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The United Nations Appeals Tribunal

9.   The Secretary-General submits that Mr. Gehr has failed to establish that his rights to privacy or any other legal rights were violated by the decision to publish the President's Order on the UNDT website.

10.   The Secretary-General also submits that should the Appeals Tribunal decide that the contested decision constituted an administrative decision, Mr. Gehr has not established any irregularity in such decision. Given that the UNDT website has published numerous UNDT orders on requests for recusal, Mr. Gehr's claim of violation of his right to equal treatment is without a factual basis. It is clearly within the UNDT Registrar's authority to publish UNDT orders on the UNDT website in the fashion he did.

11.   The Secretary-General further submits that the UNDT's dismissal of Mr. Gehr's application by way of summary judgment was a lawful exercise of its discretion, and that Mr. Gehr has failed to identify any error of law or procedure in respect thereof.

Considerations

12.   The issue for this Tribunal is whether the Dispute Tribunal was correct in law in finding that the decision to publish the President's Order rejecting Mr. Gehr's motion for recusal in the "President's Orders" section of that Tribunal's website did not constitute an appealable administrative decision.

13.   Article 2(1) of the Dispute Tribunal Statute provides that the Dispute Tribunal is competent to hear and pass judgment on an application appealing "an administrative decision that is alleged to

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Original and Authoritative Version: English

Dated this 17th day of October 2013 in New York, United States.

(Signed)   (Signed)   (Signed)

Judge Lussick, Presiding   Judge Weinberg de Roca   Judge Adinyira

Entered in the Register on this 19th day of December 2013 in New York, United States.

(Signed)

Weicheng Lin, Registrar