



Before: Duty Judge

Registry: Geneva

Registrar: René M. Vargas M.

SOPHOCLEOUS

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER
ON CASE MANAGEMENT**

Counsel for Applicant:

George Irving

Counsel for Respondent:

Isavella Maria Vasilogeorgi, DAS/ALD/OHR, UN Secretariat
Santiago Steta Perea, DAS/ALD/OHR, UN Secretariat

Introduction

1. The Applicant, a staff member of the United Nations Office on Drugs and Crime, contests the decision to impose on him the disciplinary measure of demotion by one grade with deferment for three years of consideration for eligibility for promotion, in accordance with staff rule 10.2(a)(vii), as well as the administrative measure of requiring him to undertake a gender sensitivity training, in accordance with staff rule 10.2(b).
2. On 11 July 2023, the Respondent filed his reply.

Consideration

The Applicant's request for anonymity

3. The Applicant requests anonymity in the publication of any orders or judgments. In support of his request, he points to the harm this case has caused and cited the reasons put forward in *AAE* 2023-UNAT-1332.
4. In his reply, the Respondent objects to the Applicant's request for anonymity.
5. 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.” It also notes that the Appeals Tribunal held in *AAE*, at para. 155, that:

there continues to be concerns raised regarding the privacy of individuals contained in judgments which are increasingly published and accessible online. In our digital age, such publication ensures that individuals' personal details are available online, worldwide, and in perpetuity. There are increasing calls for the privacy of individuals and parties to be protected in judgments.
6. It is well-settled case 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).

7. The Tribunal also recalls that in its resolutions 76/242 and 77/260, adopted on 24 December 2021 and 30 December 2022 respectively, the General Assembly reaffirmed the principle of transparency to ensure a strong culture of accountability throughout the Secretariat.

8. It follows that the internal justice system is governed by the principles of transparency and accountability. A deviation from these principles by means of anonymization requires that an applicant meets a high threshold for such a request to be granted.

9. Having reviewed the circumstances invoked by the Applicant, the Tribunal is not satisfied that anonymity overrides the need for transparency and accountability. Accordingly, the Applicant's request for anonymity fails.

The parties' requests to exceed the page limit

10. The Applicant requests permission to exceed the page limit in his application considering the 30-page decision letter and multiple issues to be addressed.

11. The Respondent does not object to the Applicant's request to exceed the page limit and, similarly, requested permission to also exceed it in his reply. In support of his request, the Respondent points to the factual complexity of the case, the length of the application and its supporting annexes, the presentation of new evidence by the Applicant, and the need to summarize and cite relevant evidence that was part of the record before the decision-maker.

12. The Tribunal notes that under paras. 6 and 19 of its Practice Direction No. 4, both the application and the reply should not exceed 10 pages. Nevertheless, para. 2 of Practice Direction No. 4 makes it clear that this Practice Direction is "subject to any direction given by a Judge in a particular case".

13. Noting that the application and the reply are 16 and 13 pages long respectively, and considering the circumstances of the case invoked by both parties, the Tribunal finds that it would not be in the interest of justice to be overly formalistic in this matter. Consequently, pursuant to art. 19 of its Rules of Procedure, the Tribunal will grant both parties' requests.

Filing of further submissions

14. Having perused the case file, the Tribunal considers it appropriate and in the interest of justice to direct the Applicant to file a rejoinder.

15. In accordance with the principle of equality of arms, the Tribunal will give the Respondent an equal opportunity to respond to the Applicant's rejoinder.

Amicable settlement

16. Having regard to the specific circumstances of the present case and noting that the General Assembly has consistently encouraged alternative dispute resolution, especially in circumstances where there is an ongoing employment relationship, the Tribunal finds it appropriate to encourage the parties to explore the possibility of having the dispute between them resolved without recourse to further litigation.

Conclusion

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

- a. The Applicant's request for anonymity is rejected;
- b. The parties' requests to exceed the page limit are granted;
- c. By **Wednesday, 27 September 2023**, the Applicant shall file a rejoinder;
- d. By **Tuesday, 10 October 2023**, the Respondent shall file his comments, if any, on the Applicant's rejoinder; and
- e. The parties shall explore resolving the dispute amicably and revert to the Tribunal in this respect by **Thursday, 19 October 2023**.

(Signed)

Judge Sun Xiangzhuang (Duty Judge)

Dated this 15th day of September 2023

Case No. UNDT/GVA/2023/032

Order No. 121 (GVA/2023)

Entered in the Register on this 15th day of September 2023

(Signed)

René M. Vargas M., Registrar, Geneva