



Before: Judge Sean Wallace
Registry: Nairobi
Registrar: Eric Muli, Officer-in-Charge

APPLICANT

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER ON THE APPLICANT'S
REQUEST FOR ANONYMITY**

Counsel for the Applicant:
Robbie Leighton, OSLA

Counsel for the Respondent:
Lucienne Pierre, AS/ALD/OHR

Introduction

1. The Applicant, a staff member of the United Nations, filed an application on 26 June 2023 to contest the decision to deny their request for change of gender recognized by the United Nations. By the same application, the Applicant submitted a motion requesting for an order for anonymity in this case.

2. The Respondent filed a reply on 27 July 2023 in which he requests the Tribunal to reject the application on the basis that it is not receivable and, should the Tribunal find it receivable, that it has no merit.

Consideration

3. In their request for anonymity, the Applicant submits that the application addresses matters that are hugely personal and go to the core of their identity. The Applicant notes that the judgments of this Tribunal are published online meaning that personal information concerning the Applicant would become at a stroke searchable against their name and broadly available worldwide. Further, the Applicant contends that the interests of justice are in no way served by publishing their name on any judgment resulting from this application.

4. In his reply, the Respondent states that he does not take a position as regards to the Applicant's request for anonymity.

5. The Tribunal notes that art. 11.6 of its Statute states that the "judgements of the Dispute Tribunal shall be published, while protecting personal data, and made generally available by the Registry of the Tribunal."

6. It is well-settled 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).

Therefore, any deviation from the principles of transparency and accountability can only be granted if there are exceptional circumstances (see *Buff*).

7. The Tribunal notes that this application raises sensitive information relating to the Applicant's identity and as such it constitutes an exceptional circumstance that warrants granting anonymity. Therefore, the Tribunal finds it appropriate to grant the Applicant's request.

Conclusion

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

- a. the Applicant's request for anonymity in these proceedings is granted;
and
- b. their name shall be anonymized in the Tribunal's orders and in its judgment.

(Signed)

Judge Sean Wallace

Dated this 22nd day of September 2023

Entered in the Register on this 22nd day of September 2023

(Signed)

Eric Muli, Officer-in-Charge, Nairobi