



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/GVA/2023/008

Order No.: 108 (GVA/2025)

Date: 17 September 2025

Original: English

Before: Judge Sun Xiangzhuang

Registry: Geneva

Registrar: Liliana López Bello

DE JAEGERE

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER
ON CASE MANAGEMENT**

Counsel for Applicant:

George Irving

Counsel for Respondent:

Jacob B. van de Velden, DAS/ALD/OHR, UN Secretariat

Maria Romanova, DAS/ALD/OHR, UN Secretariat

Introduction

1. The Applicant, a former Crime Prevention and Criminal Justice Officer at the United Nations Office on Drugs and Crime (“UNODC”), contests the decision of 30 November 2022 to separate him from service, with compensation in lieu of notice and without separation indemnity.

2. On 26 April 2024, the Applicant filed a motion to postpone the hearing provisionally scheduled between 13 and 17 May 2024 due to his health condition. The Applicant’s motion was granted by Order No. 43 (GVA/2024), and the proceedings were suspended until 30 July 2024.

3. On 15 July 2024, Counsel for the Applicant filed *ex parte* an updated medical report attesting to the worsening of the Applicant’s medical condition.

4. On 25 July 2024, Counsel for the Applicant filed a motion requesting a further suspension of the proceedings until further notice due to the Applicant’s serious medical condition.

5. On 2 August 2024, in response to the Applicant’s request, the Respondent submitted that, instead, the case should be dismissed *without prejudice* to the Applicant’s re-filing the application within a reasonable period of a maximum of one year.

6. By Order No. 90 (GVA/2024) of 8 August 2024, the Tribunal partially granted the Applicant’s request and determined, *inter alia*, that:

23. [...] the best way forward is to close this case without prejudice to the Applicant’s requesting to re-open it once he is able to resume proceedings.

24. Accordingly, the Applicant must either request the re-opening of his case within one year as of the date of this Order, or, within the same timeframe, submit a reasoned request that his right to re-open the case be further maintained.

7. Case No. UNDT/GVA/2023/008 (De Jaegere) was, therefore, “closed with liberty to reinstate, and struck from the Tribunal’s docket”.

8. On 5 August 2025, Counsel for the Applicant submitted a motion for extension of time to reopen Case No. UNDT/GVA/2023/008 (De Jaegere) in compliance with Order No. 90 (GVA/2024). In his motion, the Applicant, *inter alia*, requested an extension of one additional year “to enable [his] full recovery”, informed that his treating psychiatrist was on leave and requested that the Tribunal allow for the provision of the updated medical certificate upon his return, by 12 August 2025.

9. On 7 August 2025, the Applicant requested leave to file the medical certificate of his treating physician to support his request for an extension of time.

10. On 11 August 2025, the Applicant filed the updated medical certificate issued by his treating psychiatrist.

11. On the same day, the Respondent filed a motion objecting to the Applicant’s request for another year of suspension of the proceedings, and requesting that the Tribunal either dismiss the case with prejudice or determine it based on the record assembled without a hearing.

12. By Order No. 103 (GVA/2025), the Tribunal, *inter alia*, rejected the Applicant’s motion for a further suspension of the proceedings, and directed the Applicant to submit his list of potential witnesses, in accordance with Order No. 30 (GVA/2024). The Respondent was given the opportunity to revise or supplement his previous submission on this regard, if necessary, by the same deadline. Additionally, both parties were instructed to confirm their availability, as well as that of their proposed witnesses, to attend a virtual hearing on the merits between 3 and 7 November 2025. The Tribunal decided not to publish this Order for confidentiality purposes.

13. On 11 September 2025, Applicant filed “a motion for change of Counsel” and a motion for an extension of time to comply with Order No. 103 (GVA/2025).

14. On 12 September 2025, the Respondent filed a motion responding to Order No. 103 (GVA/2025), and requesting that the Tribunal reconsider its decision not to publish said Order.

Consideration

The Applicant's motion for change of Counsel and extension of time

15. Pursuant to article 5 of Practice Direction No. 2 on Legal Representation, “A party may change counsel at any time during the proceedings. The Tribunal shall be notified immediately and provided with the new counsel’s contact details and, as relevant, with the Applicant’s signed authorization for the new counsel.”

16. The change of counsel is a procedural right of the parties and does not constitute a motion requiring adjudication by the Tribunal. Accordingly, the Applicant’s change of counsel is duly noted.

17. Furthermore, Tribunal considers it a reasonable request, the Applicant’s motion for an extension of time to comply with Order No. 103 (GVA 2025) given his change of Counsel. Therefore, the parties may file their respective submissions in compliance with Order No. 103 (GVA 2025) by Tuesday, 30 September 2025.

The Respondent's motion for partial reconsideration of Order No. 103 (GVA 2025)

18. The Respondent seeks the Tribunal’s reconsideration regarding the publishing of its Order. He submits that the Tribunal can take more proportionate measures, such as redaction of the specific medical information rather than non-publication of its Order to “protect [the] personal data” of the Applicant, in accordance with art. 26.2 of the Tribunal’s Rules of Procedure.

19. He further argues that non-publication of Order No. 103 (GVA 2025) is not a proportionate measure to ensure confidentiality of specific medical information, and that the fact that the Applicant has a medical condition is already public, considering the prior publication of the Tribunal’s orders in this case.

20. The Tribunal notes that all its previous Orders in the present case were published, and that the Applicant’s motion on anonymity was rejected, ensuring transparency and accountability in line with the General Assembly resolutions 76/242 and 77/260 of 24 December 2021 and 30 December 2022, respectively.

21. Therefore, it is clear that the Tribunal consistently upholds the principle of transparency guided by the pertinent General Assembly resolutions and accountability and is committed to complying with art. 26.2 of its Rules of Procedure.

22. The Tribunal further observes that previously published Orders did not delve into specific details of the Applicant's medical condition. They did not reference particular medical certificates, nor did they discuss the Applicant's symptoms or diagnosis. In contrast, Order No. 103 (GVA/2025) includes all of these elements.

23. Indeed, the nature of Order No. 103 (GVA/2025) warrants a particularly more careful approach, given the presence of sensitive medical information throughout the document, which is central to the Tribunal's decision to deny the Applicant's request for a further postponement. In particular, the Tribunal cites two medical certificates that describe the Applicant's symptoms, diagnosis, and recovery process. These details clearly fall within the scope of personal medical privacy and must be treated with appropriate discretion.

24. Moreover, the Tribunal considers that redacting only specific words from paras. 14 and 15 of its Order, as proposed by the Respondent, would not adequately protect the Applicant's medical privacy. Any further redaction of the medical information discussed therein would impair the clarity of the Tribunal's reasoning and hinder a reader's ability to fully understand its assessment and conclusions.

25. It is also important to underscore that the medical information referenced in Order No. 103 (GVA/2025) is not relevant to the current exercise of judicial review. In the Tribunal's view, disclosing such information would serve no meaningful purpose to the fair and expeditious disposal of this case, and would unnecessarily compromise the Applicant's medical privacy.

26. Accordingly, the Tribunal maintains that non-publication of Order No. 103 (GVA/2025) is the most appropriate and balanced course of action. This measure effectively safeguards the Applicant's medical privacy while allowing the Tribunal to openly reference and assess the evidence on record in support of its findings.

Conclusion

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

- a. The Applicant's motion for extension of time to comply with Order No. 103 (GVA/2025) is granted. The parties may file their respective submissions by **Tuesday, 30 September 2025**; and
- b. The Respondent's motion for reconsideration of publication of Order No. 103 (GVA/2025) is rejected.

(Signed)

Judge Sun Xiangzhuang

Dated this 17th day of September 2025

Entered in the Register on this 17th day of September 2025

(Signed)

Liliana López Bello, Registrar, Geneva