



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NBI/2014/031

Order No.: 220 (NBI/2015)

Date: 24 June 2015

Original: English

Before: Judge Nkemdilim Izuako

Registry: Nairobi

Registrar: Abena Kwakye-Berko

WONDIMU

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER

Counsel for the Applicant:

Nicole Washienko, OSLA

Counsel for the Respondent:

Elizabeth Brown, UNHCR

Jan Schrankel, UNHCR

Introduction

1. At the time of the contested decision, the Applicant was a staff member of the United Nations High Commissioner for Refugees (UNHCR) in Juba, South Sudan. In his Application filed on 5 May 2014, he contests the decision to remove him from the post of Deputy Representative, UNHCR, South Sudan, and the attendant decision to re-advertise his post.

2. On 24 April 2015 the Tribunal issued Order No. 123 (NBI/2015) in which it ordered, inter alia, that the document referred to at paras. 4 and 60 of the Respondent's Reply be disclosed to the Applicant in full by 30 April 2015. The document is a shortlisting matrix for the post of Deputy Representative, South Sudan displaying, inter alia, the Manager's views as submitted to the Department of Human Resources Management.

3. On 30 April 2015, in response to Order No. 123 (NBI/2015), the Respondent filed the shortlisting matrix as Attachment B and stated that "the matrix has been redacted to the extent that it contained information relating to third parties (other candidates)."

4. On 6 May 2015, the Applicant filed a Motion titled "Submission concerning Disclosure of Documents Produced Pursuant to Order NO. 123 (NBI/2015)". In the said Motion, the Applicant prayed the Tribunal, inter alia, to order that any redactions in Attachment B pertaining to Mr. Fernando be lifted.

5. On 23 June 2015, the Tribunal issued Order No. 218 (NBI/2015) in which it ordered the Respondent to file the unredacted Attachment B in full.

6. The Respondent filed the said Attachment B *ex parte* on 23 June 2015 and also filed a Motion requesting the Tribunal, in accordance with art. 18.4 of its Rules of Procedure, to impose measures to preserve the confidentiality of the document to the extent that it contains personal information relating to other staff members.

Considerations

7. The Tribunal does not consider that the disclosure of Attachment B compromises the security interests of the persons mentioned therein. Other than to submit that Attachment B contains personal information relating to other staff members, the Respondent has failed to plead any exceptional circumstances that would warrant the imposition of measures to preserve its confidentiality.

8. The Tribunal has carefully reviewed the contents of Attachment B and considers, for the fair and expeditious disposal of the case and to do justice to the parties, that the full, unredacted Attachment B should be disclosed to the Applicant.

ORDERS

9. The Respondent's prayer for imposition or measures to preserve the confidentiality of the document is denied.

10. The Registry is hereby directed to serve the full, unredacted Attachment B on the Applicant.

11. The deadline for the Parties to file their closing submissions is hereby extended to close of business on Monday, 6 July 2015.

(Signed)

Judge Nkemdilim Izuako

Dated this 24th day of June 2015

Entered in the Register on this 24th day of June 2015

(Signed)

Abena Kwakye-Berko, Registrar, Nairobi