



Before: Duty Judge

Registry: Geneva

Registrar: René M. Vargas M.

APPLICANT

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER
ON CASE MANAGEMENT**

Counsel for Applicant:

George Irving

Counsel for Respondent:

Miryoungh An, DAS/ALD/OHR/UN Secretariat

Introduction

1. By application filed on 6 March 2024, the Applicant, a staff member of the United Nations Mission in Kosovo (“UNMIK”), contests the decision to impose on her the disciplinary measure of separation from service with compensation in lieu of notice, and without termination indemnity.
2. On 9 April 2024, the Respondent filed his reply.

Consideration

Applicant’s request for anonymity

3. In her application, the Applicant requests that her case be anonymized “due to the sensitive nature of the allegations referred to in the case, and the harm from publicity that has already occurred”.
4. In response, the Respondent argues that anonymity should be rejected as the Applicant has not shown “greater need than any other litigant for confidentiality” that would justify an exception to the general principle that litigants are named.
5. 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.

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 considered the disputed facts, the evidence on record and given the sensitive nature of the allegations at issue as well as the potential harm of publicity, 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.

Filing of a rejoinder

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

Amicable settlement

11. 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

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

- a. The Applicant's motion for anonymity is granted;
- b. By **Thursday, 4 July 2024**, the Applicant shall file a rejoinder; and

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c. The parties shall explore resolving the dispute amicably and revert to the Tribunal in this respect by **Thursday, 11 July 2024**.

(Signed)

Judge Sun Xiangzhuang (Duty Judge)

Dated this 4th day of June 2024

Entered in the Register on this 4th day of June 2024

(Signed)

Liliana López Bello, Legal Officer, for René M. Vargas M., Registrar, Geneva