
UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/NY/2019/077
Order No.: 138 (NY/2019)
Date: 11 October 2019
Original: English

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

APPLICANT

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER

**ON MOTION FOR
CONFIDENTIALITY**

Counsel for Applicant:
Self-represented

Counsel for Respondent:
ALD/OHR, UN Secretariat

Introduction

1. On 12 September 2019, the Applicant filed an application contesting the decision to impose on her a disciplinary sanction of loss of two steps in grade. The Applicant requested several confidentiality measures.

2. As directed by Judge Adda, the Registry emailed the Applicant and advised her to submit a motion for confidentiality setting out the specific confidentiality measures requested and providing justification.

3. On 30 September 2019, the Applicant filed a motion for confidentiality in which she requests that certain information be withheld from the public and that certain information and documents submitted in support of the application not be served on the Respondent. The Tribunal will address these requests in turn.

Considerations

Request for confidentiality with respect to the public

4. The Applicant requests that her name not be stated in the documents in these proceedings and that all documents pertaining to this case be filed confidentially, even after the completion of the proceedings.

5. The Applicant argues, *inter alia*, that the publicity of the proceedings would negatively impact her health. The medical documentation submitted indeed shows the Applicant's delicate health, likely caused by stress.

6. Article 11.6 of the Dispute Tribunal's Statute and art. 26 of its Rules of Procedure provide that the judgements of the Dispute Tribunal shall protect personal data and shall be available at the Registry of the Dispute Tribunal. The Appeals Tribunal has held in this regard 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, indeed, accountability" (*Lee* 2014-UNAT-481). The Appeals

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17. **By 4:00 p.m. on Monday, 21 October 2019**, the application along with any document that the Applicant has not requested be removed from the case file, will be served on the Respondent.

(Signed)