



# General Assembly

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## Sixty-ninth session

Agenda items 113 (i) and (j)

### **Appointments to fill vacancies in subsidiary organs and other appointments: appointment of the judges of the United Nations Appeals Tribunal**

#### **Appointment of ad litem judges of the United Nations Dispute Tribunal**

## **Appointment of the judges of the United Nations Appeals Tribunal and of ad litem judges of the United Nations Dispute Tribunal**

### **Memorandum by the Secretary-General**

#### **I. Introduction**

1. By its resolution 62/228 on administration of justice at the United Nations, the General Assembly decided, among other things, to establish a two-tier formal system of administration of justice, comprising a first instance United Nations Dispute Tribunal and an appellate instance United Nations Appeals Tribunal.
2. In the same resolution, the General Assembly decided that the judges of the Tribunals were to be appointed by the Assembly on the recommendation of the Internal Justice Council.
3. The statutes of the Tribunals were adopted by the General Assembly in its resolution 63/253. The statute of the Appeals Tribunal was subsequently amended in resolution 66/237.
4. On 2 March 2009, the General Assembly appointed the judges of the Tribunals on the basis of the recommendations of the Council (see [A/63/489](#)) and pursuant to the procedures outlined by the Secretary-General (see [A/63/700](#) and Add.1 and [A/63/701](#) and Add.1). The Tribunals became operational on 1 July 2009.
5. Effective 31 December 2013, Judge Jean Courtial (France) resigned from the Appeals Tribunal. The term of office of the position that he held expires on 30 June 2019.



6. Ad litem judges of the Dispute Tribunal are appointed pursuant to General Assembly resolution 63/253, paragraph 48 of which provides that there are to be three such judges appointed by the Assembly. The ad litem judges, whose terms expire on 31 December 2014, are Jean-François Cousin (France), Alessandra Greceanu (Romania) and Nkemdilim Amelia Izuako (Nigeria).

7. Effective 1 April 2014, ad litem Judge Cousin resigned from the Dispute Tribunal sitting in Geneva. The term of office of the position that he held expires on 31 December 2014.

8. It is therefore necessary for the General Assembly, during its sixty-ninth session, to take the following actions:

(a) Appoint a judge to the Appeals Tribunal for the remainder of the seven-year term of Judge Courtial, which expires on 30 June 2019;

(b) Appoint an ad litem judge to the Dispute Tribunal to replace Judge Cousin, whose term would be from 1 January to 31 December 2015;

(c) Extend the terms of ad litem judges Greceanu and Izuako of the Dispute Tribunal for the period from 1 January to 31 December 2015.

## **II. Internal Justice Council**

9. In its report ([A/69/373](#)), the Council recommended to the Assembly three candidates for the vacancy on the Appeals Tribunal and two candidates for the ad litem vacancy on the Dispute Tribunal. The Council provided the names, by position, location and tribunal, of candidates whom it considered suitable for election.

10. A full public process was instituted, in accordance with paragraph 45 of General Assembly resolution 65/251, to identify suitable candidates for presentation to the Assembly. The Council received applications from 48 countries and, following a review of all applications, invited 35 candidates to take a common written examination to test their legal expertise and drafting ability. In total, 32 candidates responded to the invitation and submitted their answers. On the basis of the written test, the Council interviewed 22 applicants.

11. As it had done for the previous rounds of judicial appointments, and with the permission of the recommended candidates, the Council, with the assistance of the International Commission of Jurists, approached the relevant national bar associations for confirmation of the integrity of each candidate identified herein. No negative reports were received on any of the candidates listed below. Written references were also obtained, from two sources, for each candidate.

12. The candidates recommended by the Council for appointment to the vacant post of judge of the Appeals Tribunal are:

(a) Sabine Knierim (Germany);

(b) Manuel Mazuelos Fernandez-Figueroa (Spain);

(c) Deborah Thomas-Felix (Trinidad and Tobago).

13. The candidates recommended by the Council for appointment to the vacant post of ad litem judge of the Dispute Tribunal are:

- (a) Vincent Cador (France);
- (b) Rowan M. Downing (Australia).

14. The candidates' curricula vitae are provided in the annexes to document [A/69/373](#).

### III. Procedure in the General Assembly

15. The appointment of the judge of the Appeals Tribunal will be made in accordance with:

- (a) The statute of the Appeals Tribunal;
- (b) The rules of procedure of the General Assembly;
- (c) The recommendations of the Internal Justice Council as set out in its report to the General Assembly ([A/69/373](#)).

16. The appointment of a judge to the Appeals Tribunal is addressed in article 3 of its statute, which states:

“1. The Appeals Tribunal shall be composed of seven judges.

“2. The judges shall be appointed by the General Assembly on the recommendation of the Internal Justice Council in accordance with General Assembly resolution 62/228. No two judges shall be of the same nationality. Due regard shall be given to geographical distribution and gender balance.

“3. To be eligible for appointment as a judge, a person shall:

- (a) Be of high moral character; and
- (b) Possess at least 15 years of judicial experience in the field of administrative law, or the equivalent within one or more national jurisdictions.

“4. A judge of the Appeals Tribunal shall be appointed for one non-renewable term of seven years. As a transitional measure, three of the judges initially appointed, to be determined by drawing of lots, shall serve three years and may be reappointed to the same Appeals Tribunal for a further non-renewable term of seven years. A current or former judge of the Dispute Tribunal shall not be eligible to serve in the Appeals Tribunal.”

17. The appointment of ad litem judges to the Dispute Tribunal is not addressed in its statute. Accordingly, the appointment of an ad litem judge will be made in accordance with:

- (a) General Assembly resolution 63/253;
- (b) The rules of procedure of the General Assembly;
- (c) The recommendations of the Internal Justice Council as set out in its report to the General Assembly ([A/69/373](#)).

18. It is proposed that the General Assembly proceed to appoint the judges through an election, held pursuant to the rules of procedure of the Assembly, bearing in mind

paragraph 58 of Assembly resolution 63/253, in which the Assembly invited Member States, when electing judges to the Tribunals, to take due consideration of geographical distribution and gender balance.

19. Only those candidates recommended by the Internal Justice Council whose names appear in the present memorandum are eligible for election. The electors in the General Assembly will indicate the candidates for whom they wish to vote by placing a cross against each name on the ballot papers. Each elector may vote for not more than one candidate for the one vacant position in the Appeals Tribunal and one candidate for the one vacant position in the Dispute Tribunal, respectively.

20. Those candidates who obtain the highest number of votes, and a majority of votes in the General Assembly of the members present and voting, will be considered to be elected and thereby appointed by the Assembly to the Tribunals.

21. Balloting shall continue in accordance with the rules of procedure until one candidate for the one vacant position in the Appeals Tribunal and one candidate for the one vacant position in the Dispute Tribunal to be filled have obtained, in one or more ballots, a majority of votes of the members present and voting.

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