



Before: Judge Sun Xiangzhuang

Registry: Geneva

Registrar: René M. Vargas M.

BOZZAY

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER
ON CASE MANAGEMENT**

Counsel for Applicant:

Self-represented

Counsel for Respondent:

Sandra Lando, UNHCR

Jan Schrankel, UNHCR

Introduction

1. On 12 September 2022, the Applicant, a Project Control Officer with the Office of the United Nations High Commissioner for Refugees (“UNHCR”) in Addis Ababa, was informed of his non-selection for the position of Project Control Officer, P 3, advertised through Job Opening No. 10038353.
2. On 11 November 2022, the Applicant filed a request for management evaluation of his non-selection.
3. On 16 January 2023, the non-selection decision was upheld.
4. On 16 April 2023, the Applicant filed the instant application.
5. On 22 June 2023, the Respondent filed his reply.
6. By Order No. 98 (GVA/2023) of 15 August 2023, the Tribunal instructed the Applicant to file a rejoinder, which he did on 30 August 2023.

Consideration

The Applicant’s motion for anonymity

7. With his rejoinder, the Applicant requested anonymity in these proceedings to avoid being identified once the judgment is published to “prevent the common retaliation against whistleblowers”.
8. As it is already well-established case law, “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” (*Buff* 2016-UNAT-639, para. 21).
9. 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.

10. 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.

11. In the Applicant's case, he did not provide any valid reason to warrant anonymization. Indeed, he is not a recognized whistleblower, and neither is he discussing a potentially confidential matter.

12. In view of the foregoing, the Tribunal is not satisfied that the interest of anonymity overrides the need for transparency and accountability in the Applicant's case. Accordingly, the Applicant's request for anonymity is rejected.

The Applicant's motion for exclusion of evidence

13. In his rejoinder, the Applicant contended that his management evaluation request was not met with a response within the 30-day deadline provided by staff rule 11.2(d), and requested that the Administration's response be deleted from the case record for non-compliance with said rule.

14. However, the Tribunal notes that the failure by the Administration to meet the deadline for the management evaluation response does not preclude the Applicant from seeking judicial recourse before it, nor it is prejudicial to the Applicant in any way. It bears recalling that management evaluation is merely an opportunity for the Organization to revisit the contested decision at the administration level and perhaps amend it if found necessary. It does not impact the legal proceedings before this Tribunal, which is not bound by responses given at the management evaluation level.

15. In view of the foregoing, the Applicant's request is denied.

Closing submissions

16. Having examined the parties' submissions to date and the evidence on record, the Tribunal finds that it is fully informed on the matter, which can be determined without holding a hearing on the merits, and that it can proceed to the filing of closing submissions.

Conclusion

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

- a. The Applicant's motion for anonymity is rejected;
- b. The Applicant's motion for exclusion of the management evaluation response from the case record is rejected; and
- c. The parties shall file their respective closing submission by **Thursday, 2 May 2024**.

(Signed)

Judge Sun Xiangzhuang

Dated this 18th day of April 2024

Entered in the Register on this 18th day of April 2024

(Signed)

René M. Vargas M., Registrar, Geneva