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Appointments to fill vacancies in subsidiary organs and other appointments:

Appointment of the judges of the United Nations
Dispute Tribunal

Appointment of the judges of the United Nations
Appeals Tribunal

Appointment of judges of the United Nations Appeals Tribunal and 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 matters, 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](#) and the Tribunals became operational on 1 July 2009. The statute of the Appeals Tribunal was subsequently amended in resolutions [66/237](#), [69/203](#), [70/112](#), [71/266](#) and [76/242](#). The statute of the Dispute Tribunal was subsequently amended in resolutions [69/203](#), [70/112](#), [71/266](#) and [73/276](#).

* [A/77/150](#).



4. The Appeals Tribunal is composed of seven judges. The following six judges are currently serving on the Appeals Tribunal:

Graeme Colgan (New Zealand), President***

Kanwaldeep Sandhu (Canada), First Vice-President***

John Raymond Murphy (South Africa), Second Vice-President**

Dimitrios Raikos (Greece)**

Martha Halfeld Furtado de Mendonça Schmidt (Brazil)**

Sabine Knierim (Germany)**

5. One judicial position on the Appeals Tribunal is currently vacant following the resignation of Judge Jean-François Neven (Belgium), effective 10 January 2022. The unexpired remainder of Judge Neven's seven-year term ends on 30 June 2026. Accordingly, there is a need to appoint a judge to fill this vacancy for a term starting immediately upon appointment and ending on 30 June 2026.

6. In addition, effective 30 June 2023, the terms of office of four Appeals Tribunal judges will expire: Judge Murphy, Judge Raikos, Judge Halfeld and Judge Knierim. Accordingly, there is a need to appoint four judges to the United Nations Appeals Tribunal for a term of seven years starting on 1 July 2023.

7. The following nine judges are currently serving on the United Nations Dispute Tribunal:

Joëlle Adda (France), full-time judge in New York and President***

Agnieszka Klonowiecka-Milart (Poland), full-time judge in Nairobi**

Teresa Maria da Silva Bravo (Portugal), full-time judge in Geneva**

Alexander W. Hunter, Jr. (United States of America), half-time judge**

Eleanor Donaldson-Honeywell (Trinidad and Tobago), half-time judge****

Francesco Buffa (Italy), half-time judge***

Francis H. V. Belle (Barbados), half-time judge****

Margaret Tibulya (Uganda), half-time judge****

Rachel Sophie Sikwese (Malawi), half-time judge****

8. Effective 30 June 2023, the terms of office of three Dispute Tribunal judges will expire: Judge Klonowiecka-Milart, Judge Bravo and Judge Hunter. Accordingly, there is a need to appoint to the United Nations Dispute Tribunal one full-time judge based in Geneva, one full-time judge based in Nairobi and one half-time judge who would serve for six months each year in one or more of the three locations of the Dispute Tribunal, as assigned by the President of the Tribunal, for a term of seven years starting on 1 July 2023.

II. Internal Justice Council

9. In its report ([A/77/129](#)), the Internal Justice Council recommended to the General Assembly eight candidates for the four judicial positions in the Appeals Tribunal (for a non-renewable seven-year term starting on 1 July 2023); two candidates for one judicial vacancy in the Appeals Tribunal (for a non-renewable term

** Term ends on 30 June 2023.

*** Term ends on 30 June 2026.

**** Term ends on 9 July 2026.

of office starting immediately upon appointment and ending on 30 June 2026); and three candidates for the full-time position in the Dispute Tribunal in Geneva, four candidates for the full-time position in the Dispute Tribunal in Nairobi and two candidates for the half-time position in the Dispute Tribunal (all for a non-renewable seven-year term starting on 1 July 2023). The names of those candidates are provided in paragraphs 32 to 36 of that report and reproduced in paragraphs 12 to 16 of the present memorandum.

10. A full public process was instituted, in accordance with paragraph 45 of resolution 65/251, to identify suitable candidates for presentation to the General Assembly. The Council received 380 applications from 78 countries and, following a review of all applications, invited 90 candidates to take a written examination to test their legal expertise and drafting ability. On the basis of the written examination, the Council selected 31 applicants for interviews.

11. As it had done for the previous rounds of judicial appointments, the Council approached the relevant national bar or judicial associations for confirmation of the integrity of each recommended candidate. Written references were also requested and obtained for each candidate.

12. The eight candidates recommended by the Council for the four judicial positions in the Appeals Tribunal (for a non-renewable seven-year term starting on 1 July 2023) are, in alphabetical order:

- (a) Ms. Graciela Dixon Caton (Panama);
- (b) Mr. Leslie Formine Forbang (Cameroon);
- (c) Mr. Vineet Kothari (India);
- (d) Ms. Isabel Olmos (Spain);
- (e) Mr. Thomas Pastor (Germany);
- (f) Ms. Katherine Savage (South Africa);
- (g) Mr. Abdelmohsen Ahmed Sheha (Egypt);
- (h) Mr. Nassib G. Ziadé (Lebanon/Chile).

13. The two candidates recommended by the Council for the one judicial vacancy in the Appeals Tribunal (for a non-renewable term of office starting immediately upon appointment and ending on 30 June 2026) are, in alphabetical order:

- (a) Ms. Jacqueline Cornelius (Barbados);
- (b) Ms. Gao Xiaoli (China).

14. The three candidates recommended by the Council for the full-time position in the Dispute Tribunal in Geneva are, in alphabetical order:

- (a) Ms. Lucija Miše (Croatia);
- (b) Ms. Mira Mihaylova Raycheva-Shekerdzhieva (Bulgaria);
- (c) Mr. Xiangzhuang Sun (China).

15. The four candidates recommended by the Council for the full-time position in the Dispute Tribunal in Nairobi are, in alphabetical order:

- (a) Mr. Deepthi Amaratunga (Sri Lanka);
- (b) Mr. Roberto da Silva Fragale Filho (Brazil);
- (c) Mr. Vineet Kothari (India);
- (d) Mr. Sean Daniel Wallace (United States of America).

16. The two candidates recommended by the Council for the half-time position in the Dispute Tribunal are, in alphabetical order:

- (a) Ms. Joanne Harrison (Australia);
- (b) Mr. Solomon Waktolla (Ethiopia).

17. The candidates' curricula vitae are provided in annex II to the report of the Council ([A/77/129](#)).

III. Procedure in the General Assembly

18. The appointment of the judges 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 paragraphs 32 and 33 of its report to the General Assembly ([A/77/129](#)).

19. The appointment of judges to the Appeals Tribunal is addressed in article 3 of its statute, as revised, which states, in relevant part, as follows:

“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 impartial;

“(b) Possess at least 15 years of aggregate judicial experience in the field of administrative law, employment law, or the equivalent within one or more national or international jurisdictions. Relevant academic experience, when combined with practical experience in arbitration or the equivalent, may be taken into account towards five of the qualifying 15 years;

“(c) Be fluent, both orally and in writing, in at least one of the working languages of the Appeals Tribunal.

“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.

“5. A judge of the Appeals Tribunal appointed to replace a judge whose term of office has not expired shall hold office for the remainder of his or her predecessor's term and may be reappointed for one non-renewable term of seven years, provided that the unexpired term is less than three years.”

20. The appointment of judges to the Dispute Tribunal will be made in accordance with:

- (a) The statute of the Dispute Tribunal;
- (b) The rules of procedure of the General Assembly;

(c) The recommendations of the Internal Justice Council as set out in paragraphs 34, 35 and 36 of its report to the General Assembly ([A/77/129](#)).

21. The appointment of judges to the Dispute Tribunal is addressed in article 4 of its statute, as revised, which states, in relevant part, as follows:

“2. The judges shall be appointed by the General Assembly on the recommendation of the Internal Justice Council in accordance with 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 impartial;

“(b) Possess at least 10 years of judicial experience in the field of administrative law, or the equivalent within one or more national jurisdictions;

“(c) Be fluent, both orally and in writing, in English or French.

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

“5. A judge of the Dispute Tribunal appointed to replace a judge whose term of office has not expired shall hold office for the remainder of his or her predecessor’s term, and may be reappointed for one non-renewable term of seven years, provided that the unexpired term is less than three years.”

22. 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, taking into consideration paragraph 58 of resolution [63/253](#), in which the Assembly invited Member States, when electing judges to the respective Tribunals, to take due consideration of geographical distribution and gender balance.

23. Only those candidates recommended by the Internal Justice Council whose names appear in paragraphs 12 to 16 of the present memorandum are eligible for election and only their names would appear on the ballot papers. Voting shall be by secret ballot. The electors in the General Assembly will indicate the candidates for whom they wish to vote by placing a cross against the name on the ballot papers. Each elector may vote for no more than the number of judicial positions in the Appeals Tribunal and in the Dispute Tribunal to be filled at the present election.

24. 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.

25. Balloting shall continue in accordance with the rules of procedure until as many candidates as are required to fill the elective positions in the Appeals and Dispute Tribunals have obtained, in one or more ballots, a majority of votes of the members present and voting.