



**Before:** Judge Joelle Adda  
**Registry:** New York  
**Registrar:** Nerea Suero Fontecha

APPLICANT

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**ORDER**

**ON WITHDRAWAL**

**AND ON REQUEST FOR  
ANONYMITY**

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**Counsel for Applicant:**  
Mohamed Abdou, OSLA

**Counsel for Respondent:**  
Marisa Maclellan, UNHCR

## **Introduction**

1. On 26 December 2016, the Applicant, a staff member at the United Nations High Commissioner for Refugees (“UNHCR”), filed an application contesting a decision to impose on her a disciplinary sanction. With the leave of the Tribunal, the Applicant filed an amended application on 29 March 2017.

2. The case, originally filed with the Nairobi Registry of the Dispute Tribunal, was transferred to the New York Registry on 19 July 2019 and assigned to the undersigned Judge on 16 October 2019.

3. After several case management steps, on 22 January 2020, the parties informed the Tribunal that they had settled this matter amicably. The Applicant filed a subsequent notice of withdrawal and request for anonymity.

4. The Tribunal notes the withdrawal of the application.

5. With respect to the request for anonymity, the Applicant states that a publicly available order or judgment bearing her name and containing detailed information about the disciplinary process would significantly reduce the benefits of the settlement agreement. Moreover, she states, this information would no longer reflect the sanction ultimately imposed. She argues further that granting her request for anonymity would be consistent with the policies of the Organization designed to encourage informal resolution of disputes and would be in conformity with the practice of the Dispute Tribunal in similar cases.

6. The Tribunal notes that disciplinary proceedings are confidential and their existence is normally only revealed when the concerned staff member challenges the disciplinary sanction before the Dispute Tribunal, given that under art. 11 of its Statute, the judgments of the Tribunal are public.

7. The proceedings in this matter, however, will be closed following the conclusion of a confidential settlement agreement between the parties. The Tribunal therefore sees no reason to divulge the existence of the disciplinary proceedings and subsequent sanction against the Applicant and therefore grants the request for anonymity.

8. Moreover, given the confidential nature of the settlement agreement between the parties, the confidentiality of the judicial proceeding on this matter is also in the interest of the Respondent. Therefore, the Tribunal sees no need to seek a response from the Respondent to the request for anonymity.

IT IS ORDERED THAT:

9. The request for anonymity is granted. The name of the Applicant will be replaced by the term “Applicant” in this order. All previously published orders in this case will be removed from the Tribunal’s website. All orders and submissions in this case shall be filed confidentially in the Tribunal’s register.

10. As the Applicant has withdrawn the application, there being no matter remaining for adjudication by the Dispute Tribunal, Case No. UNDT/NY/2019/055 is hereby closed.

*(Signed)*

Judge Joelle Adda

Dated this 23<sup>rd</sup> day of January 2020