



UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

Case No. 2015-727

Luvai (Appellant)

v.

Secretary-General of the United Nations (Respondent)

ORDER No. 227 (2015)/Corr.1¹

1. On 1 May 2015, Ms. Christel Marie-Ange Adamou filed a “Motion to redact name from UNAT Judgment [No. 2011-UNAT-127]”, rendered by the United Nations Appeals Tribunal (Appeals Tribunal) on 8 July 2011 in the case of *Luvai v. Secretary-General of the United Nations*. On 20 May 2015, the Registry of the Appeals Tribunal transmitted the Motion for comments to the Secretary-General and Mr. Moses Jaika Luvai. The Secretary-General submitted his comments on the Motion on 29 May 2015. Mr. Luvai provided no comments.

2. In support of her Motion, Ms. Adamou claims that since she was not a party to the case, her name should not have been disclosed without her prior consent. She contends that following an incident of identity theft unrelated to the Appeals Tribunal Judgment, a judgment was issued on 20 January 2015, by the *Tribunal de grande instance de Saint Etienne* against some of the authors of the theft. For privacy and security reasons, she seeks to “make all efforts to expunge [her] name and any other private information from the Internet, wherever possible, including in this judgment”.

3. The Secretary-General submits that there is no rule requiring the Appeals Tribunal to seek permission before including the names of individuals whose identity may have been material to the case in its judgments. Nevertheless, the Appeals Tribunal has the authority to redact her name, if it finds her request to have merit. The Secretary-General suggests that the Appeals Tribunal take into account relevant precedents when considering the Motion.

¹ Reissued on 19 November 2015 for technical reasons.

4. 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”. As the Appeals Tribunal previously held:²

[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.³

5. Ms. Adamou’s circumstances do not justify that we redact her name from the Judgment. The Judgment discloses minimal information about Ms. Adamou and she has not established, or even argued, that there is any link between the identity theft she claims she has been a victim of and the appearance of her name in the Judgment. Moreover, since the Judgment has been published and is available on the Internet, it is unlikely that redaction of the Appeals Tribunal Judgment would assist Ms. Adamou. Thus, Ms. Adamou’s request for redaction should be denied.

IT IS HEREBY ORDERED that Ms. Adamou’s Motion for redaction **IS REJECTED**.

Original and Authoritative Version: English

Dated this 1st day of July 2015 in
Geneva, Switzerland.

(Signed)
Judge Rosalyn Chapman, President

Entered in the Register on this 1st day of
July 2015 in Geneva, Switzerland.

(Signed)
Weicheng Lin, Registrar

² *Pirnea v. Secretary-General of the United Nations*, Judgment No. 2014-UNAT-456, para. 18.

³ *Mebtouche v. Secretary-General of the United Nations*, quoting *Ahmed v. Secretary-General of the United Nations*, Order No. 132 (2013), para. 4 and *Servas v. Secretary-General of the United Nations*, Order No. 127 (2013), para. 5.