



UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

Case No. 2009-012

Crichlow

(Appellant)

v.

Secretary-General of the United Nations

(Respondent)

ORDER No. 247 (2015)

1. On 30 September 2015, Ms. Carol Crichlow filed a “Motion for Confidentiality” requesting redaction of her name from Judgment No. 2010-UNAT-035, which was issued by the United Nations Appeals Tribunal (Appeals Tribunal) on 1 July 2010, in the case of *Crichlow v. Secretary-General of the United Nations*. On 30 November 2015, the Secretary-General submitted his observations on the Motion, generally opposing it.

2. Ms. Crichlow claims that, “[a]t the time of [her] appeal ... [she] was not informed by the [Appeals] Tribunal” that her name would be published on the Internet. She seeks to have her name redacted from the 2010 Judgment, claiming that the publication of her name in the Judgment has “negatively affected [her] present and ... is negatively affecting [her] future,” as well as a non-profit organization she has started in her father’s name.

3. At all times, the Appeals Tribunal Statute (Statute), Article 10(9), provided that “[t]he judgements of the Appeals Tribunal shall be published, while protecting personal data, and made generally available by the Registry of the Tribunal”. Similarly, the Appeals Tribunal Rules of Procedure (Rules), Article 20(1), provided that “[t]he Registrar shall arrange for publication of the judgements of the Appeals Tribunal on the website of the Appeals Tribunal after they are delivered”.

4. Accordingly, at the time Ms. Crichlow filed her appeal, the aforementioned provisions of both the Statute and Rules were in effect and were readily available to staff members, such as Ms. Crichlow who utilized the internal justice system. Thus, there is no merit to Ms. Crichlow's claim that she was not aware that the Judgment would be published.

5. Ms. Crichlow's claims are further undermined by her unreasonable and unexcused delay of five years in filing the motion. The 1 July 2010 Judgment has been publicly available on the Appeals Tribunal's website since August 2010. In the absence of a statutory or regulatory provision establishing a limitations period for filing a document, a tribunal may properly look to equitable principles, such as laches. Pursuant to the principle of laches, as defined in Black's Law Dictionary, when a party is remiss or dilatory, or acts with unreasonably delay in making a claim or moving to enforce an asserted right, the court in exercising its discretion may refuse the requested relief.¹ The Appeals Tribunal applies the equitable principle of laches, in the circumstances of this case. Ms. Crichlow did not seek anonymity before the Appeals Tribunal while her case was on appeal and she has not sought confidentiality for the past five years. Her failure to act promptly belies her claims.

6. If the Appeals Tribunal were to apply a statutory deadline to the pending motion, we would, by analogy, apply the limitations period for filing a motion for revision of judgment, as Ms. Crichlow's motion is like a motion for revision of judgment in that it seeks to revise the 2010 Judgment by redacting all references to Ms. Crichlow's name. Revision of judgment is governed by Article 11(1) of the Statute, which places a maximum deadline of "one year of the date of the judgment" for the filing of an application to revise a judgment. Using the one-year deadline as a comparative guideline that serves the interest of finality in judicial proceedings, it is clear that Ms. Crichlow's motion seeking to redact her name is tardy, having been filed more than five years after the date of the Judgment.

7. In view of the foregoing, Ms. Crichlow's request for confidentiality and redaction should be deemed tardy and her motion should not be received.

¹ Cf. Former Administrative Tribunal Judgement No. 784, *Knowles* (1996), para. VI ("[T]he equitable doctrine of laches applies when a party claiming an injury fails to initiate a legal proceeding within a reasonable period of time. If the party waits too long to assert his or her rights, the claim will be considered time barred.").

IT IS HEREBY ORDERED that Ms. Crichlow's Motion for Confidentiality **IS DISMISSED.**

Original and Authoritative Version: English

Dated this 30th day of December 2015
in Los Angeles, California.

(Signed)
Judge Rosalyn Chapman,
President

Entered in the Register on this 30th day of
December 2015 in New York, United States.

(Signed)
Weicheng Lin, Registrar