



Before: Judge Francis Belle

Registry: Geneva

Registrar: René M. Vargas M.

APPLICANT

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER
ON REQUESTS FOR ANONYMITY**

Counsel for Applicant:

Dorota Banaszewska, OSLA

Counsel for Respondent:

Jérôme Blanchard, LPAS, UNOG

Introduction

1. By application filed on 8 October 2020, the Applicant, a staff member of the United Nations Office on Drugs and Crime (“UNODC”), contests several decisions or actions in relation to the Administration’s handling of her complaint of sexual harassment by her former supervisors under ST/SGB/2008/5 (Prohibition of discrimination, harassment, including sexual harassment, and abuse of authority), including:

- a. The Administration’s failure to take appropriate action in relation to her complaint;
- b. The Administration’s decision not to provide her with the information on the specific actions taken with respect to her former supervisors;
- c. Undue delays in the investigation, in the initiation and conducting of a disciplinary process, and in taking the final decision on imposition of disciplinary sanctions against her former supervisors; and
- d. The Administration’s failure to take an appropriate action to protect her from sexual harassment in her workplace environment and to remedy the harm suffered.

2. In her application, the Applicant requested to be granted anonymity.

3. On 3 November 2020, the Respondent filed a motion for an extension of ten days to file his reply.

4. On 4 November 2020, the Tribunal granted the motion and instructed the Respondent to file his reply by 19 November 2020.

5. On 19 November 2020, the Respondent filed his reply together with a request for anonymity for the two staff members implicated in the present case.

6. On 25 September 2021, the present case was assigned to the undersigned Judge.

Consideration

7. In support of her request for anonymity, the Applicant submits that there are compelling reasons in her situation to grant it. Specifically, the Applicant argues: (i) that a publicly available judgment referring to her medical condition as well as the sexual harassment she was subject to would unnecessarily negatively affect her personal and professional situation, and (ii) that the permanence of judgments on the internet raises, in her case, the issue of her right to privacy.

8. In his reply, the Respondent does not object to the Applicant's request for anonymity and also requests anonymity for the two staff members implicated in the present case.

9. The Tribunal notes that art. 11.6 of its Statute states that “[t]he judgements of the Dispute Tribunal shall be published, while protecting personal data, and made generally available by the Registry of the Tribunal.”

10. It is well-settled law that “the names of litigants are routinely included in judgments of the internal justice system of the United Nations in the interests of transparency and accountability, and personal embarrassment and discomfort are not sufficient grounds to grant confidentiality” (see *Buff* 2016-UNAT-639, para. 21). Therefore, any deviation from the principles of transparency and accountability can only be granted if there are exceptional circumstances (see *Buff*).

11. The Tribunal considers that the sensitive information regarding the Applicant's medical history and the allegations regarding sexual harassment in the present case constitute exceptional circumstances that warrant granting anonymity. Therefore, the Tribunal finds it appropriate to grant the Applicant's request.

12. Given the alleged misconduct implicating two staff members and considering that the Tribunal is currently seized of the proceedings initiated by one of those staff members, the Tribunal finds it warranted to also grant the Respondent's request for anonymity.

Conclusion

13. In view of the foregoing, it is **ORDERED THAT**:

a. The Applicant's request for anonymity in these proceedings is granted. Her name shall be anonymized in the Tribunal's Orders and in its judgment; and

b. The Respondent's request for anonymity in relation to the two staff members implicated in the present case is granted. Their names shall be anonymized in the Tribunal's Orders and in its judgment.

Judge Francis Belle

(Signed)

Dated this 18th day of November 2021

Entered in the Register on this 18th day of November 2021

(Signed)

René M. Vargas M., Registrar, Geneva