



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2021/004

Order No.: 98 (NY/2021)

Date: 27 October 2021

Original: English

Before: Judge Joelle Adda

Registry: New York

Registrar: Nerea Suero Fontecha

EGIAN

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER

ON CASE MANAGEMENT

Counsel for Applicant:

Robbie Leighton, OSLA

Counsel for Respondent:

Isavella Maria Vasilogeorgi, AAS/ALD/OHR, UN Secretariat

Lucienne Pierre, AAS/ALD/OHR, UN Secretariat

Introduction

1. On 27 January 2021, the Applicant filed an application contesting the decision to impose the disciplinary measures of written censure and loss of two steps in grade for misconduct. On the same day, the Applicant filed a motion for leave to exceed the page limit and a motion to be granted anonymity in the case.

2. On 26 February 2021, the Respondent filed his reply submitting that the contested decision was based on a preponderance of the evidence and was taken in compliance with applicable legal norms. The Respondent states that the established facts in the case constitute misconduct, and the sanction imposed on the Applicant was proportionate. In his reply, the Respondent requested leave to exceed the page limit.

Consideration

3. Having reviewed the parties' submissions, the Tribunal considers it appropriate and in the interest of justice to direct the Applicant to file further submissions in response to the Respondent's reply.

The parties' request to exceed page limit

4. The Applicant and the Respondent have requested leave to exceed the 10-page limit for their filings in light of the complexity of the case. Considering the factual complexity of this disciplinary case, the Tribunal agrees that the additional facts and analysis in the application and reply will facilitate its proceedings. The Tribunal grants the parties' respective requests to exceed the page limit.

Applicant's motion for anonymity

5. The Applicant also requests anonymity in these proceedings. She submits that this case may unduly risk her reputation. She further submits that anonymity should be granted due to her functions and interactions with representatives of Member States.

6. The Respondent opposes the Applicant's motion for anonymity noting that the Appeals Tribunal has affirmed 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).

7. The Tribunal notes that transparency and accountability are overarching principles of the United Nations and indeed their application promotes the reputation of the Organization. Any deviation from these principles can only be granted on an exceptional basis in light of compelling grounds. The Tribunal is not persuaded that, at this stage in the proceedings the Applicant has shown reasons to grant her request for anonymity.

8. IT IS ORDERED THAT:

9. By **4:00 p.m. on Monday, 8 November 2021**, the Applicant is to file a response to the Respondent reply.

10. The Applicant's motion for leave to exceed the page limit in her application is granted.

11. The Respondent's request to exceed the page limit in his reply is granted.

12. The Applicant's motion for anonymity in these proceedings is denied.

(Signed)

Judge Joelle Adda

Dated this 27th day of October 2021