



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2022/037  
Order No.: 070 (NY/2023)  
Date: 15 August 2023  
Original: English

**Before:** Judge Joelle Adda

**Registry:** New York

**Registrar:** Isaac Endeley

TEKSOZ

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**ORDER**

**ON CASE MANAGEMENT**

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**Counsel for Applicant:**

George G. Irving

**Counsel for Respondent:**

Miryoung An, DAS/ALD/OHR

Isavella Maria Vasilogeorgi, DAS/ALD/OHR

## **Introduction**

1. On 15 July 2022, the Applicant, a former staff member of the Office of the Special Adviser on Africa (“OSAA”), filed an application contesting the decision to impose on him the disciplinary measure of demotion with deferment, for two years, of eligibility for consideration for promotion, in accordance with staff rule 10.2(a)(vii). In his application the Applicant requests, *inter alia*, permission to exceed the page limit for the filing and anonymization of his name in all published orders and judgments.

2. The Respondent filed a reply on 15 August 2022 submitting that the contested decision was lawful. In his reply, the Respondent requested permission to exceed the page limit in the filing given the factual complexity of the case, the length of the application, and the need to summarize and cite relevant evidence.

3. On 5 October 2022, the Respondent filed additional documentation that was inadvertently not included in the Respondent’s electronic filing.

## **Considerations**

4. Pursuant to art. 19 of the Rules of Procedure of the Dispute Tribunal, the Tribunal may at any time issue an order or give any direction which appears to be appropriate for the fair and expeditious disposal of a case and to do justice to the parties.

### *On the requests for leave to exceed the page limits*

5. The Tribunal notes the factual complexity of the case and grants the parties’ requests to exceed the page limits for the application and reply respectively.

### *On the request for an order of production of evidence*

6. The Applicant moves the Tribunal for an order compelling the production of “unredacted documentation annexed to the Investigation Report.” The Tribunal notes that the Applicant has received all supporting documents relating to his case. The

Respondent confirmed in his reply that the Applicant received a total of 266 supporting documents, only 20 of which (i.e., 7.5% of the casefile) were partially redacted, to protect the privacy or due process rights of other staff members, with the content relating to the Applicant being perfectly legible. The Applicant has not identified any document on which the Administration relied, that had not been provided to him, nor does he provide sufficient submissions to support his request for unredacted documents. Accordingly, the Applicant's request is denied.

7. The Applicant further requests the production of "all exchanges between B. Gawanas and K. Joenpolvi and between B. Gawanas and B. Swanson (OIOS) related to claims of harassment and retaliation". The Tribunal finds that the production of these exchanges, which are unrelated to the Applicant's case, would not have any impact on the assessment of the respect of the due process rights of the Applicant. The request for their disclosure constitutes an impermissible fishing expedition.

8. Based on the above, the Tribunal denies the Applicant's request for an order of production of evidence.

*On the Applicant's request for anonymity*

9. The Applicant requests anonymization of his name in all published orders and judgments. The Applicant makes this request on the basis that the Tribunal's orders and decisions are public and "given the on-going work the Applicant continues to carry out and the impact the issues under discussion may have upon him and the work of the Office."

10. Having considered the pleadings of the parties, the Tribunal has concluded that there are no exceptional circumstances justifying the grant of anonymity in this case. Under the rules of the Tribunal, its judgements are to be published, while protecting personal data, and made generally available by its Registry. It is also clear from the jurisprudence of the Tribunal that the names of litigants are routinely included in judgements 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 (*Buff* 2016-UNAT-639, citing *Kazazi* 2015-UNAT-557).

IT IS ORDERED THAT:

11. The parties' respective requests for leave to exceed the page limits of the application and reply are granted;
12. The Applicant's request for an order of production of evidence is denied;
13. The Applicant's request for anonymity is denied;
14. The Respondent's additional filing of 5 October 2022 is admitted to the record;
15. By **4:00 p.m. on Friday, 29 September 2023**, the parties are to file a jointly-signed statement providing, under separate headings, the following information:
  - a. A consolidated list of the agreed facts. In chronological order, this list is to make specific reference to each individual event in one paragraph in which the relevant date is stated at the beginning;
  - b. A consolidated list of the disputed facts. In chronological order, the list is to make specific reference to each individual event in one paragraph in which the relevant date is stated at the beginning. If any documentary and/or oral evidence is relied upon to support a disputed fact, clear reference is to be made to the appropriate annex in the application or reply, as applicable. At the end of the disputed paragraph in square brackets, the party contesting the disputed fact shall set out the reason(s);
16. By **4:00 p.m. on Friday, 29 September 2023**, each party is to submit whether it requests to adduce any additional evidence, and if so, state:
  - c. What additional documentation it requests to be disclosed, also indicating what fact(s) this is intended to substantiate; and/or

d. The identity of the witness(es) the party wishes to call, if any, and what disputed fact(s) each of these witnesses is to give testimony about, also setting out the proposed witness's testimony in writing. This written witness statement may also be adopted as the examination-in-chief at a potential hearing if the party leading the witness should wish to do so.

17. Upon receipt of the above-referred submissions, the Tribunal will issue the relevant instructions for further case management.

*(Signed)*

Judge Joelle Adda

Dated this 15<sup>th</sup> day of August 2023

Entered in the Register on this 15<sup>th</sup> day of August 2023

*(Signed)*

Isaac Endeley, Registrar, New York