

054 (GVA/2024), Applicant

UNAT Held or UNDT Pronouncements

A decision made by the Duty Judge is not constantly open for entertainment until decided by the assigned Judge to a case. That would undermine the role of the Duty Judge and render precarious the principle of legal certainty. The principles of transparency and accountability apply to the entire internal justice system regardless of the facts under dispute, the charges of misconduct or the disciplinary measure applied, unless exceptional circumstances guide the Tribunal differently. Concerning exceptional circumstances, the principle of publicity can only be departed from where the applicant shows “greater need than any other litigant for confidentiality. The Tribunal acknowledges that the previous decision in Order No. 150 (GVA/2023) did not consider the additional details contained in the Applicant’s subsequent rejoinder about the security risks that he is facing. The Tribunal further acknowledges that the Applicant was self-represented at the time of the application, and accepts the details and arguments introduced at a later stage by Counsel. In this sense, it is noteworthy that the Applicant continues to work at the duty station where the incidents under dispute took place, engaging with local staff and members of government. It is a place where local cultural reality requires a greater deal of discretion due to the risk of physical harm, and the Tribunal is convinced that the Applicant has met the threshold of exceptional circumstances warranting anonymization of his name.

Decision Contested or Judgment/Order Appealed

The Applicant challenges Order No. 150 (GVA/2023). He requests that the Tribunal to revisit the matter of anonymity based on two grounds: (i) that the refusal to grant anonymity was made by the Duty Judge and it is open to the assigned Judge to revisit the matter; and (ii) that current circumstances warrant a further consideration of the matter.

Outcome

Other motion granted in part

Full order

[Full order](#)

Individual Party

Applicant

Entity

UNAMA

Case Number(s)

UNDT/GVA/2023/039 (GUPTA, ATUL)

Tribunal

UNDT

Registry

Geneva

Date of Order

17 May 2024

Duty Judge

Judge Sun

Language of Order

English

Appeal Status

Appealed

Issuance Type

Order

Categories/Subcategories

Case management

Procedure (first instance and UNAT)

Applicable Law

UNDT RoP

- Article 16.2
- Article 17.1

UNDT Statute

- Article 9.4

Related Judgments and Orders

2014-UNAT-456