



**Before:** Judge Sun Xiangzhuang

**Registry:** Geneva

**Registrar:** René M. Vargas M.

RAVAN

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**ORDER  
ON MOTION FOR WITHDRAWAL**

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**Counsel for Applicant:**

Self-represented

**Counsel for Respondent:**

Isavella Maria Vasilogiorgi, DAS/ALD/OHR, UN Secretariat

## **Introduction**

1. By application filed on 10 November 2022, the Applicant sought to challenge his separation from service on disciplinary grounds.
2. On 9 December 2022, the Respondent filed his reply on the merits requesting the Tribunal to determine receivability as a preliminary matter and to dismiss the application on receivability grounds.
3. By email dated 17 July 2023, the Tribunal invited the parties to attend a Case Management Discussion (“CMD”) on 2 August 2023, held virtually using Microsoft Teams.
4. By Order No. 91 (GVA/2023) of 3 August 2023, the Tribunal asked the Applicant to respond to the issue of receivability brought forth by the Respondent, to clarify the remedies he seeks, to clearly identify the disputed facts and to explain whether a hearing on the merits was warranted. By the same Order, the Tribunal instructed the Respondent to also explain if a hearing on the merits was needed, and granted him an opportunity to comment on the forthcoming Applicant’s written submissions. The Order was published on the Tribunal’s website.
5. By email dated 7 August 2023, the Applicant informed the Registry that he was not aware about the publicity of the Tribunal’s Orders. He further stated that due to privacy concerns he was considering not proceeding further with his case.
6. On the following day, the Tribunal’s Geneva Registry responded to the Applicant that the Tribunal is regulated by the principle of transparency, and that if he wished to have his case anonymized, he needed to file a motion for confidentiality explaining the reasons in support for a request for anonymization. The Geneva Registry also informed the Applicant on the modalities to withdraw an application should he decide not to pursue his case.
7. On 15 August 2023, the Applicant filed a letter requesting the closure of his case and the removal of the published Order from the Tribunal’s website.

## **Consideration**

### *Request for confidentiality and removal of published Order*

8. The Applicant requests confidentiality and that Order No. 91 (GVA/2023) be removed from the Tribunal's website.

9. He argues, *inter alia*, that publishing the Order endangers the confidentiality of his case, and that "this [i.e., lack of confidentiality] would have derogatory impact on [his] psychological health and personal life".

10. The Statute and Rules of Procedure of the Dispute Tribunal provide, in its relevant parts, the following:

#### **Article 11 (Statute)**

...

6. The judgements of the Dispute Tribunal shall be published, while protecting personal data, and made generally available at the Registry of the Dispute Tribunal.

#### **Article 26 Publication of judgements (Rules of Procedure)**

1. The Registrars shall arrange for publication of the judgments of the Dispute Tribunal on the website of the Dispute Tribunal after they are delivered.

2. The judgments of the Dispute Tribunal shall protect personal data and shall be available at the Registry of the Dispute Tribunal.

11. With respect to publicity, the Appeals Tribunal has held 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, indeed, accountability" (*Lee* 2014-UNAT-481, para. 34), and that "personal embarrassment and discomfort are not sufficient grounds to grant confidentiality" (*Buff* 2016-UNAT-639, para. 21).

12. The Appeals Tribunal also has established that the principle of publicity can only be departed from where the applicant shows “greater need than any other litigant for confidentiality” (*Pirnea* 2014-UNAT-456, para. 20).

13. In other words, the internal justice system is governed by the principles of transparency, publicity and accountability. Any request to deviate from those principles needs to be grounded on exceptional circumstances and well-reasoned (*Buff*, para. 23).

14. The Tribunal notes that the Applicant was made aware of the requirement to support any request for confidentiality. In his withdrawal request, however, the Applicant only offered a broad and unsupported statement about “potential derogatory impact” of the publication of his name.

15. The Tribunal thus is not persuaded by the Applicant’s contention that the publicity of the proceedings is likely to cause “derogatory impact to his psychological health and personal life”. Equally, the Tribunal is not convinced by the Applicant’s argument that he was not “made aware” of said publicity previously, since it is a staff member’s obligation to know the rules of the Organization.

16. Similarly, the Tribunal cannot “take out the [published] order from the web”, as that would have a negative and unfounded impact on its obligation to be transparent, and on the rights of staff members to a transparent and accountable internal justice system.

#### *Request for withdrawal*

17. Having reviewed the Applicant’s request to close his case, the Tribunal sees no obstacle to the withdrawal of the application.

#### **Conclusion**

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

- a. The Applicant’s requests for confidentiality and for removal of a published Order from the Tribunal’s website are rejected; and

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b. There being no further matter for adjudication before the Tribunal, Case No. UNDT/GVA/2022/039 is hereby closed and struck from the Tribunal's docket.

*(Signed)*

Judge Sun Xiangzhuang

Dated this 17<sup>th</sup> day of August 2023

Entered in the Register on this 17<sup>th</sup> day of August 2023

*(Signed)*

René M. Vargas M., Registrar, Geneva