



**Before:** Duty Judge

**Registry:** Geneva

**Registrar:** René M. Vargas M.

SAMANDAROV

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**ORDER  
ON CASE MANAGEMENT**

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**Counsel for Applicant:**

Self-represented

**Counsel for Respondent:**

Jérôme Blanchard, HRLU, UNOG

## **Introduction**

1. The Applicant, a staff member of the Office of the United Nations High Commissioner for Human Rights (“OHCHR”), contests the decision not to select him for the position of Human Rights Officer at the P-4 level in the United Nations Assistance Mission in Afghanistan (“UNAMA”), advertised under Job Opening No. 210982 (“JO 210982”).

2. On 15 July 2024, the Respondent filed his reply.

3. On 18 July 2024, the Applicant filed a motion for production of evidence.

## **Consideration**

### *Applicant’s request for anonymity*

4. In his application, the Applicant requested the Tribunal, *inter alia*, to redact “any information from the judgment, including [his] name, that would allow the public to identify him”.

5. The Respondent submits that the Applicant has provided no valid reasons for anonymity and that the application does not include any personal data that must be protected.

6. Art. 11.6 of the Tribunal’s Statute states that “[t]he judgements of the Dispute Tribunal shall be published, while protecting personal data, and made generally available by the Registry of the Tribunal”. In this respect, the Appeals Tribunal held in *AAE 2023-UNAT-1332*, para. 155, that:

there continues to be concerns raised regarding the privacy of individuals contained in judgments which are increasingly published and accessible online. In our digital age, such publication ensures that individuals’ personal details are available online, worldwide, and in perpetuity. There are increasing calls for the privacy of individuals and parties to be protected in judgments.

7. It is well-settled case law 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 accountability, and personal embarrassment and discomfort are not sufficient grounds to grant confidentiality” (see *Buff* 2016-UNAT-639, para. 21).

8. The Tribunal also recalls that in its resolutions 76/242 and 77/260, adopted on 24 December 2021 and 30 December 2022 respectively, the General Assembly reaffirmed the principle of transparency to ensure a strong culture of accountability throughout the Secretariat.

9. It follows that the internal justice system is governed by the principles of transparency and accountability. A deviation from these principles by means of anonymization requires that an applicant meets a high threshold for such a request to be granted.

10. The Tribunal stresses that requests for anonymization are reviewed on a case-by-case basis depending on the allegations at stake, facts, and evidence on record.

11. In the present case, the Tribunal finds that the Applicant does not indicate any valid reason or provide any relevant evidence for it to deviate from the principles of transparency and accountability. Consequently, the Applicant’s motion stands to be denied.

*Applicant’s motion for production of evidence*

12. The Applicant filed a motion for production of evidence requesting the Tribunal, *inter alia*, to order the production of “contemporaneous written record of the decision showing why [he] was not shortlisted for further review”, of the Personnel Action Forms (“PAF”) of three other employees, and of a “document showing [a Team Leader’s] arrival date to Mazar-e-Sharif”.

13. At this stage of the proceedings, the Tribunal considers it appropriate to instruct the Respondent to provide his comments on the Applicant’s motion.

**Conclusion**

14. In view of the foregoing, it is ORDERED THAT:

- a. The Applicant's motion for anonymity is rejected; and
- b. By **Thursday, 26 September 2024**, the Respondent shall file his comments on the Applicant's motion as per para. 13 above.

*(Signed)*

Judge Sun Xiangzhuang (Duty Judge)

Dated this 11<sup>th</sup> day of September 2024

Entered in the Register on this 11<sup>th</sup> day of September 2024

*(Signed)*

René M. Vargas M., Registrar, Geneva