

Introduction

1. The Applicant challenges the decision to publish in a separate section of the Tribunal's website the Order of the President of the Dispute Tribunal rejecting his motion for recusal.

2. He seeks the removal of the Order from the Tribunal's website or, in the alternative, its publication in the same way as other decisions issued in relation to requests for recusal.

Facts

3. On 5 November 2011, the Applicant, a former staff member of the United Nations Office on Drugs and Crime, filed an application for interpretation of a judgment. Shortly after filing this application, he sought recusal of the Judge assigned to the case.

4. By Order No. 1 (PRES/2012) issued on 22 June 2012, the President of the Tribunal rejected the Applicant's motion for recusal. This Order was published on the Tribunal's website under the section "President's Orders".

5. In reply to his request for management evaluation, the Applicant was Ur 4TTf 9.1118(c)4

b. While several motions for recusal of a judge were decided by orders, others were decided by judgment. Yet, in all of these cases, the rulings were published on the Tribunal's website under the sections "Orders" and "Judgments", respectively;

c. According to article 26 of the Rules of Procedure, only judgments are to be published. Since the decision on the Applicant's motion for recusal was issued in the form of an order, the decision to publish it was unlawful;

d. The contested decision contravenes the agreed terms and conditions of the Applicant's employment. It further singles out his motion for recusal from other similar motions, thereby violat

individual's rights and obligations (see, *inter alia*, *Hocking, Jarvis, McIntyre* UNDT/2009/077, *Planas* UNDT/2009/086 as confirmed by *Planas* 2010-UNAT-049 and *Elasoud* UNDT/2010/111 as confirmed by *Elasoud* 2011-UNAT-173).

10. While the Applicant submits that the contested decision contravenes the agreed terms and conditions of his former employment, he does not identify which terms are allegedly violated other than by making a general reference to the principle of equal treatment.

11. Article 4.9 of the Tribunal's Statute provides that "[w]here a party requests ... recusal [of a judge], the decision shall be taken by the President of the Dispute Tribunal." Article 28.2 and 28.3 of the Rules of Procedure further state:

2. A party may make a reasoned request for the recusal of a judge on the grounds of a conflict of interest to the President of the Dispute Tribunal, who, after seeking comments from the judge, shall decide on the request and shall inform the party of the decision in writing. A request for recusal of the President shall be referred to a three-judge panel for decision.

3. The Registrar shall communicate the decision to the parties concerned.

12. In addition, article 11.6 of the Statute provides that "[t]he judgements of the Dispute Tribunal shall be published ... and made generally available by the Registry of the Tribunal."

13. (a) r9-110(o)-20(f)33()-110(a)-16()-130(j)38(4(o)-20(m)20(e)-16(n)20(t)-[(3.)-10()-1F)eurth

publish such rulings on the Tribunal's website are matters of internal organization which do not constitute acts adversely affecting staff members' rights.

14. Therefore, the Tribunal considers that the decision to publish Order No. 1 (PRES/2012) in the section "President's Orders" of the Tribunal's website does not constitute a challengeable administrative decision.

Conclusion

15. In view of the foregoing, the Tribunal DECIDES:

The application is rejected.

(Signed)

Judge Thomas Laker

Dated this 1st day of October 2012

Entered in the Register on this 1st day of October 2012

(Signed)

René M. Vargas M., Registrar, Geneva