



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/GVA/2010/111

Order No.: 3 (GVA/2011)

Date: 12 January 2011

Original: English

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**Before:** Judge Thomas Laker

**Registry:** Geneva

**Registrar:** Víctor Rodríguez

GORDON

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**ORDER ON CONFIDENTIALITY**

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**Counsel for Applicant:**

Self-represented

**Counsel for Respondent:**

Marcus Joyce, ALU/OHRM, UN Secretariat

1. On 3 December 2010, the Applicant filed an application whereby he challenged the decision not to select him for a vacant post following a selection process.
2. On 9 December 2010, the Tribunal transmitted a copy of the application to the Respondent and instructed him to file his reply by 10 January 2011.
3. By an email of 7 January 2011, the Respondent filed his reply together with two annexes. Annex 1 contains documents which form part of the documentary record of the selection process. In this annex, the names of the other candidates who took part in the selection process have been redacted. Annex 2 contains a copy of an email exchange between the Administration and the selected candidate, whose name has also been redacted. The Applicant was copied on the Respondent's email to the Tribunal.
4. In his reply, the Respondent requests that the two annexes to the reply be "kept confidential pursuant to Rule 18.4 of the Rules of Procedure" of the Tribunal.
5. The Tribunal considers that in requesting confidentiality, the Respondent asks the Tribunal to order the Applicant to refrain from disclosing the two annexes to any other parties.
6. Article 18.4 of the Rules of Procedure provides: "The Dispute Tribunal may, at the request of either party, impose measures to preserve the confidentiality of evidence, where warranted by security interests or other exceptional circumstances."
7. At the outset, the Tribunal considers that it is a basic procedural requirement that he who makes a request should provide reasons for doing so. In the instant case, the Respondent has failed to explain why, in his view, the requested measure was warranted.
8. The Tribunal also notes that, in both annexes, all relevant personal data which might warrant confidential treatment have been redacted.

9. Having reviewed the two annexes, the Tribunal considers that the Respondent has not shown that they contained confidential information of such nature that their distribution should be strictly restricted.

**Conclusion**

10. In view of the foregoing, the Respondent's request is rejected.

*(Signed)*

Judge Thomas Laker

Dated this 12<sup>th</sup> day of January 2011

Entered in the Register on this 12<sup>th</sup> day of January 2011

*(Signed)*

Víctor Rodríguez, Registrar, Geneva