



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/GVA/2025/032

Order No.: 99 (GVA/2025)

Date: 21 August 2025

Original: English

Before: Duty Judge

Registry: Geneva

Registrar: Liliana López Bello

DE DOBBELAERE

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER
ON CASE MANAGEMENT**

Counsel for Applicant:

Self-represented

Counsel for Respondent:

Alister Cumming, UNICEF

Introduction

1. On 26 May 2025, the Applicant, a former staff member of the United Nations Children's Fund ("UNICEF"), filed an application with the Nairobi Registry challenging three distinct administrative decisions.
2. The Nairobi Registry rerouted the case to the Geneva Registry because of the Applicant's official duty station at the time of the contested decision.
3. After instruction from the Geneva Registry, the Applicant filed the instant application on 13 June 2025, challenging the 22 January 2025 decision to issue her a written reprimand.
4. Disagreeing with her case being assigned to the Geneva Registry, the Applicant sought clarification for said reroute. After several exchanges with the Geneva Registry about the correct location for the adjudication of the instant case, she filed a motion for change of venue alongside the completed application on the merits. With it, she also filed a motion for anonymity.

Facts and procedural background

5. On 18 June 2025, the application was served to the Respondent with an instruction to respond by 25 June 2025 to the Applicant's motion for a change of venue. The Respondent was furthermore instructed to include in the response, the Applicant's Personnel Action Form and/or any other relevant documentation reflecting her official duty station at the time of the contested decision.
6. Complying with the Tribunal's instruction, on 25 June 2025, the Respondent commented on the Applicant's motion for change of venue. With it, he provided a copy of the Applicant's Personnel Action Form effective 2 February 2025, in which her duty station was recorded as Geneva.
7. On 26 June 2025, the Applicant filed a motion for leave to respond to the Respondent's submissions of 25 June 2025. With it, she provided a copy of her Personnel Action Form dated 31 January 2025 in which her duty station was recorded as New York.

8. Noticing the contradictory information in the official documents produced by the parties, the Tribunal instructed the Respondent to clarify the apparent contradiction and confirm the Applicant's duty station following her placement on Special Leave Without Pay ("SLWOP") on 1 January 2023, during the year 2024, and in January 2025.

9. On 3 July 2025, the Respondent responded to the above, informing that there was a technical error with the system used by the parties to retrieve the Personnel Action Forms above, and confirming that the Applicant's official duty station during the period mentioned above was Geneva.

10. On 4 July 2025, the Applicant filed a motion for leave to submit a final response to the Respondent's submission regarding the Registry location.

11. On 18 July 2025, the Respondent filed his reply on the merits.

12. On 23 July 2025, the Applicant filed a motion requesting leave to file a rejoinder, and a motion for measures to preserve the confidentiality of the evidence. The Respondent responded to said motion on 29 July 2025.

Consideration

Motion for anonymity

13. The Applicant submits that the instant case concerns a written reprimand, which inherently constitutes sensitive information that can cause irreversible reputational damage. In addition, the decision to issue the reprimand was not taken in isolation, but in connection with some correspondence related to the Organization's handling of the Applicant's complaint of prohibited conduct, which is the subject of other applications.

14. In support of this request, she submits that exceptional circumstances exist which justify a departure from the ordinary rule, as recognized by the Appeals Tribunal in *Monasebian* 2024-UNAT-1476, paras. 46-47.

15. The Respondent did not respond to the Applicant's motion for anonymity in his reply.

16. The General Assembly repeatedly stated that the UN internal justice system must be governed by the principles of transparency and accountability. A deviation from that is only warranted when exceptional circumstances are demonstrated (*Buff* 2016-UNAT-639, para. 23).

17. As recognized by the Appeals Tribunal, “[w]hat is required is that an individual put up sufficient material to show that there is a need for anonymization which justifies a departure from the ordinary rule (*Monasebian* 2024-UNAT-1476, para. 46).

18. In the present case, there are no such exceptional circumstances. The contested decision is an administrative measure taken in connection with the Applicant’s correspondence about her complaints of prohibited conduct.

19. Accordingly, the Tribunal’s role in this case is limited to determining whether the written reprimand was a lawful, reasonable, and proportionate administrative measure. In this connection, the Tribunal is limited to reviewing the Applicant’s actions that resulted in the issue of a written reprimand, and it will not make any findings with respect to her allegations of prohibited conduct.

20. Therefore, the Applicant’s claim that the matters under the instant dispute relate to sensitive information deriving from other cases is not sufficient to deviate from the well-established principles of transparency and accountability.

21. Likewise, the allegation that the written reprimand may cause reputational damage is not a valid argument to support a deviation from transparency. The right to institute and pursue legal proceedings before the Dispute Tribunal is predicated on the condition that the person exercising said right has a legitimate interest in these proceedings. It was the Applicant who filed an application challenging the written reprimand on the grounds that said administrative measure was unlawful.

22. Her allegation that even if the written reprimand were rescinded, it would still cause her reputational damage is unsustainable. If that was indeed the case, then no internal justice system could ever enjoy transparency and publicity due to risking

“exposing” a staff member to reputational harm. That is a slippery slope that this Tribunal will not entertain.

Motion to change venue

23. The Applicant requests that the instant case be redirected to the Nairobi Registry. In support, she submits that her last official duty station was Kinshasa, which is under the jurisdiction of this Tribunal sitting in Nairobi, and that none of the parties involved in the present case are based in Geneva. Furthermore, at the time of the contested decision, she was on SLWOP with no official position or duty station.

24. The Applicant furthermore submits that she has multiple cases pending before the Dispute Tribunal, which may require several meetings, hearings, and correspondence. To ensure efficient communication and case management, it would be most effective if all parties to the case were in the same time zone. In this sense, she asserts that Counsel for the Respondent is located in Istanbul, the “persons supporting the Applicant” are located in the Nairobi time zone, and she “is very likely to return to Africa soon”.

25. The Respondent took no position on the Applicant’s motion for change of venue. When prompted by the Tribunal to inform the Applicant’s duty station at the time of the contested decision, the Respondent confirmed that she effectively had no duty station due to her status on SLWOP, and that the Applicant’s Personnel Action Form indicates that her duty station was Geneva because that was the last duty station where she served with UNICEF.

26. Subsequently, the Applicant brought to the attention of the Tribunal the fact that her Personnel Action Forms indicated that her duty station was actually New York, not Geneva.

27. Upon this conflicting information, the Tribunal asked the Respondent to clarify the contradiction in the official documents. In response, he provided:

The Personnel Action Forms provided by the Applicant were obtained through UNICEF’s enterprise resource management

software, SAP. The Personnel Action Forms provided by Counsel for the Respondent were obtained through a web interface known as WebHRIS. However, it appears that when Counsel obtained the Forms from WebHRIS, the data was not properly synchronized with SAP, hence the discrepancies;

When the Applicant was placed on [SLWOP] on 1 January 2023, her duty station was recorded as Geneva. She was placed against a post in Geneva, which is used for placing staff on special leave;

As part of the terms of the Applicant's separation from UNICEF, she was retroactively placed on Special Leave with Full Pay ("SLWFP") from 19 July 2024 to 31 December 2024. She was placed against a different post, which again was used for placing staff on special leave. This post was recorded as a Geneva-based post for budget purposes but was incorrectly recorded as a New York-based post for human resources purposes;

On 1 January 2025, when the Applicant reverted to SLWOP, she remained in the same post, with the same incorrect reference to New York;

The Personnel Action Form implementing the Applicant's separation from service shows the Applicant as no longer being assigned to any post. However, the system retained the information on the Applicant's Organizational Unit and Duty Station from her previous records;

Accordingly, the Applicant's duty station for the purposes of UNICEF's internal records should be shown as Geneva, but due to a technical error, it was incorrectly shown as New York.

28. In view of the foregoing, the Tribunal notes the following.

29. The Applicant was employed by UNICEF in Geneva and separated from service effective 31 January 2025 under a separation agreement. Between May 2021 and 28 February 2022, she undertook a stretch assignment in the Executive Office of UNICEF in New York. Subsequently, on 22 June 2022, she commenced a secondment with the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo ("MONUSCO") in Kinshasa, which ended on 31 December 2022. As of 1 January 2023, she was placed on SLWOP and SLWFP under her existing UNICEF contract, with Geneva remaining her official duty station from that date onward.

30. Under the rules governing the internal justice system, pursuant to Practice Direction No. 4, para. 15. a, the determining factor in assigning a case to one of the three Registries of this Tribunal is the duty station of the staff member at the time of the contested decision.

31. In the present case, the Applicant challenges the 22 January 2025 decision to issue her a written reprimand.

32. Given that the Applicant was on SLWOP or SLWFP since 1 January 2023 until her separation on 31 January 2025, with no official position but with Geneva as her official duty station, the Tribunal sitting in Geneva is, indeed, the appropriate forum for this case. Contrary to her assertion, the fact that Kinshasa was the last duty station where she held a position until 31 December 2022 is, accordingly, not relevant.

33. The Tribunal emphasizes that an applicant is not entitled to a change of venue based on convenience. The Applicant's "likeliness to return to Africa" or the fact that the Respondent's Counsel operates in the Nairobi time zone are not valid grounds. Likewise, the potential need for multiple meetings, hearings, or correspondence is not a relevant consideration, as case management is conducted electronically via the e-filing system, and meetings are typically held virtually.

34. In light of the criterion that Registry assignment is determined by an applicant's duty station at the time of the contested decision, the Tribunal finds that the Nairobi Registry acted correctly in transferring the case to the Geneva Registry, and that the Applicant is not entitled to the requested change of venue.

Motion for a rejoinder

35. The Applicant requests 60 days to file a rejoinder to the Respondent's reply.

36. The Tribunal typically grants an applicant two weeks to file a rejoinder from the date of an Order in this respect. The Applicant's request for 60 days, therefore, exceeds by far the general practice.

37. However, considering that the Applicant is self-represented and the current period of summer holidays, the Tribunal finds it appropriate to compromise and grant the Applicant 30 days from the issuance of this Order to file her rejoinder.

Motion for measures to preserve the confidentiality of the evidence

38. With her latest submission, the Applicant requests that the Tribunal impose “appropriate measures to preserve the confidentiality of the evidence, particularly the annexes related to the harm suffered by the Applicant”, pursuant to art. 18.4 of the Tribunal’s Rules of Procedure, which provides:

[t]he Dispute Tribunal may, at the request of either party, impose measures to preserve the confidentiality of evidence, where warranted by security interests or other exceptional circumstances.

39. In response, Counsel for the Respondent submitted that he was never involved in any breach of confidentiality involving the Applicant, and that he is bound by art. 6 of the Code of Conduct for Legal Representatives and Litigants in Person. As part of the normal obligations that attach to Counsel, it will be necessary to download submissions filed by the Applicant, as well as to provide comments on them. He then requested the Tribunal not to place any restrictions on the ability of Counsel to properly respond to the Applicant’s submissions.

40. The purpose of placing specific documents or an entire record under seal and the rationale behind this procedural step are explained in the Guidelines on the Filing of Submissions through the eFiling Portal (available on the Tribunal’s website). These Guidelines provide in para. 20 that “[t]he option of filing under seal is reserved for filings that require additional protection against the disclosure to third parties” (see also *Aslam* Order No. 119 (GVA/2019), para. 10).

41. The Tribunal notes, however, that the Applicant has filed 22 annexes with her application on the merits, but has not identified in her motion which ones she wants to be placed under seal. Absent such information, the Tribunal cannot rule on whether said request is warranted.

42. The Applicant is therefore instructed to identify and inform the Tribunal precisely which annexes she wants to have placed under seal and specify the grounds for her request.

Conclusion

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

- a. The Applicant's motion for anonymity is rejected;
- b. The Applicant's motion for a change of venue is denied;
- c. By **Thursday, 28 August 2025**, the Applicant shall identify and inform the Tribunal exactly which annexes she wants to have placed under seal; and
- d. The Applicant shall file her rejoinder by **Monday, 22 September 2025**.

(Signed)

Judge Sun Xiangzhuang (Duty Judge)

Dated this 21st day of August 2025

Entered in the Register on this 21st day of August 2025

(Signed)

Liliana López Bello, Registrar, Geneva