

UNDT/2013/125, Applicant

UNAT Held or UNDT Pronouncements

The Applicant filed a motion withdrawing his application and requesting that the case file be placed under seal. The UNDT stated in the judgment that, there no longer being any determination to make, the application was dismissed in its entirety without liberty to reinstate. The UNDT found that, given the already confidential status of the Tribunal's case files, the Applicant's request to place the case record under seal need not be granted. However, the UNDT ordered that, taking into consideration the particular circumstances of this case, the Applicant's name be redacted from the Judgment.

Decision Contested or Judgment/Order Appealed

The Applicant filed an application contesting the decision not to grant him a permanent appointment because of a prior disciplinary sanction of written censure imposed on him as a result of a finding of misconduct.

Legal Principle(s)

Under seal: The mere fact that judicial records may reveal potentially embarrassing information is not in itself sufficient reason to place them under seal. Finality of disputes: The desirability of finality of disputes in proceedings requires that a party should be able to raise a valid defence of res judicata which provides that a matter between the same persons, involving the same cause of action may not be adjudicated twice. Res judicata: Once a matter has been determined, parties should not be able to re-litigate the same issue. An issue, broadly speaking, is a matter of fact or question of law in a dispute between two or more parties which a court is called upon to decide and pronounce itself on in its judgment. The object of the res judicata rule is that "there must be an end to litigation" in order "to ensure the stability of the judicial process" (Meron 2012-UNAT-198). Judgment: Generally, a

judgment involves a final determination of the proceedings or of a particular issue in those proceedings.

Outcome

Closed on withdrawal

Full judgment

[Full judgment](#)

Applicants/Appellants

Applicant

Entity

UN Secretariat

Case Number(s)

UNDT/NY/2012/070

Tribunal

UNDT

Registry

New York

Date of Judgement

10 Nov 2013

Duty Judge

Judge Carstens

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Appointment (type)

Permanent appointment

Applicable Law

UNDT Statute

- Article 2.1
- Article 3.1

Related Judgments and Orders

UNDT/2011/104

UNDT/2011/202

2010-UNAT-026bis

2010-UNAT-063

2010-UNAT-066

2011-UNAT-129