



Before: Judge Joelle Adda

Registry: New York

Registrar: Isaac Endeley

APPLICANT

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER

ON WITHDRAWAL AND ANONYMITY

Counsel for Applicant:

Robbie Leighton, OSLA

Counsel for Respondent:

Alister Cumming, UNICEF

Introduction

1. By Order No. 055 (NY/2023) dated 12 July 2023, the Tribunal suspended the proceedings until 4 August 2023 in light of the ongoing discussions between the parties concerning a possible informal resolution to the present case and upon their request in response to Order No. 048 (NY/2023) dated 29 June 2023.

2. After the Tribunal had granted an extension of the suspension until 25 August 2023, on that date, the Applicant filed a submission to withdraw the case pursuant to “the terms of a settlement agreement ... without ability to reinstate”.

Consideration

3. In the Applicant’s 25 August 2023 withdrawal submission, in addition to withdrawing his application, he also requests that “he be granted anonymity in relation to any order on withdrawal and any case management or other orders already published in the case” providing the following further explanations:

... The Applicant would submit that the interests of transparency motivating the publishing of named Judgments and Orders of the Tribunal do not apply in the same way to cases resolved through settlement and withdrawn by the Applicant since in such cases issues will not be determined by the Tribunal.

... The Applicant notes that in Order No. 67 (NY/2023) the Tribunal noted the General Assembly’s focus on promoting use of the informal system to avoid unnecessary litigation and considered the anonymizing of cases settled amicably as acting to promote the use of the informal system.

... The Applicant hopes the Tribunal would agree that the same considerations apply in the instant case and requests that the order on withdrawal and all prior orders be anonymized.

4. Considering that the present case was settled informally between the parties, the Tribunal will order all written Orders of the present case, which have been published on the Dispute Tribunal’s website, to be anonymized. In this regard, the Tribunal observes that since establishing the current internal justice system, the General Assembly has consistently recognized the importance of informal conflict resolution as “a crucial element of the system of administration of justice”, and emphasized that “all possible use should be made of the informal system in order

to avoid unnecessary litigation” (see para. 11 of General Assembly resolution 61/261 (Administration of justice at the United Nations) of 4 April 2007).

5. In light of the above,

IT IS ORDERED THAT:

6. The Applicant’s name is to be anonymized on all written Orders of the present case, which have been published on the Dispute Tribunal’s website;

7. As the Applicant has withdrawn the application, there being no matter remaining for adjudication by the Dispute Tribunal, Case No. UNDT/NY/2022/025 is hereby closed.

(Signed)

Judge Joelle Adda

Dated this 29th day of August 2023

Entered in the Register on this 29th day of August 2023

(Signed)

Isaac Endeley, Registrar, New York