

UNITED NATIONS DISPUTE TRIBUNAL

GUIDELINES ON THE FILING OF SUBMISSIONS THROUGH THE EFILING PORTAL

approved at the meeting of the Registrars
on 30 August 2012

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I. INTRODUCTION

1. All parties appearing before the Dispute Tribunal should follow the present Guidelines when filing their submissions before the Tribunal through the eFiling portal.
2. The present Guidelines are subject to the Dispute Tribunal's Statute, Rules of Procedure and Practice Directions, or any direction given by a Judge in a particular case. In the event of any perceived inconsistency, confirmation as to how the matter is to be administered should be sought in writing from the relevant Registrar.
3. The Registries' working hours, addresses as well as the forms to be used when submitting filings are detailed in Practice Direction No. 4 (On Filing of Applications and Replies) and Practice Direction No. 5 (On Filing of Motions and Responses), published on the website of the Tribunal.

II. STATUS OF ELECTRONIC FILINGS

4. All filings with the Dispute Tribunal, regardless of the method of filing, are not available to third parties unless, following the submission of a motion, access to them is granted by an order of the Tribunal.
5. Should a request for access to a case file by a third party be granted by the Tribunal, such access may only be granted with respect to hard copy files and the review will be conducted under the direct supervision of the Registry staff. Third parties will not be provided with access to any part of the electronic case file, unless otherwise ordered by a Judge.

III. FILING OF DOCUMENTS THROUGH THE eFILING PORTAL

A. eFiling portal

6. The eFiling portal (see <http://www.un.org/en/oaj/dispute/efiling.shtml>) is the primary filing and document management tool of the

Dispute Tribunal. All written submissions to the Dispute Tribunal should be filed through the eFiling portal, unless not technically possible.

B. Electronic file format

7. To the extent feasible all submissions must be in text searchable portable document format (“PDF”). PDF files can be created either by directly converting Word files into PDF (preferred method)¹ or, alternatively, by scanning hard-copy documents into PDF format and then making them full text searchable.² When scanning documents, please avoid scanning at a high resolution to avoid creating unnecessarily large file. The suggested resolution for scanning is 300 dots per inch (known as “dpi”).

C. Electronic file names

8. Files uploaded to the eFiling portal should be named as follows: identification of the filing party (e.g., “Applicant”, “Respondent”), followed by the title of the submission.

For example:

Applicant motion for expedited consideration.pdf

Respondent response to motion for expedited consideration.pdf

Applicant submission in response to Order No. 171.pdf

9. The length of the file name should be limited to 70 characters.

¹ Word files can be converted into PDF by using the “Print to Adobe PDF” function in Word (go to “File”, “Print”, and select “Printer Name: Adobe PDF”), provided you have Adobe Acrobat Standard or Adobe Acrobat Professional programs; or through various tools available online (both free and fee-based).

² PDF files can be made searchable using a variety of tools, including: the Optical Character Recognition (“OCR”) feature of Adobe Acrobat Standard or Adobe Acrobat Professional programs (available under the “Document” tab in Adobe Acrobat), or using OCR functions on some of the scanners; or using the OCR tools available online (both free and fee-based).

10. File names should not contain any non-Latin characters, accented letters (e.g., è, é, à), apostrophes, or dashes (m-dash: “—”; n-dash: “–”).
11. The Registry may rename files when appropriate.

D. Annexes

12. Preferably, annexes should be scanned and uploaded as part of the same PDF file as the main submission. Annexes should be clearly designated as such and be included as part of a list of annexes located at the end of the submission. If annexes are submitted as part of the same PDF file as the main submission, include words “with Annexes” as part of the file name.

For example:

Applicant motion for summary judgment with Annexes.pdf

13. Alternatively, if annexes are uploaded as separate PDF files, they should be named in the following format: (i) filing party, (ii) type of submission, (iii) hyphen, (iv) number of the annex (please use a leading “0” for annexes 1 to 9 (i.e. “01”, “02”, etc.).

For example:

Applicant motion for summary judgment - Annex 01.pdf

Applicant motion for summary judgment - Annex 02.pdf

14. If you need to upload more than eight separate files when filing a submission to a new or an existing case in the eFiling portal, proceed to the step “Upload your documents”. Click on the “Add” link, select the first eight files to upload and click “Finish”. You will be returned to the “Upload your documents” screen, where you will see the eight attachments selected by you. Click on the “Add” link to select additional files for uploading. Repeat this process until all files for submission have been selected, following which proceed to the next step of filing your submission.

E. Filing of submissions *ex parte* and under seal

15. When submitting documents through the eFiling portal, parties have the option of requesting that the

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submission be treated as an *ex parte* filing or that the filing be made under seal.

16. The final decision as to whether the submission is to be treated as an *ex parte* or under seal filing is reserved for the Judges of the Dispute Tribunal.

Ex parte filings

17. In the context of the Dispute Tribunal, filing a document *ex parte* means that the non-filing parties to the proceedings do not receive a copy of the filing except upon order or instruction from the Judge. When such a filing is made, notice will be sent to the non-filing parties to the proceedings, but the document filed *ex parte* will be accessible only to the Tribunal, the filing party, and any other party to whom access was granted by the Tribunal.

18. If any part of a submission or annex is to be filed *ex parte*, it must be filed separately from the rest of the submission with an indication in the file name that this part of the filing is made *ex parte*.

Under seal filings

19. In the context of the Dispute Tribunal, filing a document under seal means that only the filing party, the non-filing party to the proceedings, and the Tribunal will have access to it. No third party will have access to the protected document unless it is unsealed by an order of the Tribunal.

20. The option of filing under seal is reserved for filings that require additional protection against disclosure to third parties. Specifically, should at any point in time the Tribunal issue an order granting access to a case file to a third party, any filings under seal in that case file would remain confidential unless a separate order is issued by the Tribunal specifically granting access to them.

Submitting ex parte filings and filings made under seal

21. Submissions filed *ex parte* or under seal should be marked as follows:

- a. Firstly, the top right corner of the first page of the submission should include the words “EX PARTE” or “UNDER SEAL” in capital letters.
- b. Secondly, the file name should contain the words “EX PARTE” or “UNDER SEAL” at the beginning of the file name.

For example:

EX PARTE Applicant submission in response to Order No. 171.pdf

- c. The reasons for filing on an *ex parte* basis or under seal must be specified in the submission and in the relevant field in the eFiling portal.

F. Filing of applications with multiple applicants

22. An application with multiple applicants should be filed only if: (a) the applicants are making identical legal submissions; (b) seek to contest the same decision; (c) seek to rely on the same documents; and (d) are represented by the same legal representative. Should any applicant seek to make legal submissions or rely on documents that are different from those of the main group, a separate application should be filed. Similarly, should any applicant be represented by a separate legal representative, a separate application should be filed.

23. When filing applications with multiple applicants, please use the applicable forms prescribed by the Tribunal (for instance, UNDT/F.1E) to prepare one single application for all applicants. Include on the cover page of the application the last name of the lead applicant, adding “et al.” to indicate that there are other applicants (for example, “Adams et al.”).

24. When filing documents through the eFiling portal, the electronic entry of personal and employment information in the eFiling portal should be made for the lead applicant only. The personal information of the other co-applicants (sections I–VI of Form UNDT/F.1E) should be included in the application as a single consolidated annex to the application. In addition, for each applicant, please also

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include, if any, a copy of the signed authorization for the legal representative as a single consolidated annex.

25. As an annex to the application, there should be a table listing all applicants, identifying: (i) each applicant's first name, (ii) each applicant's last name, (iii) each applicant's UN index number, (iv) date when each applicant was informed of the contested decision, (iv) date when each applicant requested management evaluation, and (v) date when each applicant was informed of the outcome of management evaluation.