



UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

Case No. 2015-687

Applicant (Respondent/Applicant)

v.

Secretary-General of the United Nations (Appellant/Respondent)

ORDER No. 228 (2015)

1. On 5 January 2015, the Secretary-General of the United Nations filed an appeal against Judgment No. UNDT/2013/004 and Judgment No. UNDT/2014/128, rendered by the United Nations Dispute Tribunal (UNDT or Dispute Tribunal) in Nairobi on 17 January 2013, and 30 October 2014, respectively, in the case of *Applicant v. Secretary-General of the United Nations*. The Secretary-General appealed on 5 January 2015, and the Applicant answered on 9 March 2015. On 19 May 2015, the Applicant filed a Motion for Confidentiality in relation to the appeal and the Secretary-General filed his comments on 29 May 2015.

2. The Dispute Tribunal granted the Applicant's request for confidentiality. The Applicant now requests the Appeals Tribunal continue her confidentiality and not disclose her name in any published Appeals Tribunal judgment. She submits that her case arose from her previous posting with the United Nations Office for Project Services and claims that the publication of her name in an Appeals Tribunal judgment could jeopardize her personal security, her freedom of movement and her ability to further work for the United Nations.

3. The Secretary-General submits that the Applicant provides no evidence to substantiate her fear that the publication of her name could compromise her security. He further claims that the Applicant's concerns about her freedom of movement and ability to perform her official activities can be handled by the Administration, should any such issues materialize. The Applicant has not demonstrated that she has a greater need for confidentiality than any other litigant.

4. Article 10(9) of the Statute of the Appeals Tribunal and Article 20(2) of the Rules of Procedure of the Appeals Tribunal provide that the published judgements of the Appeals Tribunal will normally include the names of the parties. Nevertheless, the Appeals Tribunal has granted requests for confidentiality in exceptional circumstances and in cases of sensitivity.¹

5. In the present case, the Applicant has demonstrated exceptional circumstances justifying anonymity and good cause to continue the protection granted by the UNDT in the proceedings before the Appeals Tribunal.

IT IS HEREBY ORDERED that the Applicant's Motion for anonymity **IS GRANTED**.

Original and Authoritative Version: English

Dated this 1st day of July 2015 in
Geneva, Switzerland.

(Signed)
Judge Rosalyn Chapman, President

Entered in the Register on this 1st day of
July 2015 in Geneva, Switzerland.

(Signed)
Weicheng Lin, Registrar

¹ *Mebtouche v. Secretary-General of the United Nations*, quoting *Ahmed v. Secretary-General of the United Nations*, Order No. 132 (2013), para. 4 and *Servas v. Secretary-General of the United Nations*, Order No. 127 (2013), para. 5.