



**Before:** Duty Judge

**Registry:** Geneva

**Registrar:** René M. Vargas M.

APPLICANT

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**ORDER  
ON CASE MANAGEMENT**

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**Counsel for Applicant:**

Self-represented

**Counsel for Respondent:**

Steven Dietrich, ALD/OHR/DMSPC

Miryoungh An, ALD/OHR/DMSPC

Notice: this Order has been amended pursuant to Order No. 54 (GVA/2024).

## **Introduction**

1. The Applicant, a former Head of the Donor Coordination Section, P-4, at the United Nations Assistance Mission in Afghanistan (“UNAMA”), contests the decision dated 8 May 2023 to impose on him the disciplinary measure of demotion by one grade with deferment for three years of consideration for eligibility for promotion, pursuant to staff rule 10.2(a)(ii), and the decision requiring him to commence gender sensitivity/awareness training (the “contested decision”).
2. On 5 August 2023, the Applicant filed the instant application against the contested decision. With the application, the Applicant also submitted a motion for anonymity and a request to exceed the page limit.
3. On 13 September 2023, the Respondent filed his reply arguing for the lawfulness of the contested decision, the rejection of the Applicant’s motion for anonymity, and also seeking authorization to exceed the page limit.
4. On 16 September 2023, the Applicant filed a motion seeking leave to file a rejoinder.
5. On 19 September 2023, the Respondent responded to the Applicant’s motion arguing for its rejection. He further requested that, should the Applicant’s motion be granted, that the Respondent be given an opportunity to comment on it.

## **Consideration**

### *The parties’ motion to exceed page limit*

6. Both the Applicant and the Respondent requested to exceed the page limit given the factual complexity of the case.
7. Having reviewed the parties’ submissions and bearing in mind the complexity of the matter as well as the fair and expeditious disposal of the case, the Tribunal sees no obstacle to granting the requests and allows the submissions to enter the case record as filed.

*Motion for anonymity*

8. In his application, the Applicant requests the Tribunal to anonymize his case by stating that the “prevailing political and security situation due to takeover of Afghanistan by the fundamentalist Taliban in August 2021, who are very sensitive to women issues, could become a security threat”. In support of his motion, he also refers to para. 9 of Order No. 57 (GVA/2023) granting anonymization “[g]iven the sensitive nature of the sexual harassment allegations at issue”.

9. The Respondent, however, contends that the Applicant’s request for anonymity should be rejected for, *inter alia*, lack of sufficient justification.

10. 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). It has also held that “personal embarrassment and discomfort are not sufficient grounds to grant confidentiality” (*Buff* 2016-UNAT-639, para. 21) and 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).

11. 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 and well-reasoned circumstances (*Buff*, para. 23).

12. In this case, apart from a generic submission citing “women issues” and a possible security threat, the Tribunal notes that the Applicant does not offer an explanation or justification to his request for anonymization.

13. The Tribunal is not persuaded by the reference to Order No. 57 (GVA/2023) without an explanation as to why, in the Applicant’s particular case and circumstance, the allegations under dispute would warrant anonymization despite the principles of transparency, publicity and accountability.

14. Accordingly, the Applicant’s motion is rejected.

*The rejoinder*

15. The Applicant filed a motion seeking leave to file a rejoinder “to comment and contest the contents of the Respondent’s reply”, which the Respondent subsequently opposed to for being “vague and not clearly defined”.

16. Having reviewed the submissions to date, the Tribunal considers that it is in the interest of justice to grant leave to the Applicant to file a rejoinder.

17. In accordance with the principle of equality of arms, the Tribunal finds it appropriate, pursuant to art. 19 of its Rules of Procedure, to warrant the Respondent with an opportunity to comment on the rejoinder, as requested.

**Conclusion**

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

- a. The Applicant’s and the Respondent’s motion to exceed the page limit are both granted;
- b. The Applicant’s motion for anonymity is rejected;
- c. By **Friday, 24 November 2023**, the Applicant shall file a rejoinder; and
- d. By **Friday, 8 December 2023**, the Respondent shall file his comments on the Applicant’s rejoinder.

*(Signed)*

Judge Sun Xiangzhuang (Duty Judge)

Dated this 10<sup>th</sup> day of November 2023

Entered in the Register on this 10<sup>th</sup> day of November 2023

*(Signed)*

René M. Vargas M., Registrar, Geneva