



UNITED NATIONS DISPUTE TRIBUNAL

Cases Nos.: UNDT/NY/2019/006
UNDT/NY/2019/007
UNDT/NY/2019/027
Order No.: 027 (NY/2022)
Date: 16 March 2022
Original: English

Before: Judge Alexander W. Hunter, Jr.

Registry: New York

Registrar: Nerea Suero Fontecha

RUSSO-GOT

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

ORDER

ON REQUEST FOR ANONYMITY

Counsel for Applicant:
Self-represented

Counsel for Respondent:
UNOPS

Note: This order has been corrected.

Introduction

1. The undersigned judge issued judgment Nos. UNDT/2020/075 and UNDT/NY/2020/077, both dated 28 May 2020, and UNDT/2020/088 dated 16 June 2020, adjudicating appeals from the Applicant.
2. On 18 November 2020, the Applicant emailed the New York Registry of the Dispute Tribunal stating: “In accordance with the international law, especially the General Data Protection Regulation 2016/679 (“EUGDPR”) please remove all my personal data from your public web site”.
3. On the same day, as directed by the Duty Judge, the Registry responded that all judgments issued by the Dispute Tribunal are published pursuant to art. 11.6 of its Statute and that the Applicant may file a reasoned request before the Dispute Tribunal, should he wish to request anonymity of a judgment.
4. On 22 February 2022, the Applicant filed a motion requesting anonymity of the above-referred judgments.

Consideration

5. The Applicant alleges that the concerned judgments contain sensitive information such as violations of human rights, bribery of officials of the United Nations, forgery of documents “by both parties”, “the adoption by a labor dispute court of decisions that can only be taken by a criminal court”, and “some of the decisions are in process to be considered by other International Court”.
6. The Applicant further states that “there is a technical issue consist of no accord to make public documents by using google services of indexing, which is in contrast with international law (*sic.*)”.

7. The Applicant argues that he has “received inquiries from the European Union officials, Human Rights Organisations officials, and [his] business partners about the concert situation, and they have requested to share with them all my applications and information. For a transparent and democratic approach a share of my applications must be considered also by you (*sic.*)”.

8. Finally, the Applicant avers that “all the above harm [his] private and professional life/image, as well as on the image of the United Nations as a whole and it is good subject for unfriends of the United Nations system (*sic.*)”.

9. The Tribunal notes that pursuant to art. 11 of its Statute and art. 26 of its Rules of Procedure, the judgments of the Dispute Tribunal are published, while protecting personal data.

10. The Tribunal further recalls that the Appeals Tribunal has repeatedly affirmed the principle of transparency in the administration of justice and recalled that judgments normally state the names of the parties. The Appeals Tribunal has further clarified that a request for confidentiality, in particular concerning the anonymization of a published judgment, may be granted where necessary to protect information of a confidential and sensitive nature, such as personal medical information (see, for instance, *Kadri*, 2017-UNAT-772, para. 15, *Appellant*, 2020-UNAT-1001, para. 47).

11. Moreover, the Appeals Tribunal stated that the fact that a judgment contains information that may cause embarrassment to the appellant is no basis for departing from the requirements that justice should be done transparently and denied a request for confidentiality on that basis (*Aghadiuno*, 2018-UNAT-811, para. 91).

12. The Tribunal notes that none of the judgments concerned by this request contain any confidential sensitive information and therefore, the Applicant shows no reason for a departure from the principle of transparency.

13. The Tribunal further recalls that the Appeals Tribunal found that when the name of an appellant has been in the public domain for a very long time owing to the

publication of many court documents relating to their cases in the Dispute Tribunal and Appeals Tribunal, it would therefore be pointless to order the redaction of their name (*Kadri*, 2017-UNAT-772, para. 15).

14. This caselaw is directly applicable to the present request. The judgments currently under review were issued between 23 July 2019 and 5 November 2021. Therefore, any redaction would be meaningless at this point.

15. In light of the above,

IT IS ORDERED THAT:

16. The Applicant's motion is rejected.

(Signed)

Judge Alexander W. Hunter, Jr.

Dated this 16th day of March 2022