



currently before the Appeals Tribunal, nor its Judgment on Suspension, dealt with the Appellant's medical history, disclosed sensitive personal information, or referred to matters of a confidential nature. The Dispute Tribunal further noted that since the Judgment on Suspension has been publicly available for four years, an order for redaction may prove fruitless as digital copies of the original judgment may continue to exist elsewhere.

6. On 28 April 2014, Ms. Utkina filed her appeal, and the Secretary-General answered on 30 June 2014.

7. On 1 July 2014, Ms. Utkina filed additional comments on the Secretary-General's answer. On 19 February 2015, the Registry served the comments on the Secretary-General and on 20 February 2015, the Secretary-General filed his observations.

8. On 18 February 2015, while the matter was under consideration by this Tribunal, Ms. Utkina filed a further motion, under seal, offering to proffer additional evidence, and providing additional arguments.

Submissions

The Appellant's Appeal

9. The Appellant contends that the UNDT erred in considering principles of transparency in reaching its decision. The Dispute Tribunal should not have taken transparency into consideration when ruling on her motion for redaction and this methodology is unprecedented. The UNDT also overlooked exceptional concerns in support of her request to redact her name, including that exposure of her name has caused her tremendous ancillary stress impeding recovery from her illness, and her security concerns as her professional profile and specialised knowledge make her a potential target for terrorists. She did not file her request for redaction earlier because she had not been so advised by her Counsel and she was unaware of the rules.

10. The Appellant raises several alleged factual errors in the Judgment concerning her prior application related to the non-renewal of her co

11. The Appellant also claims she has been unable to find another position by virtue of the publication of her name in the Judgment on Suspension.

The Secretary-General's Answer

12. The Secretary-General contends that the UNDT correctly rejected the Appellant's motion for redaction and its approach was consistent with UNAT jurisprudence to the same effect. Insofar as the Appellant cited purportedly exceptional concerns which the UNDT allegedly overlooked, the Judgment on Suspension was silent as to the Appellant's medical history and the Appellant did not present any evidence that public knowledge of her expertise and affiliation with her prior United Nations office would render her a target.

13. The UNDT's reference to the timeliness of the Appellant's request was only intended to determine the efficacy of a potential redaction order. The Respondent submits that the UNDT was correct to consider the timeliness of the Appellant's motion as an attempt to redact information that has already been in the public domain is difficult to enforce.

14. The remaining matters raised by the Appellant should be rejected as they are not related to the UNDT's decision to reject her motion for redaction, which is the subject of her present appeal. Further, the Appellant's claim that she will be unable to find further employment is unsubstantiated. The Respondent submits the Appellant has not established any errors on the part of the UNDT warranting a reversal of the Judgment and requests the Appeals Tribunal to dismiss the Appellant's appeal in its entirety.

Considerations

15. Two preliminary issues must first be addressed by this Tribunal. First, the Appellant requested an oral hearing. Oral hearings are go

16. Second, the Appellant sought to file two additional pleadings. The Statute and the Rules do not provide for an appellant to file an additional pleading after the respondent has filed an answer. Nevertheless, Article 31(1)

18. The notion of transparency of, and access to information, is very important in any Organization. It allows for openness, accountability and good governance, which indeed are the overarching principles of this Organization. It is therefore important that requests for the redaction of evidence be carefully examined within this context and only be permitted where it is necessary having considered the facts of each case. A request for redaction can only be permissible and/or permitted where it is necessary to protect information of a confidential and sensitive nature.

19. In this case, the allegedly sensitive information is the identity of the Appellant and her professional profile. We have examined the Judgment on Suspension and the Judgment under appeal and consider that the Appellant's concerns, as outlined in her submissions, are unfounded; the judgments reference her professional profile only generally and do not detail the substantive and allegedly confidential matters raised by the Appellant in her submissions. In any event, we note that a considerable number of years have elapsed since the Judgment on Suspension was rendered in 2009; applications of this nature should be made in a timely manner to protect the in

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Dated this 26th day of February 2015 in New York, United States.

(Signed)

Judge Thomas-Felix,
Presiding

(Signed)

Judge Lussick

(Signed)

Judge Chapman

Entered in the Register on this 17th day of April 2015 in New York, United States.

(Signed)

Weicheng Lin, Registrar