



Before: Duty Judge

Registry: Nairobi

Registrar: René M. Vargas M., Officer-in-Charge

AO

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER
ON THE APPLICANT'S MOTION
FOR ANONYMITY**

Counsel for the Applicant:

George G. Irving

Counsel for the Respondent:

Maureen Munyolo, AS/ALD/OHR, UN Secretariat

Introduction

1. On 6 September 2023, the Applicant, a Close Protection Officer, FS-5, filed an application before the Dispute Tribunal contesting what he describes as “placement on weapons restriction and arbitrary extension of restrictions”. In his application (para. 10), the Applicant requests that his name be anonymized in all publications by the Tribunal given the “sensitive nature of the issues in this case, allegations of substance abuse, and their potential implications for [his] personal and professional reputation”.

2. The Respondent filed a reply on 9 October 2023. The Respondent opposes the Applicant’s request for anonymity on the grounds that the Applicant has provided no valid reasons for anonymity and that he has stated no exceptional circumstances that warrant departing from the general principles and the well-established jurisprudence.

Consideration

3. As the Tribunal recently held in *Castelli* UNDT/2023/130, under the established jurisprudence, transparency in the administrative justice system is paramount and anonymity should not be granted unless there are exceptional circumstances warranting departing from the general principles and from the well-established jurisprudence (at para. 7 citing *Buff* 2016-UNAT-639, paras. 21-24; *Kazazi* 2015-UNAT-557, para. 21; *Fedorchenko* 2015-UNAT-499, para. 29; *Lee* 2014-UNAT-481, para. 34-35; *Pirnea* 2014-UNAT-456, paras. 18-20; *Charot* 2017-UNAT-715, paras. 27-38).

4. Given the allegations of alcohol abuse (which the Applicant denies) and the policy of confidentiality and privacy involving substance abuse issues set forth in ST/AI/372 (Employee assistance in cases of alcohol/substance abuse), the Tribunal considers that these constitute exceptional circumstances justifying granting the Applicant’s request for anonymity at this time.

Conclusion

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

- a. The Applicant's motion requesting for anonymization in all issuances by the Tribunal is granted.

(Signed)

Judge Sean Wallace (Duty Judge)

Dated this 29th day of November 2023

Entered in the Register on this 29th day of November 2023

(Signed)

René M. Vargas M., Officer-in-Charge