



**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:**

Sètonджи Roland Adjovi  
Anthony K. Wilson

**Counsel for Respondent:**

Alister Cumming, UNICEF

## **Introduction**

1. By application filed on 26 February 2024, the Applicant, a staff member of the United Nations Children’s Fund (“UNICEF”), contests the decision to impose on him the disciplinary measure of separation from service with compensation in lieu of notice, and with termination indemnity pursuant to staff rule 10.2(a)(viii), and the entering of his name in the UN ClearCheck database.

2. On 27 March 2024, the Respondent filed his reply.

3. On 28 March 2024, Counsel for the Applicant filed a motion to file a rejoinder.

## **Consideration**

4. In his application, the Applicant included several motions, namely for an oral hearing, production of evidence, and anonymity. He also requested leave from the Tribunal to exceed the page limit. In his reply, the Respondent provided comments on the Applicant’s motion for anonymity and also requested leave from the Tribunal to exceed the page limit.

5. The Tribunal will proceed to address the parties’ pending motions and submissions.

### *Motions for an oral hearing and production of evidence*

6. The Applicant filed a motion for an oral hearing *in camera* and a motion for the production of further evidence. The Respondent, in turn, joined the Applicant’s motion for “all oral proceedings to be closed and all case management discussions to be held *in camera*”.

7. The Tribunal takes note of the pending motions but considers it appropriate to defer a decision on them until the present case is assigned to a Judge for adjudication.

*Motion for anonymity*

8. The Applicant requests that his case be anonymized “given his own personal circumstances and the nature of the allegations”. He refers to Order No. 57 (GVA/2023) but does not elaborate further on his request.

9. In response, the Respondent argues that anonymity should not be granted as the Applicant has not identified any exceptional circumstances that would justify an exception to the general principle that litigants are named.

10. However, the Respondent requests the Tribunal to grant anonymity to V01 in the proceedings and all documents and references to him. Additionally, he asks that the names of all other witnesses be anonymized in any public judgment or order.

11. Art. 11.6 of the Tribunal’s 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.” In this respect, the United Nations Appeals Tribunal held in *AAE 2023-UNAT-1332*, 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.

12. 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).

13. 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.

14. 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.

15. Having considered the disputed facts, the evidence on record and given the sensitive nature of the sexual harassment allegations at issue, the Tribunal finds it appropriate to anonymize the Applicant's name in every decision in the present case. It thus follows that the Applicant's motion is granted.

16. Concerning the Respondent's request, the Tribunal considers it appropriate to also grant anonymity to V01, as it is generally done to protect the identity of alleged victims. Similarly, the Tribunal will take appropriate measures to protect the identity of all other witnesses in any public judgment or order.

*Motion to exceed the page limit*

17. The Applicant requested permission to exceed the page limit in his application and so did the Respondent in his reply. In support of their request, the parties pointed, *inter alia*, to the factual complexity of the case.

18. 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".

19. 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 to exceed the page limit.

*Motion to file a rejoinder*

20. Having perused the case file, the Tribunal considers it appropriate and in the interest of justice to grant the Applicant's motion to file a rejoinder.

*Amicable settlement*

21. Recalling that the General Assembly has consistently encouraged alternative dispute resolution, the Tribunal finds it also appropriate to encourage the parties to explore the possibility of having the dispute between them resolved without recourse to further litigation.

**Conclusion**

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

- a. The Applicant's motions for an oral hearing *in camera* and production of evidence will be decided in due course;
- b. The Applicant's motion for anonymity is granted;
- c. The parties' motions to exceed the page limit are granted;
- d. By **Monday, 24 June 2024**, the Applicant shall file a rejoinder; and
- e. The parties shall explore resolving the dispute amicably and revert to the Tribunal in this respect by **Monday, 1 July 2024**.

*(Signed)*

Judge Sun Xiangzhuang (Duty Judge)

Dated this 24<sup>th</sup> day of May 2024

Entered in the Register on this 24<sup>th</sup> day of May 2024

*(Signed)*

René M. Vargas M., Registrar, Geneva