



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2023/042
Judgment No.: UNDT/2023/130
Date: 28 November 2023
Original: English

Before: Judge Sean Wallace
Registry: Nairobi
Registrar: René M. Vargas M., Officer-in-Charge

CASTELLI

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

JUDGMENT

Counsel for the Applicant:

Self-represented

Counsel for the Respondent:

Maureen Munyolo, AS/ALD/OHR

Introduction

1. The Applicant is a Policy and Best Practices Officer at the P-4 level with the United Nations Interim Force in Lebanon (“UNIFIL”).
2. On 30 April 2023, he filed an application contesting the decision not to convene a fact-finding panel to investigate his Complaint dated 23 September 2022, pursuant to ST/SGB/2019/8 (Addressing discrimination, harassment, including sexual harassment, and abuse of authority), alleging “abuse of authority, harassment and discrimination” against his first reporting officer (“FRO”). In his application, the Applicant also requested to be granted anonymity in relation to the case.
3. On 12 May 2023, the Respondent filed a motion for summary judgment arguing that the application is moot because a fact-finding panel had been convened. The Applicant responded to the motion on 15 May 2023 stating that, as at the date of his response, he had no knowledge of the decision to convene a fact-finding panel. A ruling on the Respondent’s motion is pending.

Consideration

Receivability

4. On 17 October 2023, the Applicant filed a second application, registered under Case No. UNDT/NBI/2023/079. In sec. V of the application form (Details of the contested decision), the Applicant states that “[w]hile the Head of Entity initially did not establish a Fact-Finding Panel, later and only as a result of the Applicant’s recourse to UNDT [,] a Panel was established in May 2023”.
5. Thus, it is clear that a fact-finding panel has been convened and that the Applicant has knowledge of that decision. Accordingly, this application, which contests the decision not to convene a fact-finding panel, is moot.

Request for anonymization

6. The Applicant requested “that this Tribunal anonymize [his name] in the Judgement as per established jurisprudence to avoid retaliation.” The Respondent objects to this request.

7. Under the established jurisprudence, transparency in the administrative justice system is paramount and anonymity should not be granted unless there are exceptional circumstances warranting departing from the general principles and from the well-established jurisprudence (see *Buff* 2016-UNAT-639, paras. 21-24. See also *Kazazi* 2015-UNAT-557, para. 21; *Fedorchenko* 2015-UNAT-499, para. 29; *Lee* 2014-UNAT-481, para. 34-35; *Pirnea* 2014-UNAT-456, paras. 18-20; *Charot* 2017-UNAT-715, paras. 27-38).

8. In his request, the Applicant merely says this should be done “to avoid retaliation”. This general allegation is insufficient to establish exceptional circumstances. Moreover, the submissions indicate that the Applicant’s FRO has been advised of the existence of this complaint and that they both participated in mediation regarding these allegations. Thus, it is obvious that anonymizing the Applicant’s name in this judgment would serve no purpose in avoiding retaliation.

9. In support of his request for anonymization, the Applicant also advanced that “the request for anonymity ... is based on the self-evident fact that the matter involves information from [his] medical records, which is confidential in nature”.

10. The Judgment in this case does not reference any such confidential information, nor will any of the Applicant’s confidential medical information be disclosed by the Registry.

Judgment

11. The Administration decided to establish a fact-finding panel on 16 May 2023 rendering this part of the application moot.

12. The Applicant's request for anonymity is denied.
13. In view of the foregoing, the application is DISMISSED in its entirety.

(Signed)

Judge Sean Wallace

Dated this 28th day of November 2023

Entered in the Register on this 28th day of November 2023

(Signed)

René M. Vargas M., Officer-in-Charge, Nairobi