



UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

Case No. 2014-584

Kadri
(Appellant)

v.

Secretary-General of the United Nations
(Respondent)

ORDER No. 239 (2015)

1. On 24 April 2015, Mr. Ali Kadri filed a “Motion for Confidentiality of Judgment” requesting redaction of his name from Judgment No. 2015-UNAT-512, which was publicly issued by the United Nations Appeals Tribunal (Appeals Tribunal) on 17 April 2015 in the case of *Kadri v. Secretary-General of the United Nations*. On 4 May 2015, the Secretary-General submitted his observations on the Motion.

2. In his Motion, Mr. Kadri submits that the United Nations Dispute Tribunal (UNDT) had concealed his identity in the judgment it issued and he presumed confidentiality would continue automatically throughout his appeal proceedings. He claims that the Appeals Tribunal Judgment sets out information that causes him substantial personal embarrassment, references problems he experienced while working with the United Nations and casts him in a negative light. He contends that continued publication of his name in the Judgment will cause him significant “personal adverse consequences, including in relation to future employment possibilities” as “future employers may view [his case] negatively” or assume he is a trouble maker, as well as in relation to his students who may use the Judgment to “attack [his] status as professor”. Mr. Kadri requests that this Tribunal replace references throughout the Judgment to his name with “*Applicant*”, as the UNDT did in the proceedings before it.

3. Article 10(9) of the Statute of the Appeals Tribunal provides that “[t]he judgements of the Appeals Tribunal shall be published, while protecting personal data, and made generally available by the Registry of the Tribunal”.

4. As the Appeals Tribunal previously held:¹

[O]ne of the purposes or goals of the new system for the administration of justice is to assure that the judgments of the Appeals Tribunal are published and made available to the Organization’s staff and the general public. Public dissemination of the appellate judgments helps to assure there is transparency in the operations of the Appeals Tribunal. It also means, sometimes fortunately and other times unfortunately, that the conduct of individuals who are identified in the published decisions, whether they are parties or not, becomes part of the public purview.

Accordingly, the Appeals Tribunal has held that a request for confidentiality can only be granted in exceptional circumstances and in cases of utmost sensitivity.²

5. Having carefully considered Mr. Kadri’s motion against the framework of our jurisprudence, we do not find that redaction of his name from the Judgment is warranted. Our jurisprudence shows that the names of litigants are routinely included in judgments of the internal justice system of the United Nations in the interests of transparency and accountability, and personal embarrassment and discomfort are not sufficient grounds to grant confidentiality.³ We are not convinced that Mr. Kadri “displays a greater need than any other litigant for confidentiality”⁴ and the fact that the UNDT had granted Mr. Kadri confidentiality does not of itself justify its automatic continuation on appeal. As we have previously held, the existence, *per se*, of a settlement agreement is not confidential.⁵

¹ *Adamou v. Secretary-General of the United Nations*, Order No. 227 (2015), para. 4, citing *Pirnea v. Secretary-General of the United Nations*, Judgment No. 2014-UNAT-456, para. 18.

² *Adamou*, *ibid*, citing *Mebtouche v. Secretary-General of the United Nations*, Order No. 152 (2013).

³ *Kazazi v. Secretary-General of the United Nations*, Judgment No. 2015-UNAT-557, citing *Fedorchenko v. Secretary General of the International Civil Aviation Organization*, Judgment No. 2015-UNAT-499, *Lee v. Secretary-General of the United Nations*, Judgment No. 2014-UNAT-481, *Pirnea v. Secretary-General of the United Nations*, Judgment No. 2014-UNAT-456 and *Servas v. Secretary-General of the United Nations*, Order No. 127 (2013).

⁴ *Servas*, *ibid*, Order No. 127 (2013); *Servas v. Secretary-General of the United Nations*, Judgment No. 2013-UNAT-349, para. 25.

⁵ *Servas*, *ibid*, Order No. 127 (2013).

6. We also do not find that his claims are of the utmost sensitivity⁶ or that the information he seeks to redact touches upon or details personal or private affairs. Further, contrary to Mr. Kadri's contentions, the Judgment does not portray him in a negative light.⁷ Mr. Kadri did no more than avail himself of the United Nations' internal justice system, as he was entitled to do as a staff member and, in our view, no adverse criticism can reasonably be levelled at him in this regard. While Mr. Kadri also claims that he will suffer adverse consequences by reason of the publication of his name, such claims are speculative. Lastly, noting that the Judgment has been publicly available on the Internet since April 2015, we are not convinced that an order for the redaction of Mr. Kadri's name would assist him at this stage, given that digital copies of the Judgment may continue to exist elsewhere.

7. In view of the foregoing, Mr. Kadri's request for redaction should be denied.

IT IS HEREBY ORDERED that Mr. Kadri's Motion for redaction **IS REJECTED**.

Original and Authoritative Version: English

Dated this 23rd day of October 2015 in New York, United States.

(Signed)
Judge Lussick, Presiding

(Signed)
Judge Adinyira

(Signed)
Judge Faherty

Entered in the Register on this 23rd day of October 2015 in New York, United States.

(Signed)
Weicheng Lin, Registrar

⁶ Cf. *Applicant v. Secretary-General of the United Nations*, Order No. 228 (2015) (where the Appeals Tribunal was satisfied that publication of the Applicant's name jeopardized her personal security, freedom of movement and ability to further work for the United Nations).

⁷ Cf. *Finniss v. Secretary-General of the United Nations*, Judgment No. 2012-UNAT-210, para. 42 (where the Appeals Tribunal ordered the redaction of the names of the witnesses and the Programme Case Officer from the impugned Judgment, noting that it was "unfortunate and unnecessary" that the UNDT had named them and "used intemperate language while describing certain [of their] actions and conduct").