



**UNITED NATIONS APPEALS TRIBUNAL  
TRIBUNAL D'APPEL DES NATIONS UNIES**

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**Rangel  
(Appellant)**

**v.**

**Registrar  
of the International Court of Justice  
(Respondent)**

**ORDER NO. 256 (2016) ON**

**MOTION FOR ACCESS TO DOCUMENTS BY THIRD PARTY**

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Before:	Judge Inés Weinberg de Roca, Presiding Judge Rosalyn Chapman Judge Richard Lussick
Case Nos.:	2014-611, 2014-674 and 2015-689
Date:	24 March 2016
Registrar:	Weicheng Lin

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Counsel for Ms. Phyllis Cohen: April Lynn Carter

Counsel for Registrar of the ICJ: Jean-Pelé Fomété

**JUDGE INÉS WEINBERG DE ROCA, PRESIDING.**

1. The United Nations Appeals Tribunal (Appeals Tribunal) has before it a “Motion for Access to Documents” filed by Ms. Phyllis Cohen, a staff member of the International Court of Justice (ICJ), on 10 November 2015. On 12 November 2015, the Appeals Tribunal Registry transmitted the motion to Ms. Juliana Rangel and the Registrar of the ICJ, providing the opportunity to file comments within 10 calendar days. The ICJ Registrar submitted his comments on the motion on 23 November 2015. Ms. Rangel did not file any comments.

2. Ms. Cohen contends that she suffered harassment by Ms. Rangel while working at the ICJ Library and that her claims with respect to “the ICJ’s failures in in relation to Ms. Rangel’s harassment of her staff as well as a multitude of ongoing due process violations ... have been pending with the ICJ Conciliation Committee since 24 December 2014”. Pursuant to Practice Direction No. 1, Section 1D, paragraph 16, she requests access to the documents underlying Judgment No. 2015-UNAT-535, rendered by the Appeals Tribunal in the cases of *Rangel v. Registrar of the International Court of Justice* (Rangel cases) on 2 July 2015. She contends that these documents will enable her to fully address the appropriate remedy for the “harm inflicted upon her due to the actions of the ICJ Registrar and his staff”.

3. The ICJ Registrar contends that Ms. Cohen should not be granted unrestricted access as she has failed to demonstrate that all the documents pertaining to the Rangel cases could be of assistance to her. Furthermore, some of the documents on record may contain personal and/or confidential information on other staff members. He therefore asks that the Appeals Tribunal request Ms. Cohen to provide further information on the type of data that she needs to support her claims before the ICJ Conciliation Committee and that any order by the Appeals Tribunal granting Ms. Cohen access to documents should attach conditions that protect the confidentiality of data and the privacy of individuals referred to in the documents.

4. Practice Direction No. 1 on Filing of Documents and Case Management provides at paragraph 15 that, as a general principle, “[d]ocuments filed with the Registry are confidential and are not available to the public”. Paragraph 16 provides an exception to that general principle stating that “[a]ny person may submit a motion to the Appeals Tribunal to obtain access to documents filed in a case to which he or she is not a party”.

5. In the present case, Ms. Cohen requests access to the entire Rangel cases – which consist of numerous records -- without identifying the specific documents she is seeking or without pinpointing events which such documents supposedly relate to. We agree with the jurisprudence of the Administrative Tribunal of the International Labour Organization (ILOAT), which states: “The complainant has requested the production of a large number of documents. That request is refused because it is cast in the most general terms and constitutes an impermissible “fishing expedition”.<sup>1</sup>

**IT IS HEREBY ORDERED** that Ms. Cohen’s Motion for access to documents **IS DISMISSED**.

Original and Authoritative Version: English

Dated this 24<sup>th</sup> day of March 2016 in  
New York, United States.

*(Signed)*  
Judge Inés Weinberg de Roca

Entered in the Register on this 24<sup>th</sup> day of  
March 2016 in New York, United States.

*(Signed)*  
Weicheng Lin, Registrar

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<sup>1</sup> ILOAT Judgment No. 3487, *R. (No. 2) v WTO*, Consideration 2.