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UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2022/049  
Order No.: 030 (NY/2024)  
Date: 18 March 2024  
Original: English

## **Introduction**

1. By Order No. 024 (NY/2024) dated 1 March 2024, the Tribunal ordered the Applicant to file his closing statement by 15 March 2024. This closing statement was “solely to be based on previously filed pleadings and evidence”, and “no new pleadings or evidence” were allowed at this stage. The Tribunal further ordered the Respondent to file his closing statement “responding to the Applicant’s closing statement” by 29 March 2024.

2. On 15 March 2024, the Applicant filed his closing statement as per Order No. 024 (NY/2024) but did so *ex parte*.

## **Consideration**

3. Under Practice Direction No. 6 (Records of the Dispute Tribunal), parties shall not have access to *ex parte* materials except by leave of a Judge on good cause shown.

4. The very purpose of Order No. 024 (NY/2024) would be frustrated if the Respondent is not provided access to the Applicant’s closing statement as the Respondent is to file his own closing statement in response to the Applicant’s closing statement.

6. In any event, the Tribunal notes that third-party access to the case record, including his closing statement, is restricted in accordance with Practice Direction No. 6 (records), which states that “[a]ccess 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”.

7. In light of the above,

IT IS ORDERED THAT:

8. The Applicant’s request for filing his 15 March 2024 closing statement *ex parte* is rejected, and the Registry is instructed to grant the Respondent full access to this closing statement. The orders of Order No. 024 (NY/2024) remain unchanged.

(Signed)

Judge Joelle Adda

Dated this 18<sup>th</sup> day of