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COMMITTEE ON APPLICATIONS FOR REVIEW OF
ADMINISTRATIVE TRIBUNAL JUDGEMENTS
Forty-sixth session
Applications Nos. 99, 100, 101, 102,
103 and 105

ADMINISTRATIVE TRIBUNAL JUDGEMENTS NO. 702: BEG AGAINST THE
SECRETARY-GENERAL OF THE UNITED NATIONS; NO. 703: LARSEN
AGAINST THE SECRETARY-GENERAL OF THE UNITED NATIONS;
NO. 710: KHALIDI ET AL. AGAINST THE COMMISSIONER-GENERAL OF
THE UNITED NATIONS RELIEF AND WORKS AGENCY FOR PALESTINE
REFUGEES IN THE NEAR EAST; NO. 717: MUSEIBES AGAINST THE
COMMISSIONER-GENERAL OF THE UNITED NATIONS RELIEF AND WORKS
AGENCY FOR PALESTINE REFUGEES IN THE NEAR EAST; NO. 716:
KHADRA ET AL. AGAINST THE COMMISSIONER-GENERAL OF THE
UNITED NATIONS RELIEF AND WORKS AGENCY FOR PALESTINE
REFUGEES IN THE NEAR EAST; NO. 695: BURNETT ET AL. AGAINST
THE SECRETARY-GENERAL OF THE INTERNATIONAL MARITIME
ORGANIZATION

Report of the Committee

Rapporteur: Ms. Elizabeth WILMSHURST (United Kingdom of Great
Britain and Northern
Ireland)

I. INTRODUCTION

1. At its forty-sixth session, the Committee on Applications for Review of Administrative Tribunal Judgements, established under article 11 of the statute of the Administrative Tribunal, considered the following applications:

(a) Application of Ms. Beg for a review of Administrative Tribunal Judgement No. 702 - Beg v. the Secretary-General of the United Nations;

(b) Application of Ms. Larsen for a review of Administrative Tribunal Judgement No. 703 - Larsen v. the Secretary-General of the United Nations;

(c) Application of Khalidi et al. for a review of Administrative Tribunal Judgement No. 710 - Khalidi et al. v. the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East;

(d) Application of Mr. Museibes for a review of Administrative Tribunal Judgement No. 717 - Museibes v. the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East;

(e) Application of Khadra et al. for a review of Administrative Tribunal Judgement No. 716 - Khadra et al. v. the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East;

(f) Application of the Secretary-General for a review of Administrative Tribunal Judgement No. 695 - Burnett et al. v. the Secretary-General of the International Maritime Organization.

2. Meetings of the Committee were held on 27 February 1996.

II. COMPOSITION OF THE COMMITTEE AND ORGANIZATION OF THE SESSION

3. The Committee, under paragraph 4 of article 11 of the statute of the United Nations Administrative Tribunal, is composed of the Member States the representatives of which have served on the General Committee of the most recent regular session of the General Assembly (fiftieth session), namely, at this time: Albania, Algeria, Belgium, Bhutan, Bolivia, China, Congo, Costa Rica, Denmark, France, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Mali, Mauritania, Mauritius, Mongolia, Namibia, Nicaragua, Portugal, Russian Federation, Saint Lucia, Thailand, The former Yugoslav Republic of Macedonia, United Kingdom of Great Britain and Northern Ireland, United States of America and Yemen.

4. At its first meeting, on 27 February 1996, the Committee elected the following officers:

Chairman: Mr. Jorgen Molde (Denmark)

Rapporteur: Ms. Elizabeth Wilmshurst (United Kingdom of Great Britain and Northern Ireland)

III. APPLICATIONS BEFORE THE COMMITTEE AND THEIR CONSIDERATION

5. On 15 November 1995, the Committee received, through its Secretary, an application from Ms. Beg requesting a review of Judgement No. 702 rendered by the United Nations Administrative Tribunal on 27 July 1995 in the case of Beg against the Secretary-General of the United Nations. In accordance with article III, paragraph 1, of the rules of procedure of the Committee, the

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application, which had been submitted in English, was translated into the other languages of the General Assembly. Thereafter, on 23 January 1996, in accordance with the same rules of procedure, the application was communicated in the form of a document (A/AC.86/R.279) to all members of the Committee, as well as to the parties to the proceedings before the Administrative Tribunal, together with a copy of the judgement of the Administrative Tribunal (AT/DEC/702).

6. Written comments of the respondent, submitted with respect to the application of Ms. Beg in accordance with article V, paragraph 1, of the rules of procedure of the Committee, were circulated to all members of the Committee in document A/AC.86/R.280.

7. The Committee considered the application of Ms. Beg at its closed meeting held on 27 February 1996.

8. The Committee decided unanimously that there was not a substantial basis for the application under article 11 of the statute of the Administrative Tribunal and therefore concluded that the International Court of Justice should not be requested to give an advisory opinion in respect of Judgement No. 702 delivered by the United Nations Administrative Tribunal in the case of Beg against the Secretary-General of the United Nations.

9. On 16 November 1995, the Committee received, through its Secretary, an application from Ms. Larsen requesting a review of Judgement No. 703 rendered by the United Nations Administrative Tribunal on 28 July 1995 in the case of Larsen against the Secretary-General of the United Nations. In accordance with article III, paragraph 1, of the rules of procedure of the Committee, the application, which had been submitted in English, was translated into the other languages of the General Assembly. Thereafter, on 23 January 1996, in accordance with the same rules of procedure, the application was communicated in the form of a document (A/AC.86/R.281) to all members of the Committee, as well as to the parties to the proceedings before the Administrative Tribunal, together with a copy of the judgement of the Administrative Tribunal (AT/DEC/703).

10. Written comments of the respondent, submitted with respect to the application of Ms. Larsen in accordance with article V, paragraph 1, of the rules of procedure of the Committee, were circulated to all members of the Committee in document A/AC.86/R.282.

11. The Committee considered the application of Ms. Larsen at its closed meeting held on 27 February 1996.

12. The Committee decided unanimously that there was not a substantial basis for the application under article 11 of the statute of the Administrative Tribunal and therefore concluded that the International Court of Justice should not be requested to give an advisory opinion in respect of Judgement No. 703 delivered by the United Nations Administrative Tribunal in the case of Larsen against the Secretary-General of the United Nations.

13. On 4 December 1995, the Committee received, through its Secretary, an application from Khalidi et al. requesting a review of Judgement No. 710 rendered by the United Nations Administrative Tribunal on 28 July 1995 in the case of Khalidi et al. against the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East. The application of Khalidi et al. did not comply with the requirements set forth in article II, paragraph 2, of the rules of procedure of the Committee. Therefore, as provided for in article III, paragraph 2, and article XIII, paragraph 1 (a), of the rules of procedure of the Committee, on 12 December 1995 the application was returned to the applicants with a request that it be corrected and resubmitted within three weeks from the date of its return. A corrected application of Khalidi et al., dated 20 December 1995, was received by the Secretary of the Committee on 2 January 1996. In accordance with article III, paragraph 1 of the rules of procedure of the Committee, the application, which had been submitted in Arabic, was translated into the other languages of the General Assembly. Thereafter, on 23 January 1996, in accordance with the same rules of procedure, the application was communicated in the form of a document (A/AC.86/R.283 and Corr.1) to all members of the Committee, as well as to the parties to the proceedings before the Administrative Tribunal, together with a copy of the judgement of the Administrative Tribunal (AT/DEC/710).

14. Written comments of the respondent, submitted with respect to the application of Khalidi et al. in accordance with article V, paragraph 1, of the rules of procedure of the Committee, were circulated to all members of the Committee in document A/AC.86/R.284.

15. The Committee considered the application of Khalidi et al. at its closed meeting held on 27 February 1996.

16. The Committee decided unanimously that there was not a substantial basis for the application of Khalidi et al. under article 11 of the statute of the Administrative Tribunal and therefore concluded that the International Court of Justice should not be requested to give an advisory opinion in respect of Judgement No. 710 delivered by the United Nations Administrative Tribunal in the case of Khalidi et al. against the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East.

17. On 10 December 1995, the Committee received, through its Secretary, an application from Mr. Museibes requesting a review of Judgement No. 717 rendered by the United Nations Administrative Tribunal on 28 July 1995 in the case of Museibes against the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East. In accordance with article III, paragraph 1 of the rules of procedure of the Committee, the application, which had been submitted in English, was translated into the other languages of the General Assembly. Thereafter, on 23 January 1996, in accordance with the same rules of procedure, the application was communicated in the form of a document (A/AC.86/R.285) to all members of the Committee, as well as to the parties to the proceedings before the Administrative Tribunal, together with a copy of the judgement of the Administrative Tribunal (AT/DEC/717).

18. Written comments of the respondent, submitted with respect to the application of Mr. Museibes in accordance with article V, paragraph 1, of the

rules of procedure of the Committee, were circulated to all members of the Committee in document A/AC.86/R.286.

19. The Committee considered the application of Mr. Museibes at its closed meeting held on 27 February 1996.

20. The Committee decided unanimously that there was not a substantial basis for the application of Mr. Museibes under article 11 of the statute of the Administrative Tribunal and therefore concluded that the International Court of Justice should not be requested to give an advisory opinion in respect of Judgement No. 717 delivered by the United Nations Administrative Tribunal in the case of Museibes against the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East.

21. On 2 January 1996, the Committee received, through its Secretary, an application from Khadra et al. requesting a review of Judgement No. 716 rendered by the United Nations Administrative Tribunal on 28 July 1995 in the case of Khadra et al. against the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East. In accordance with article III, paragraph 1, of the rules of procedure of the Committee, the application, which had been submitted in Arabic, was translated into the other languages of the General Assembly. Thereafter, on 23 January 1996, in accordance with the same rules of procedure, the application was communicated in the form of a document (A/AC.86/R.287 and Corr.1) to all members of the Committee, as well as to the parties to the proceedings before the Administrative Tribunal, together with a copy of the judgement of the Administrative Tribunal (AT/DEC/716).

22. Written comments of the respondent, submitted with respect to the application of Khadra et al. in accordance with article V, paragraph 1 of the rules of procedure of the Committee, were circulated to all members of the Committee in document A/AC.86/R.288.

23. The Committee considered the application of Khadra et al. at its closed meeting held on 27 February 1996.

24. The Committee decided unanimously that there was not a substantial basis for the application of Khadra et al. under article 11 of the statute of the Administrative Tribunal and therefore concluded that the International Court of Justice should not be requested to give an advisory opinion in respect of Judgement No. 716 delivered by the United Nations Administrative Tribunal in the case of Khadra et al. against the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East.

25. On 15 December 1995, the Committee received, through its Secretary, an application from the Secretary-General of the International Maritime Organization requesting a review of Judgement No. 695 rendered by the United Nations Administrative Tribunal on 21 July 1995 in the case of Burnett et al. against the Secretary-General of the International Maritime Organization. In accordance with article III, paragraph 1, of the rules of procedure of the Committee, the application, which had been submitted in English, was translated into the other languages of the General Assembly. Thereafter, on

23 January 1996, in accordance with the same rules of procedure, the application was communicated in the form of a document (A/AC.86/R.289) to all members of the Committee, as well as to the parties to the proceedings before the Administrative Tribunal, together with a copy of the judgement of the Administrative Tribunal (AT/DEC/695).

26. Written comments of the other party to the proceedings before the Administrative Tribunal, submitted with respect to the application of the Secretary-General of the International Maritime Organization in accordance with article V, paragraph 1, of the rules of procedure of the Committee, were circulated to all members of the Committee in document A/AC.86/R.290.

27. The Committee considered the application of the Secretary-General of the International Maritime Organization at its closed meeting held on 27 February 1996.

28. The Committee decided unanimously that, having regard to the provisions of the 1964 Special Agreement between the United Nations and the Inter-Governmental Maritime Consultative Organization extending the competence of the Administrative Tribunal of the United Nations to the Inter-Governmental Maritime Consultative Organization with respect to applications alleging non-observance of contracts of employment or of the terms of appointment of staff members of the Inter-Governmental Maritime Consultative Organization, the Committee was not competent to deal with the application of the Secretary-General of the International Maritime Organization. The Committee, therefore, decided that the International Court of Justice should not be requested to give an advisory opinion in respect of Judgement No. 695 delivered by the United Nations Administrative Tribunal in the case of Burnett et al. against the Secretary-General of the International Maritime Organization.

29. In accordance with article VIII, paragraph 4, of the rules of procedure of the Committee, the decisions of the Committee with regard to the applications of Ms. Beg, Ms. Larsen, Khalidi et al., Mr. Museibes, Khadra et al. and the Secretary-General of the International Maritime Organization were formally announced by the Chairman at the meeting of the Committee, held in public on 27 February 1996.
