



UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

Case No. 2015-858



Rangel
(Appellant)
v.
Registrar
of the International Court of Justice
(Respondent)

ORDER No. 237 (2015)/Corr.1¹

1. On 2 September 2015, Mr. Maarten Daman filed a “Motion for removal of [his] name” from Judgment No. 2015-UNAT-535, which was publicly issued by the United Nations Appeals Tribunal (Appeals Tribunal) on 20 August 2015, in the case of *Rangel v. Registrar of the International Court of Justice* (ICJ). On 3 September 2015, the Registry of the Appeals Tribunal transmitted the Motion for comments to the Registrar of the ICJ and Ms. Juliana Rangel. The Registrar of the ICJ submitted his comments in support of Mr. Daman’s Motion on 14 September 2015. Ms. Rangel provided no comments.
2. Mr. Daman submits that he was not a party to Ms. Rangel’s case and was involved in the facts underlying Ms. Rangel’s claim solely in his capacity as Chief of the Security Service; thus, he argues, it would suffice to refer to him in the Judgment by his professional title. Mr. Daman requests that the Appeals Tribunal “treat [him] in the same manner it treated other officials referred to in the Judgement”, remove his name and order the reissuance of an amended Judgment.
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

¹ Reissued on 17 November 2015 in accordance with Order No. 241 (2015).

generally available by the Registry of the Tribunal”. As the Appeals Tribunal has 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

4. Mr. Daman’s circumstances do not support the redaction of his name from the Judgment. Our jurisprudence holds that personal discomfort is not a sufficient ground to grant a request for confidentiality or, in this case, a request for the redaction of a published judgment.⁴ The Judgment does not portray Mr. Daman in a bad light; rather, as he correctly notes, his involvement in Ms. Rangel’s case was part of his official duties and there was no criticism of his actions.⁵ Nor does identifying him in the Judgment raise questions of the utmost sensitivity⁶ or invade Mr. Daman’s personal or private affairs. Thus, Mr. Daman’s request for redaction should be denied.

IT IS HEREBY ORDERED that Mr. Daman’s Motion for redaction **IS DENIED**.

Original and Authoritative Version: English

Dated this 14th day of October 2015 in
Los Angeles, United States.

(Signed)
Judge Rosalyn Chapman, President

Entered in the Register on this 14th day of
October 2015 in New York, United States.

(Signed)
Weicheng Lin, Registrar

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

³ *Adamou, ibid*, citing *Mebtouche v. Secretary-General of the United Nations*, Order No. 152 (2013).

⁴ *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).

⁵ Cf. *Finniss v. Secretary-General of the United Nations*, Judgment No. 2012-UNAT-210, para. 42.

⁶ Cf. *Applicant v. Secretary-General of the United Nations*, Order No. 228 (2015).