

2016-UNAT-639, Buff

UNAT Held or UNDT Pronouncements

UNAT rejected the request for anonymity finding that there were no exceptional circumstances that could warrant departing from the general principles and from the well-established jurisprudence. UNAT held that the theoretical fear of upcoming uncomfortable relationships between members of the staff did not have merit. UNAT rejected the Appellant's request to file a reply to the Respondent's answer finding no exceptional circumstances justifying an additional pleading. UNAT rejected the Appellant's second motion seeking leave to present additional "information" which she claimed related to further allegations of retaliation. UNAT held that the motion was an attempt to supplement the appeal or to make submissions that could have been previously presented. UNAT held that the Appellant's express withdrawal of the remedies originally requested before UNDT had rendered the appeal moot as judicial economy and efficiency require UNAT to decline to examine appeals that do not seek any concrete remedy which can be awarded. UNAT dismissed the appeal and affirmed the UNDT judgment.

Decision Contested or Judgment/Order Appealed

The Applicant contested the decision not to renew her appointment with ICTR. UNDT found that the application was not receivable as the Applicant was not contesting a final decision. UNDT rejected the request for anonymity since there was no evidence that the Applicant's reputation had been damaged outside the ICTR and the pleadings and associated documents did not reveal any information requiring protection. The Applicant appealed. Later the Applicant filed a motion seeking leave to file additional pleadings and another, after the Secretary-General's opposition to the first motion, seeking leave to present additional information.

Legal Principle(s)

UNAT's jurisprudence shows that the names of litigants are routinely included in judgments of the internal justice system of the UN in the interests of transparency and accountability, and personal embarrassment and discomfort are not sufficient grounds to grant confidentiality. An appeal is an instrument to pursue a change of a judicial decision, in the form of modification, annulment, or vacation, used to repair a concrete grievance directly caused by the impugned judgment. Judicial economy and efficiency require that UNAT declines to examine appeals that do not seek any concrete remedy which could be awarded and only rely on the party's will to be found to be right in its position against the judgment under appeal, without seeking any actual change in the judgment itself.

Outcome

Appeal dismissed on receivability

Full judgment

[Full judgment](#)

Applicants/Appellants

Buff

Entity

ICTR

Case Number(s)

2015-848

Tribunal

UNAT

Registry

New York

Date of Judgement

24 Mar 2016

President Judge

Judge Simón

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Jurisdiction / receivability (UNDT or first instance)

Procedure (first instance and UNAT)

Confidentiality

Applicable Law

Secretary-General's bulletins

- ST/SGB/2005/21
- ST/SGB/2008/5

UNAT Statute

Related Judgments and Orders

UNDT/2015/052

2013-UNAT-293

2014-UNAT-466

2014-UNAT-456

2013-UNAT-332

2014-UNAT-481

2015-UNAT-557