



UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

Case Nos. 2014-611 & 619

Rangel

(Appellant)

v.

Registrar of the International Court of Justice

(Respondent)

ORDER No. 202 (2014)¹

1. On 16 July 2014, Ms. Juliana Rangel, a former staff member of the International Court of Justice (ICJ), filed a motion for interim measures, in which she requested that the United Nations Appeals Tribunal (Appeals Tribunal) order that she continue to be paid a monetary amount equivalent to the salaries that she had received before her separation from the ICJ in mid-April 2014 and that she receive the retroactive payment of the salaries that she had not received since mid-April 2014, among others. Ms. Rangel was seeking interim measures under Case Nos. “UNAT[-]2014-619, as well as UNAT[-]2014-611”.

2. On 18 August 2014, the ICJ filed objections to Ms. Rangel’s motion for interim measures. The Respondent stated that the motion in respect of Case No. 611 did not meet the requirements of Article 9(4) of the Statute of the Appeals Tribunal, in that the conclusions of the ICJ Conciliation Committee were not favorable to Ms. Rangel as her appeal was rejected. In respect of Case No. 619, the Respondent stated that the ICJ Conciliation Committee had yet to issue its report and that the motion should therefore be rejected.

3. On 1 October 2014, the Registrar of the Appeals Tribunal wrote to Ms. Rangel:

It appears that in connection with Case No. 619, there is no report by the Conciliation Committee or the ICJ’s decision on the basis of the advice of the Conciliation Committee. If this is the case, you may not appeal to the Appeals Tribunal. You need to wait for the completion of the first instance

¹ Reissued on 31 October 2014 for technical reasons.

process. We would therefore not be able to accept your appeal in 619, or any motion in connection with 619.

4. On 6 October 2014, Ms. Rangel responded that in the morning on 6 October she received a report of the ICJ Conciliation Committee in respect of her “5th complaint”. She offered to forward to the Registry that report and any future reports that the ICJ Conciliation Committee may issue in respect of her “6th complaint”. Ms. Rangel asked that the Appeals Tribunal “start examining [her] request for provisional measures” under both 619 and 611.

5. On 6 October 2014, the Registrar of the Appeals Tribunal wrote to Ms. Rangel:

It is clear now to me that the Conciliation Committee has issued a report dated 30 September. You have 90 calendar days from the date of receipt to appeal the decision of the Conciliation Committee. Please send us only the final product of your appeal with the necessary attachments. We cannot entertain interim or piecemeal filings. Please also note that we are not in a position to process your submissions already filed in connection with 619, as they were premature. Please visit our website and follow the appropriate procedure.

6. In response to Ms. Rangel’s questions, the Registrar clarified, on 6 October 2014, that she should file a new appeal against the decision of the ICJ Conciliation Committee. The Registrar also advised Ms. Rangel of her right to appeal his decision not to entertain her filings under Case No. 619 to the President of the Appeals Tribunal within five working days.

7. On 10 October 2014, Ms. Rangel filed a “motion for appeal against UNAT Registrar’s decisions of 6 October 2014”. She maintains that the Registrar made an erroneous decision to refuse to consider her motion for interim measures in respect of 611 or 619. Only the Appeals Tribunal Judges may make such a determination. She requested that she be allowed to supplement her motion for interim measures in Case No. 619 with the additional filing of the report of the Conciliation Committee, “[p]our des raisons d’économie judiciaire”. Ms. Rangel requested the rescission of the decision by the Registrar set forth in his communication of 6 October, at least in respect of Case No. 611, the consideration of Case No. 619 by the Judges on receivability and on the merits, and a decision on her motion for interim measures, at least in respect of Case No. 611.

8. I have reviewed the case file, and decide to affirm the Registrar's decision of 6 October 2014 in respect of Case No. 619 and her motion for interim measures in respect of No. 619. Ms. Rangel has 90 calendar days counting from the date of her receipt of the report of the ICJ Conciliation Committee to file an appeal against the decision of Conciliation Committee in accordance with the filing requirements of the Appeals Tribunal. She may file a new motion now that the Conciliation Committee has made a decision in respect of Case No. 619.

9. Ms. Rangel is factually incorrect when she alleges that the Registrar has decided to reject her motion for interim measures in respect of Case No. 611. Her motion for interim measures in respect of Case No. 611 and the Respondent's Comments thereon have been sent to the Conference Services for translation. Upon receipt of the translation, a panel will be constituted and Ms. Rangel will be duly notified.

10. The same procedure will be followed once the Registry receives her motion and the Respondent's comments thereon in respect of Case No. 619.

IT IS HEREBY ORDERED that Ms. Rangel's motion for appeal against the Registrar's decision of 6 October 2014 IS DENIED.

Original and Authoritative Version: English

Dated this 16th day of October 2014 in New York,
United States.

(Signed)
Judge Richard Lussick
President

Entered in the Register on this 16th day of
October 2014 in New York, United States.

(Signed)
Weicheng Lin, Registrar