



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/GVA/2010/019  
Judgment No.: (UNAT 1601)  
UND/2010/075  
Date: 30 April 2010  
English  
Original: French

**Before:** Judge Jean-François Cousin

**Registry:** Geneva

**Registrar:** Víctor Rodríguez

GHAHREMANI

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**JUDGMENT**

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**Counsel for applicant:**  
Winston Sims

**Counsel for respondent:**  
Linda Starodub, UNOV

## Introduction

1. The applicant contests the decision of 12 March 2008 by which the Secretary-General, subsequent to a report by the Vienna Joint Appeals Board (JAB), rejected his appeal against the decision to refuse to provide his counsel access to his official status file and to other documents relating to

the decision to bar him from the premises of the Vienna International Centre (VIC).

2. He requests the Tribunal to secure the documents sought by his counsel and to order the Administration to pay him three years' salary at the rate that would have been due to him at the time of the notification and to

pay his counsel the sum of 25,000 US dollars.

## Facts

from January 1995 onwards. That request was refused on 8 and 9 August 2006.

On 4 October 2006, the applicant's counsel again requested access to

9. On 25 October 2006, the applicant's counsel asked the Secretary-General for administrative review of the decisions to refuse him access to

- b. Neither JAB nor the Secretary-General examined the question whether his barring from VIC had infringed his rights;
- c. The decision by the Director, Division for Management, UNOV, to deny him access to VIC constitutes an abuse of power;
- d. Contrary to the respondent's contention, there was a legal relationship between the Administration and the applicant as a former staff member;
- e. The parties did not raise the question of competence *ratione personae* and *ratione materiae* before JAB, but JAB raised it in favour of the respondent;
- f. ~~The terms of employment were affected by the decisions to bar him~~

- d. The appeal against the decision to grant his counsel access to the  
applicant's official notes file and other documents is inadmissible.

### Judgment

16. It is very clear from the documents in the file submitted to the Tribunal, particularly the applicant's request of 2 November 2006 to the Secretary General for administrative review, that the applicant confined

21. Consequently, the contested decision cannot have adversely affected his terms of appointment as a former staff member and, pursuant to the

therefore irreceivable before the present Tribunal which may only hear

applications that were receivable before UNAT. The application must therefore be rejected.

**Decision**

22. In view of the foregoing, the Tribunal DECIDES:

The application is rejected.

*(signed)*

Judge Jean-Francois Cousin