



UNITED NATIONS DISPUTE TRIBUNAL

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Case No.:	UNDT/NBI/2025/031
Order No.:	98 (NBI/2025)
Date:	9 July 2025
Original:	English

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**Before:** Duty Judge  
**Registry:** Nairobi  
**Registrar:** Wanda L. Carter

TEMFACK

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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ORDER ON THE RESPONDENT'S  
MOTIONS TO EXCEED THE PAGE  
LIMIT AND FOR ANONYMITY OF  
WITNESSES

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**Counsel for Applicant:**

Amstrong Muma Tatapong  
Angeline Tatapong Kouoh

**Counsel for Respondent:**

Alister Cumming and Rosangela Adamo, UNICEF

## **Introduction**

1. The Applicant was the Chief Health and Nutrition in the United Nations Children's Fund (UNICEF) Comoros Country Office (CCO) based in Moroni, Comoros.
2. On 23 March 2025, he filed an application seeking rescission of a disciplinary sanction of dismissal imposed on him effective 26 December 2024, by the UNICEF Deputy Executive Director, Management following an investigation into allegations of sexual harassment and sexual exploitation and abuse.
3. On 24 April 2025, the Respondent filed its Reply requesting that the application be rejected.
4. In its 20-page Reply, the Respondent included a motion requesting leave to exceed the page limits mandated in art. 19 of the UNDT Rules of Procedure and paragraph 6 of the Practice Direction No. 4, "Filing of Applications and Replies". The Respondent submitted that "the need to provide the Tribunal with the full factual basis of the case" necessitated the additional pages.
5. The Respondent further requested that in light of the sensitive nature of the matter, that the Tribunal grant anonymity to "V01" and V02" (complainants in the underlying investigation) in the matter and all documents and references to them in the proceedings.
6. The Respondent additionally requested anonymity with respect to the names of "all other witnesses" in any public judgment or order in these proceedings.
7. To date, the Applicant has not filed an additional response. Therefore, it is presumed that the Applicant does not oppose the Respondent's motion to exceed the page limits or its motion to anonymize persons associated with these proceedings as outlined by the Respondent.

## Consideration

8. Section 6 of Practice Direction 4 provides that

[t]he application should not exceed 10 pages, in font Times New Roman, font size 12, line spacing of 1.5 lines. The cover page and the page containing the list of annexes and signatures shall not be included in counting the number of pages.

9. The Respondent's application is concise and relevant in articulating the factual and procedural elements steps leading to its decision. None of the information provided appears repetitive or superfluous. Having regard to the circumstances invoked by the Respondent, for a fair and expeditious disposal of the case, the Tribunal considers it appropriate to grant the Respondent's request to exceed the 10-page limit rule.

10. Article 11.6 of the UNDT Statute states that the "judgements of the Dispute Tribunal shall be published, while protecting personal data, and made generally available by the Registry of the Tribunal." 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. *Buff* 2016-UNAT-639, para. 21.

11. The Tribunal has held that "[t]he principles of transparency and accountability, which are enshrined in the system of administration of justice at the United Nations, require that names should be redacted in only the most sensitive of cases" *Mobanga*, 2017-UNAT-741, para. 22

12. However, the Tribunal recognizes the purpose of confidentiality is to protect victims of misconduct and that there is a need to protect the victims of alleged misconduct, as well as the identity of witnesses and the confidentiality of the disciplinary records of the Administration, *Oh*, 2024-UNAT-480. Such need, together with the confidential and sensitive nature of the sexual misconduct allegations has been held to constitute exceptional circumstances that warrant granting anonymity. *Applicant* UNDT/GVA/0222/016T (on appeal); *Erefa*, UNDT/NBI/2019/044.

13. Therefore, the Tribunal finds it appropriate to grant the Respondent's request to anonymize the names of the alleged victims ("V01" and "V02") in this matter.

14. The Respondent has not shown the necessity of departing from well-established principles in respect of the remaining witnesses. The witnesses are not succinctly identified, and there is no evidence in the filings to indicate that these witnesses are victims or that they would suffer specified hardship that would constitute exceptional circumstances to warrant granting anonymity. Accordingly, the Respondent's request to anonymize these witnesses is rejected at this time.

### **Conclusion**

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

- a. The Respondent's motion to exceed the 10 pages for its application is granted;
- b. The Respondent's request for anonymity of the victims in these proceedings is granted and their names shall be anonymized in the Tribunal's orders and in its orders and judgment.
- c. The Tribunal reserves judgment on the necessity of anonymizing the names of other witnesses in this matter, and a determination will be made prior to the issuance of any additional order or judgment.

16. The Tribunal has reviewed the parties' submissions and takes the view that a case management discussion ("CMD") would facilitate fair, efficient and expeditious management and disposal of this case. Accordingly, it is further ORDERED that:

- a. The Registry will convene a CMD in this matter on or before **11 August 2025**, via Microsoft Teams to:
  - i. discuss the claims and issues in the case;
  - ii. identify the factual and legal issues to be determined;

- iii. consider what further information, if any, is required;
  - iv. identify any documents to be disclosed;
  - v. Consider if the case may be decided on the basis of the documents, or whether a hearing should be held, and, if there is to be a hearing, to set the dates, identify the witnesses to be called and the documents to be presented;
  - vi. discuss any other matter relevant to these proceedings.
- b. As this case management discussion is being held virtually with all parties appearing from their respective locations, counsel are requested to provide the Registry with their dates/times of availability for the above-referenced CMD and their respective relevant contact details on or before **16 July 2025**.

*(Signed)*

Judge Sean Wallace (Duty Judge)

Dated this 9<sup>th</sup> day of July 2025

Entered in the Register on this 9<sup>th</sup> day of July 2025

*(Signed)*

Wanda L. Carter, Registrar, Nairobi