



# UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

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Case No. 2021-1628

**Specker**

**(Appellant)**

**v.**

**Secretary-General of the United Nations**

**(Respondent)**

**ORDER No. 535 (2023)**

1. On 28 October 2022, the United Nations Appeals Tribunal (Appeals Tribunal or UNAT) issued Judgment No. 2022-UNAT-1298 whereby the UNAT dismissed the Appellant's appeal and affirmed Judgment No. UNDT/2021/105 (UNDT Judgment).
2. On 18 May 2023, the Appellant filed what she framed as a "motion for confidentiality" (Motion) with the Appeals Tribunal, requesting that the United Nations Dispute Tribunal (Dispute Tribunal or UNDT) remove the public link which shows her case in the top five search results when searching her full name in Google and to treat her case and Judgment No. UNDT/2021/105 confidentially. She explained that when the UNDT Judgment was first published, it included her first name as well as her last name, which created additional exposure of her case on the Internet. The UNDT has since corrected the UNDT Judgment so that only her last name appears, nonetheless, Appellant says that the UNDT case is still appearing as one of the top Google search results.
3. Appellant submits that the outcome of this case being publicly available has been "incredibly damaging" to her reputation and has "significantly impacted and limited" her opportunities to find other employment.
4. On 26 May 2023, the Secretary-General filed his comments on the Motion. The Secretary-General observed that it was not clear what relief was sought from the Appeals

Tribunal, given that the Appellant’s concerns related to the UNDT Judgment. Moreover, with regard to the manner in which the UNDT Judgment has been displayed in Google searches, the Secretary-General notes that the maintenance of the Dispute Tribunal’s case law database or the operation of a third-party search engine are not matters on which he may assist.

5. Notwithstanding the lack of clarity in the Motion about what action the Appellant envisions from the Appeals Tribunal, the Secretary-General submits that the Appellant largely repeats the arguments presented before the Dispute Tribunal and the Appeals Tribunal regarding the merits of her case, which are repetitive and do not justify confidential treatment of her case.

6. Article 10(9) of the Appeals Tribunal Statute (Statute) provides: “The judgements of the Appeals Tribunal shall be published, while protecting personal data, and made generally available by the Registry of the Tribunal.” Further, Article 20(2) of the Appeals Tribunal Rules of Procedure (Rules) states: “The published judgements will normally include the names of the parties.”

7. This Motion is denied. First, the Appeals Tribunal has no authority to order the Dispute Tribunal to “remove the public link” which shows the UNDT Judgment in the Google search results. It has no general authority over how search results are displayed online.

8. Second, the Motion requests that the Dispute Tribunal amend its Judgment in this matter, which is a request to be made to the Dispute Tribunal, not the Appeals Tribunal. As for the Appeals Tribunal’s Judgment in this matter, although not part of this Motion, any request for anonymization of Judgment No. 2022-UNAT-1298 should have been made as part of the appeal.

9. Further, the Appeals Tribunal has previously determined that “[t]he names of litigants are routinely included in judgments of the internal justice system of the United Nations in the interests of transparency and, indeed, accountability”.<sup>1</sup> A review of the Appeals Tribunal Judgment shows that there is no sensitive or confidential information

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<sup>1</sup> *Servas v. Secretary-General of the United Nations*, Order No. 127 (2013), para. 5.

contained in it. Therefore, the Appellant’s Motion has not proven any “greater need than any other litigant for confidentiality”.<sup>2</sup>

10. As stated in a similar Order, “[s]taff members of the Organization often challenge employment-related decisions before the internal justice system. If confidentiality is attached in each case, there would be no transparency regarding the operations of the Organization, which would be contrary to one of the General Assembly’s purposes and goals for the internal justice system”.<sup>3</sup>

11. For these reasons, the Motion is denied.

**IT IS HEREBY ORDERED** that the motion for confidentiality is **DENIED**.

Original and Authoritative Version: English

Decision dated this 2<sup>nd</sup> day of October 2023 in  
Vancouver, Canada.

(Signed)  
Judge Kanwaldeep Sandhu,  
President

Order published and entered in the Register on this  
2<sup>nd</sup> day of October 2023 in New York, United States.

(Signed)  
Juliet E. Johnson,  
Registrar

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<sup>2</sup> *Ibid.*

<sup>3</sup> *Nikolarakis v. Secretary-General of the United Nations*, Order 421 (2021), para. 7.