

NINETY-FIFTH SESSION

Judgment No. 2246

The Administrative Tribunal,

Considering the complaint filed by Mr R.E. K. against the International Criminal Police Organization (Interpol) on 12 November 2001 and corrected on 12 February 2002, Interpol's reply of 22 April, the complainant's rejoinder of 29 July and the Organization's surrejoinder of 4 October 2002;

Considering the interlocutory order in Judgment 2192 delivered on 3 February 2003;

Considering the documents filed by Interpol with the Registry of the Tribunal on 10 March 2003, in accordance with that decision;

Considering Article II, paragraph 5, of the Statute of the Tribunal;

Having examined the written submissions and decided not to order hearings, for which neither party has applied;

CONSIDERATIONS

1. In his complaint of 12 November 2001, the complainant asked the Tribunal to annul the implied decision to reject his request for review of the decision, taken on behalf of the Secretary General of Interpol, denying him access to the minutes of the Executive Committee's meetings of October 2000 and March 2001, to order the disclosure of the relevant passages of those minutes and to order the defendant to pay him moral damages. According to the complainant, there was every indication that his good name "was seriously challenged during the discussions" of the Executive Committee and that his reputation had been tarnished.
2. After the defendant opposed the request on the grounds that, in its view, the complainant lacked *locus standi* and could not justify his request for access to confidential documents, the Tribunal, in Judgment 2192 (interlocutory order) to which reference is made, had considered that it would be useful to consult the extracts of the minutes of the Executive Committee meetings before issuing a ruling.
3. Having consulted the documents disclosed by the Organization, the Tribunal considers it necessary, for the sake of the right to information referred to in Judgment 1756, to order the defendant to provide the complainant with the part of the documents supplied to the Tribunal pursuant to Judgment 2192 concerning the Executive Committee's discussions on the termination of his wife's appointment due to the abolition of her post and on the revocation of that termination. The impugned decision must therefore be set aside.
4. The Tribunal considers that the conditions for the award of moral damages are not met.
5. Since he succeeds in part, the complainant is entitled to 5,000 euros in costs.

DECISION

For the above reasons,

1. The impugned decision is set aside.
2. The Organization shall furnish the complainant with the extracts of the documents mentioned in consideration 3 above within 30 days of notification of the present judgment.
3. It shall pay the complainant 5,000 euros in costs.
4. His other claims are dismissed at this stage.

In witness of this judgment, adopted on 20 May 2003, Mr Jean-François Egli, Presiding Judge for this case, Mr Seydou Ba, Judge, and Mrs Hildegard Rondón de Sansó, Judge, sign below, as do I, Catherine Comtet, Registrar.

Delivered in public in Geneva on 16 July 2003.

(Signed)

Jean-François Egli

Seydou Ba

Hildegard Rondón de Sansó

Catherine Comtet