

Case No.

public. The only public documents are judgments and orders that are published on the Tribunal's website. The parties and their counsel are expected to maintain the confidentiality of all written pleadings and documentation relating to the case by ensuring that they are not disclosed to third parties.

5. The granting of anonymity by international tribunals dealing with international civil servants has been the subject of some debate and divergent practices among various tribunals. Some of the concerns expressed regarding the redaction of applicants' names were that:

[i]ncreased granting of anonymity will inevitably encourage those with grudges to bring meritless claims and specious accusations under cover of anonymity, wasting Tribunal resources and risking injustice at no reputational cost to the concealed applicant. Increased anonymity will also counter productively foster the impression that resort to the tribunal is a dangerous or shameful act. This is an easily avoidable trap. The commendable healthiness and greater sense of dignity is found in the traditional, openly adversarial system where named applicants know the stakes and conduct themselves in the case

measures of confidentiality in respect of a party's identity where it is found to be justified for privacy, security or other compelling reasons. It is essentially a question of weighing the public interest against the private interest. The Tribunal's default position is that of transparency, unless the Tribunal determines that a competing interest outweighs it.

7. As the Dispute Tribunal stated in *Abubakr*, unless there are unusual or exceptional circumstances, particularly arising from the evidence presented at a hearing before the Tribunal, motions for confidentiality and redaction should be discouraged. For instance, in *Oummih* UNDT/2013/045, the Tribunal found that an applicant's name should be redacted only in exceptional circumstances showing valid reasons to grant special treatment to the applicant as compared to other staff members filing applications. The Tribunal further found in *Oummih* that "a case of conflict between a staff member and her supervisor

placed in the former staff member's official status file so that the matter "can be further considered if and when the staff member rejoins the Organization".

9. In other words, the staff member must be presumed innocent until proved otherwise. The aim of an application of this nature is simply preservation of the *status quo*, this matter is not at the merits stage, and the Tribunal is not in possession of all the facts. There will no doubt be facts in dispute if the matter proceeds further. The Tribunal finds that the inclusion of the Applicant's name, and the publication of detailed identifying facts in any published rulings of the Tribunal, is and would be in breach of his fundamental rights to the presumption of innocence until proven guilty, the right to privacy and job security, particularly in view of the incomplete disciplinary process.

10. Considering that the present case concerns a pending disciplinary process and the particular circumstances of the case, the Tribunal will grant the Applicant's request for anonymity and has made the relevant redactions in the present Order.

Request for

15. When reading the e-letter dated 2 March, it is not clear when (or on what conditions) the Respondent would refer “the matter [...] to [the new employer] for their consideration”, particularly in the absence of a response from the Applicant. However, the two weeks response time granted to the Applicant expires soon, and should the Respondent refer the matter imminently and before the Tribunal’s order on the Applicant’s motion for interim measures is issued, in accordance with *Villamoran*, the motion for interim measures would be rendered “meaningless” and its objective be lost and this would be “through no fault or delay on the part of [the Applicant]”.

16. In accordance with arts. 19 and 36.1 of the Dispute Tribunal’ Rules of Procedure,

IT IS ORDERED THAT:

17. The