ON FILING OF MOTIONS AND RESPONSES

Adopted at the Sixth Plenary Meeting in New York
pursuant to art. 36.2 of the Rules of Procedure of the Dispute Tribunal
Amended effective 1 January 2025

Introduction

(Amended effective 1 January 2025)

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

Motions

(Amended effective 1 January 2025)

3. A motion is a submission by which a person or entity seeks to obtain from the Tribunal a ruling.
4. All requests to the Tribunal for orders, directions, interim measures and other interlocutory determinations shall be made by motion stating the grounds relied on for the determination sought unless otherwise provided in the Statute or Rules of Procedure of the Tribunal.
5. Any such requests made by other means, including but not limited to telephone calls and emails, will be rejected by the Registry and not considered by the Dispute Tribunal. Any party to the case may at any time move by way of motion for an appropriate ruling or relief. Motions shall be made in writing, although at the discretion of the presiding judge an oral motion may be made in the course of a hearing.

Response to a motion

6. Where the motion is contested, either as to law or fact, the opposing party may file a response. Unless otherwise directed by the Tribunal, a response to a motion filed by a party shall be filed within five working days of service of the motion on that party.

7. Where the party responding to the motion relies on facts other than those relied on in the motion or disputes those facts, the response shall be accompanied by a declaration stating the facts and information relied on by the responding party to the motion, identifying the source of the facts and certifying their truthfulness, accuracy and completeness.

Forms to file a motion and response thereto

8. The motion and the response shall be submitted on the appropriate current forms of the Dispute Tribunal. The current templates and forms are posted on the website of the Dispute Tribunal (<https://www.un.org/en/internaljustice/undt/>) or may be obtained by writing to one of the Registries (undt.geneva@un.org, undtnairobi@un.org, undt-newyork@un.org).

Annexes

(Created effective 1 January 2025)

9. Annexes are to be used for submitting evidence for consideration by the Dispute Tribunal. As such they should consist of pre-existing documents, files, and items such as photographs and videos.

10. Annexes are not to be used to submit additional argument or facts that could not be included in the motion or response.

Motions for Anonymity

(Created effective 1 January 2025)

11. A party may request anonymity in the application, in the reply, or at the earliest practicable opportunity, considering the circumstances. The Tribunal shall transmit the request for anonymity to the opposing party for comment, before ruling on the motion.

12. Judicial determination of such motions will be made on a case-by-a case basis depending on the particular circumstances. Ultimately, the test is to balance the interests of privacy and transparency in determining whether publication of names serves the interests of justice.

Method of filing

eFiling portal

13. All motions and responses shall be submitted electronically through the eFiling portal unless the filing party does not have access to it.

Email

14. If the filing party does not have access to the eFiling portal, the filing may be made by email. 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.

Hand or post

15. Filing by hand or by 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 the post mark.

16. 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. If the filing is hand-delivered, the date of submission will be that of the hand-delivery at the respective Registry.

17. 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.
