



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/GVA/2024/011/T

Order No.: 50 (GVA/2025)

Date: 13 May 2025

Original: English

Before: Judge Margaret Tibulya

Registry: Geneva

Registrar: Liliana López Bello

APPLICANT

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER
ON CASE MANAGEMENT**

Counsel for Applicant:

Self-represented

Counsel for Respondent:

Lucienne Pierre, AS/ALD/OHR, UN Secretariat

Introduction

1. This order addresses various motions and requests filed by the Applicant, namely:

- a. Motion for anonymity;
- b. Request for oral hearing;
- c. Motion for production of documents;
- d. Motion for the Applicant to access her former United Nations email account;
- e. Motion seeking the admission of the Applicant's documents filed as annexes to her rejoinder;
- f. List of legal issues according to the Applicant;
- g. Motion on consolidated list of agreed and disputed facts; and
- h. Motion on damages.

Consideration

Motion for anonymity

2. On 16 April 2025, the Applicant filed a motion requesting that her case be anonymized due to the sensitive and private nature of the medical information included in the application. She states that public disclosure of her name would unnecessarily negatively affect her personal and professional situation.

3. In his response filed on 29 April 2025, the Respondent argues that anonymity should not be granted, as the Applicant has not identified any exceptional circumstances that would warrant a departure from the Dispute Tribunal's established practice of publishing the names of litigants in judgments.

4. The Respondent further argues that the Applicant's alleged medical conditions are not before the Dispute Tribunal, and a judgment by the Tribunal would not require disclosure of these conditions.

5. In her submissions filed on 12 May 2025, in response to Order No. 41 (GVA/2025), the Applicant opines that, contrary to the Respondent's assertions, there are exceptional circumstances in her case. She further states:

I reiterate all my prior submissions. Accountability and the interests of justice in my case do not require disclosure of my name. Public interest, transparency, scrutiny and accountability are not impaired by the removal of the Applicant's name from the public domain.

6. Art. 11.6 of the Tribunal's Statute provides:

The judgements of the Dispute Tribunal shall be published, while protecting personal data, and made generally available by the Registry of the Tribunal.

7. In this respect, the United Nations Appeals Tribunal held in *AAE* 2023-UNAT-1332, at para. 155, that:

[t]here 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.

8. 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).

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 principles of transparency and accountability govern the internal justice system. A deviation from these principles by means of anonymization requires that an applicant meet a high threshold for such a request to be granted.

11. Based on the pleadings, the reason for seeking anonymity relates to the protection of the Applicant's medical records. To this end, the Tribunal notes that the Applicant has made a good case for exceptional circumstances. Therefore, the motion for anonymity is granted.

Request for oral hearing

12. The Applicant requests for an oral hearing on two grounds: (i) to be allowed to substantiate the specific relevant facts on which the parties disagree; and (ii) to testify about moral damages and the prolonged stress to which the Administration subjected her, and the effect of such stress on her health and wellbeing. The Applicant indicates that "I am willing to testify how I was told by GLD management 'to play ball' and 'to be gracious' and 'that I would be promoted next' (which, again, was not the point)".

13. In his response, the Respondent opposes the request. He argues that the documentary record in this case is complete and sufficient for the Dispute Tribunal to adjudicate the dispute and that there are no issues of fact that require a hearing.

14. Considering the nature of the case, the Tribunal finds it appropriate to conduct an oral hearing and to accept the five witnesses proposed by the Applicant to testify. Therefore, the motion is granted.

Motion for production of documents

15. The Applicant requests an investigation report and other documents related to the shooting incident that occurred on 17 January 2020 in Haiti; code cables and emails from Haiti to the United Nations Headquarters regarding this incident, and other documents from the General Legal Division of the Office of Legal Affairs.

16. The Respondent submits that the motion should be denied. He contends that:

The contested decision in this case is the 22 November 2022 decision not to renew the Applicant's fixed-term appointment beyond 23 December 2022. The contested decision was not taken based on the "[p]reliminary and/or final investigation report and other exchanges regarding the shooting incident on 17 January 2020 while [the Applicant] was serving with the UN Secretariat in Haiti" or the "[c]ode cable(s) from BINUH to UNHQ regarding this incident." As such, these documents are not relevant to the contested decision, nor are they probative of the lawfulness of that decision.

17. Having perused the case file, the Tribunal agrees with the Respondent that the requested documents are not relevant to the contested decision. The request is therefore, denied.

Motion for Applicant to access her former United Nations email account

18. The Applicant filed a motion seeking access to her former United Nations email account. During the case management discussion ("CMD"), the Applicant raised the same request. In her submissions filed in response to Order No. 41 (GVA/2025), the Applicant states:

Denial of any allegations that are not specifically admitted in the Respondent's Reply and list of disputed and undisputed facts are a bigger concern. If the Organization and OLA [do] not want to grant access to my emails, which routinely is possible post separation, has been possible for the Applicant after her separation with MINUJUSTH, and did not give rise to any problem regarding confidentiality, the Organization might well collaborate towards a list of disputed and undisputed facts.

19. In his response, the Respondent opposed the motion on receivability grounds.

20. According to her submissions, the Applicant is willing to drop her request to access her former emails if the Organization can collaborate to compile a list of disputed and undisputed facts. In view of that concession, the Tribunal requests the parties to compile the list of disputed and undisputed facts and file it within 10 days. The motion for access to the Applicant's former United Nations email account is therefore rendered moot.

Motion seeking the admission of the Applicant's documents filed as annexes to the Applicant's rejoinder

21. On 4 April 2024, the Applicant filed a motion for leave to file documents (annexes 1 to 23 to the rejoinder). During the CMD held on 17 April 2025, the Applicant raised the motion again. By Order No. 38 (GVA/2025), the Tribunal directed the Respondent to, among others, respond to this motion.

22. The Respondent objects to the admission of Annexes 1, 6, and 15 to 22 on the following grounds:

- a. The documents included in Annex 1 pertain to the Applicant's Appendix D claim and are not relevant or probative.
- b. Documents in Annex 6 pertain to the Applicant's 1 March 2024 correspondence to the Organization after the contested decision, requesting various documentation, and are not relevant or probative.
- c. Documents in Annexes 15 to 22 pertain to various applications the Applicant has submitted for selection to various positions within the Organization, including Legal Officer positions in the Office of Legal Affairs. These documents are not relevant to the decision of 22 November 2022 not to renew the Applicant's fixed-term appointment beyond 23 December 2022, nor are they probative of the lawfulness of that decision.

23. It is apparent that the Respondent does not oppose the admission of all documents, but only those listed above.

24. Having perused the contested documents, the Tribunal agrees with the Respondent that they are not relevant to the determination of the contested decision. This motion, therefore, fails insofar as it relates to Annexes 1, 6, and 15 to 22. The documents, whose admission the Respondent does not object to, are therefore allowed on record.

List of legal issues according to the Applicant

25. On 7 April 2025, the Applicant filed what she terms as a list of legal issues.

26. The Tribunal has perused the Applicant's list of legal issues. These will be considered as part of the Applicant's submissions.

Motion on the consolidated list of agreed and disputed facts

27. The Tribunal notes that this motion has already been addressed in para. 20 above.

Applicant's motion on damages

28. The Applicant submits that she suffered moral damages resulting from the infringement of her *dignitas*, including harm, stress, anxiety, and a toxic work environment. Accordingly, she requests compensation for such damages, economic loss due to the non-renewal of her appointment, and the reimbursement of legal fees.

29. Issues relating to moral damages are contingent on the Tribunal's decision about the legality of the contested decision. Therefore, a ruling on the issue of moral damages at this stage would be premature, as it will be addressed in the judgment.

Conclusion

30. In view of the foregoing, it is ORDERED THAT the Applicant's:

- a. Motions on anonymity and oral hearing are granted.
- b. Motion on production of documents is denied.
- c. Motion to access her former United Nations Email Account is moot.
- d. Motion on admission of documents filed as annexes to the rejoinder is partially granted.
- e. Motion on damages shall be addressed in the judgment.

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31. On or before **Friday, 23 May 2025**, the parties shall file a joint statement on the disputed and undisputed facts. For each disputed fact, each party shall indicate the evidence (document and/or named witness) they intend to offer to prove or disprove that fact.

(Signed)

Judge Margaret Tibulya

Dated this 13th day of May 2025

Entered in the Register on this 13th day of May 2025

(Signed)

Liliana López Bello, Registrar, Geneva