



Before: Judge Francesco Buffa

Registry: Geneva

Registrar: Liliana López Bello

SAMARASINHA

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER
ON CASE MANAGEMENT**

Counsel for Applicant:

Self-represented

Counsel for Respondent:

Elizabeth Gall, UNDP

Introduction

1. This order addresses the following Applicant's motions:
 - a. Motion to rescind or vary Order No. 27 (GVA/2025);
 - b. Motion on new evidence; and
 - c. Motion on "interim measures pending proceedings, request for anonymity, confidentiality and suspension of procedural deadlines".

Consideration

Motion to rescind or vary Order No. 27 (GVA/2025)

2. On 28 March 2025, the Tribunal issued Order No. 27 (GVA/2025). By this order, the Tribunal directed the parties to file their closing submissions by 2 May 2025 and the submissions to exclusively refer to the evidence already on file.
3. On 11 April 2025, the Applicant filed a notification indicating that he had terminated the services of Mr. Manuel Calzada, who was his Legal Counsel in the proceedings since the filing of the case. The Applicant further informed the Tribunal that he would be representing himself in the case with immediate effect.
4. On 14 April 2025, the Applicant filed a motion to rescind or vary Order No. 27 (GVA/2025). The Applicant submitted that his former Counsel failed to comply with his instructions and the Tribunal's Order due to gross negligence, including explicitly misleading the Applicant that Order No. 19 (GVA/2025) did not require him to file anything, failing to accurately understand and communicate the deadline, abandonment, and disappearance. The Applicant maintained that he was not aware of the procedural lapse contained in Order No. 19 (GVA/2025) until 28 March 2025 when Order No. 27 (GVA/2025) was issued.
5. In view of the above, the Applicant requested:
 - a. Rescission or variation of Order No. 27 (GVA/2025) and allow him to:
 - i. File further documentary evidence; and

ii. Submit a request for the examination of witnesses.

b. The Tribunal to set new deadlines for him to file the closing submissions.

c. The Tribunal to grant him such further or alternative relief as the Tribunal may deem just and proper.

6. On 22 April 2025, the Respondent filed his response to the Applicant's motion to rescind or vary Order No. 27 (GVA/2025). The Respondent opposed the motion on the ground that the Tribunal's judicial review of the contested decision is limited to whether the extension of the Applicant's Administrative Leave Without Pay was lawful, considering the information available to the Organization at that time. These proceedings are not a dress rehearsal for any potential future disciplinary proceedings, nor an investigation of alleged misconduct.

7. By way of an email sent to the Registry on 25 April 2025, the Applicant inquired about the status of his motion to rescind Order No. 27 (GVA/2025) and whether the deadline to file the closing submissions by 2 May 2025 would be suspended in light of his motion.

8. On 29 April 2025, the Tribunal issued Order No. 42 (GVA/2025) and suspended the deadlines contained in Order No. 27 (GVA/2025).

9. Having examined the reasons stated by the Applicant for not complying with Order No. 27 (GVA/2025), especially as it relates to his former Counsel, the Tribunal notes that professional relationship issues between counsel and client are not under the Tribunal's jurisdiction. The United Nations Appeals Tribunal held that any error by counsel "is only relevant to the relationship between the client and his counsel, and does not affect the case before the UNDT" (See, *McCluskey* 2013-UNAT-384, para 20, *Kamal Karki* 2023-UNAT-1406, para. 54).

10. Accordingly, the Applicant remains responsible for and bound by his Counsel's acts. Therefore, the Applicant's request to vary Order No. 27 (GVA/2025) regarding his former Counsel's actions is rejected.

Motion on new evidence

11. The Tribunal notes that the Applicant has made a good case for submitting new documentary evidence as it supplements the evidence already on record. Accordingly, the Tribunal allows the requested new evidence on forensics reports as supervening and necessary to assess the veracity of evidence already in the records.

12. The Respondent, should he deem it necessary, will file submissions on the Applicant's new evidence in his closing submissions.

Motion on "interim measures pending proceedings, request for anonymity, confidentiality and suspension of procedural deadlines"

13. On 28 April 2025, the Applicant filed a motion on what he termed as "motion on interim measures pending proceedings, request for anonymity, confidentiality and suspension of procedural deadlines".

14. Having reviewed the Applicant's submissions, the Tribunal finds that the motion is about the issue of anonymity and the suspension of deadlines contained in Order No. 27 (GVA/2025).

Issue I: The anonymity

15. Regarding the issue of anonymity, the Applicant requests that his case be anonymized, given his own personal circumstances, his family, and the nature of the allegations.

16. In his response filed on 6 May 2025, the Respondent opposed the motion. The Respondent argued, *inter alia*, that, on 10 December 2024, the Tribunal had already rejected the Applicant's request for anonymity by Order No. 140 (GVA/2024). The current motion did not raise any exceptional circumstances that warrant reconsidering the matter.

17. The Tribunal recalls that art. 11.6 of its Statute provides:

The judgements of the Dispute Tribunal shall be published, while protecting personal data, and made generally available by the Registry of the Tribunal.

18. In this respect, the United Nations Appeals Tribunal held in *AAE* 2023-UNAT-1332, at 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.

19. 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).

20. 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.

21. 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.

22. In view of the above, the Tribunal agrees with the Respondent that the issue of anonymity was already settled by Order No. 140 (GVA/2024). In the latest motion, the Applicant did not raise any exceptional circumstances that warrant reconsidering the matter. The motion is thus rejected.

Issue II: Deadlines contained in Order No. 27 (GVA/2025)

23. The Tribunal recalls that by Order 42 (GVA/2025), it was ordered that pending a ruling on the Applicant's motion on rescission of Order No. 27 (GVA/2025), the deadlines contained in the said order were suspended and that the new dates for the parties to file their closing submissions would be issued in due course.

24. In light of the above, the Tribunal sets 30 June 2025 as the new date for the parties to file their closing submissions.

Conclusion

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

- a. The Applicant's motion to rescind or vary Order No. 27 (GVA/2025) as it relates to his former Counsel is rejected;
- b. The Applicant's request to file further documentary evidence is granted. The Applicant shall file the same not later than **Friday, 13 June 2025**.
- c. By **Monday, 30 June 2025**, the parties shall file their closing submissions, which shall:
 - i. Exclusively refer to the evidence on file; and
 - ii. Not exceed **20 pages**, using Times New Roman, font size 12 pts and 1.5 line spacing.

(Signed)

Judge Francesco Buffa

Dated this 29th day of May 2025

Entered in the Register on this 29th day of May 2025

(Signed)

Liliana López Bello, Registrar, Geneva