



|

|

|

JUDGE INÉS WEINBERG DE ROCA, PRESIDING.

1. The United Nations Appeals Tribunal (Appeals Tribunal) has before it the following motions:

a) “Motion for Interim Relief” filed by Ms. Juliana Rangel on 16 July 2014, in *Rangel v. International Court of Justice* (Case No. 2014-611). The Registrar of the International Court of Justice (Registrar and ICJ, respectively) filed his comments on 18 August 2014.

b) “Motion for Transmission of Important Information” filed by Ms. Rangel on 25 August 2014 (Case No. 2014-611). The Registrar filed comments on 2 October 2014.

c) “Motion for Interim Relief” filed by Ms. Rangel on 30 October 2014 (Case No. 2014-674). The Registrar filed comments on 17 November 2014.

d) “Motion for Transmission of Information Concerning an Incident on 2 December 2014 and Request for Interim Measures Regarding My Safety”, filed by Ms. Rangel *ex parte* on 11 December 2014 in two cases (Case Nos. 2014-611 and 2014-674).

e) Three Motions for Confidentiality filed by Ms. Rangel *ex parte* on 30 October, 11 December and 31 December 2014, respectively, in Case Nos. 2014-611, 2014-674 and 2015-689.

Facts and Procedure

2. Ms. Rangel joined the ICJ as Head of the Documentation Service and Library of the ICJ at the P-4 level in June 2003. She was initially placed on fixed-term appointments and in June 2013, she was granted a continuing appointment. Between March 2013 and April 2014, Ms. Rangel claims she “became the target of serious acts committed, ordered, or tolerated by the Registrar” of the ICJ. By letter dated 12 February 2014, the ICJ Administration informed Ms. Rangel that she was placed on administrative leave pursuant to Section 4 of Annex VI to the ICJ Staff Regulations (Administrative leave pending investigation and the disciplinary process). Attached to the letter were two reports on the outcome of investigations into

allegations leveled by two staff members against Ms. Rangel, as well as allegations by Ms. Rangel against one of these staff members. By letter dated 3 April 2014, the Registrar informed Ms. Rangel that it was established that she had committed serious misconduct and that he decided to impose on her the disciplinary measure of separation from service, effective 11 April 2014, with compensation in lieu of notice.

3. On 30 July 2013, 8 November 2013, 19 December 2013, 16 January 2014, 31 March 2014, and 11 April 2014, respectively, Ms. Rangel filed claims before the ICJ Conciliation Committee contesting:

- the Registrar's refusal to submit at least one of the claims against her to the United Nations Ombudsman's Office or, in the alternative, to the Judges of the ICJ, thereby denying her access to a neutral first instance body in the context of complaints made against her (claim 1);
- the Administration's decision of 13 September 2013 not to annul a disciplinary procedure conducted against her despite formal and substantive errors and the resulting decision of 17 September 2013 to maintain on the panel a member accused of bias and/or negligence in respect of Ms. Rangel in a previous procedure (claim 2);
- the decision to appoint two security officers of the International Criminal Tribunal for the former Yugoslavia to investigate the facts underpinning the disciplinary procedure conducted against Ms. Rangel (claim 3);
- the Administration's actions seeking to cover up the mistakes/omissions by the ICJ's Chief Medical Officer, placing her in a situation of conflict of interest, and refusing to initiate disciplinary proceedings against her (claim 4);
- her placement on administrative leave, communicated to her by letter dated 12 February 2014, which she contends was unlawful (claim 5); and
- her dismissal which she contends was unlawful and a result of harassment, discrimination, and abuse of power (claim 6).

4. In its reports dated 28 April 2014, 30 September 2014, and 28 November 2014, the ICJ Conciliation Committee dismissed Ms. Rangel's complaints in their entirety.

5. On 26 May 2014, Ms. Rangel filed an appeal against the Registrar's decisions (claims 1 to 4), affirmed by the Conciliation Committee in its report of 28 April 2014 (Case No. 2014-611). The Registrar answered on 11 August 2014. On 30 October 2014, Ms. Rangel filed an appeal against the Registrar's decision (claim 5), affirmed by the ICJ Conciliation Committee in its report dated 30 September 2014 (Case No. 2014-674). The Registrar answered on 22 January 2015. On 5 January 2015, Ms. Rangel filed an appeal against the Registrar's decision (claim 6), affirmed by the ICJ Conciliation Committee in its report dated 28 November 2014 (Case No. 2015-689). This appeal has not been forwarded to the Registrar, pending a ruling by the Appeals Tribunal on Ms. Rangel's motions for confidentiality.

Motions

Motions for Interim Relief (Case Nos. 2014-611 and 2014-674)

6. Ms. Rangel requests that: the Appeals Tribunal order the Registrar to continue payment of an amount equivalent to the salary she had received before her dismissal from the ICJ, until the Appeals Tribunal renders its judgments on the merits in Case Nos. 2014-611 and 2014-674; she receive retroactive payment of salaries she has not received since mid-April 2014 (except for the three months' salary she received in lieu of notice (for the period of 11 April to 11 July 2014)); the Re

8. Article 9(4) of the Appeals Tribunal’s Statute provides that “[a]t any time during the proceedings, the Appeals Tribunal may order an interim measure to provide temporary relief to either party to prevent irreparable harm and to maintain consistency with the judgement of the Dispute Tribunal”.

9. The granting of interim measures is subject to strict requirements. Clearly, it is only

presented to the Committee which would extend the scope of the litigation. In such case, she asks that she be given the opportunity to add a number of claims to her appeal.

13. The Registrar asks that the Appeals Tribunal dismiss the motion.

14. Under Article 31(1) of the Rules of Procedure and Section II.A.3 of Practice Direction No. 1 of the Appeals Tribunal, the Appeals Tribunal may allow a motion requesting leave to file additional pleadings after the filing of the answer to the appeal if there are exceptional circumstances justifying the motion.

15. Ms. Rangel failed to demonstrate exceptional circumstances. Her motion is dismissed.

Motion for Transmission of Information Concerning an Incident on 2 December 2014 and Request TD1.0easures Regarding My Safety1.008.2()TJT*.016 To

16. Ms. Rangel submits that on 2 December 2014, the police forcefully opened the door to her apartment on the ground that the Registrar was concerned about her safety1after obtaining a copy of a personal e-mail she had sent. On another occasion, the Registrar tried to see her at her home despite the fact that her claims of harassment against him were pending.

17. Ms. Rangel requests that the Appeals Tribunal order the Registrar to stop any harassment and intrusion into her private life and that of her neighbou8cf her neighbou8cte clg48cte c

19. In the present case, Ms. Rangel does not seek an interim measure for temporary relief which is consistent with the pronouncements of the ICJ Conciliation Committee. Rather, Ms. Rangel is seeking interim relief in cases where the ICJ Conciliation Committee dismissed her applications. Since one of the two cumulative conditions under Article 9(4) of the Appeals Tribunal's Statute is not fulfilled, we need not further consider the second condition. Moreover, the Appeals Tribunal does not otherwise possess the power to make the orders she requests. The application is dismissed.

20.

22. The Appeals Tribunal has previously held that “the purpose of anonymity is to protect the privacy of victims of misconduct, and also to ensure their safety”.³ The Appeals Tribunal has, for example, granted confidentiality for in

THE UNITED