

CORRESPONDENCE

1. THE SECRETARY-GENERAL OF THE UNITED NATIONS
TO THE PRESIDENT OF THE COURT

[See pp. 3-4, supra.]

2. THE REGISTRAR TO THE SECRETARY-GENERAL, OF THE
UNITED NATIONS

10 July 1972.

By your letter of 28 June 1972 you informed me that the Committee on Applications for Review of Administrative Tribunal Judgements had on 20 June 1972 decided to request of the International Court of Justice an advisory opinion on an *Application for the Review of Judgement No. 158 of the United Nations Administrative Tribunal*.

In acknowledging receipt of your communication, with which you were good enough to transmit certified copies of the English and French texts of the Committee's decision, I have the honour to inform you that, in accordance with Article 66, paragraph 1, of the Statute of the Court, I have today notified all States entitled to appear before the Court of the request for an advisory opinion. I am enclosing herewith, for your information, a copy in both languages of the printed text of your letter of 28 June 1972 as transmitted to those States.

I have taken note that in accordance with Article 65, paragraph 2, of the Statute of the Court, you will be transmitting to the Court all documents likely to throw light upon the question. I have further taken note that, in accordance with Article 11, paragraph 2, of the Statute of the United Nations Administrative Tribunal, you will be arranging for the transmission to the Court of such views as the applicant for review may wish to submit.

(Signed) S. AQUARONE.

3. LE GREFFIER AU MINISTRE DES AFFAIRES ÉTRANGÈRES D'AFGHANISTAN¹

10 juillet 1972.

J'ai l'honneur, en exécution de l'article 66, paragraphe 1, du Statut de la Cour internationale de Justice, de faire tenir ci-joint à Votre Excellence un exemplaire, imprimé par les soins du Greffe, de la requête pour avis consultatif transmise à la Cour par le Secrétaire général des Nations Unies en vertu d'une décision du Comité des demandes de réformation de jugements du Tribunal administratif en date du 20 juin 1972.

4. THE REGISTRAR TO THE SECRETARY-GENERAL OF THE UNITED NATIONS

17 July 1972.

I have the honour to refer to your letter of 28 June 1972 by which you were good enough to communicate to the Court a decision taken on 20 June 1972 by

¹ Une communication analogue a été adressée aux autres Etats admis à ester devant la Cour.

the Committee on Applications for Review of Administrative Tribunal Judgments concerning a request for advisory opinion, and to draw your attention to Article 66, paragraph 2, of the Statute of the Court, which provides:

“The Registrar shall also, by means of a special and direct communication, notify any State entitled to appear before the Court or international organization considered by the Court, or, should it not be sitting, by the President, as likely to be able to furnish information on the question, that the Court will be prepared to receive, within a time-limit to be fixed by the President, written statements, or to hear, at a public sitting to be held for the purpose, oral statements relating to the question.”

In pursuance of this provision, I have the honour to inform you by this special and direct communication that in the present case the United Nations and its member States have so far been considered by the Court as likely to be able to furnish information on the question, and that, by an Order¹ of the Court of 14 July 1972, 20 September 1972 has been fixed as the time-limit for the submission of written statements. The subsequent procedure has been reserved for further decision.

5. LE GREFFIER AU MINISTRE DES AFFAIRES ÉTRANGÈRES D'AFGHANISTAN²

17 juillet 1972.

Il est connu de Votre Excellence que, le 20 juin 1972, le Comité des demandes de réformation de jugements du Tribunal administratif des Nations Unies a pris la décision suivante:

[Voir p. 3, supra.]

Le texte de cette décision est parvenu au Greffe de la Cour le 3 juillet 1972. Sous le couvert d'une lettre du 10 juillet 1972, une édition imprimée en a été communiquée à Votre Excellence en exécution de l'article 66, paragraphe 1, du Statut de la Cour.

Le paragraphe 2 du même article du Statut prévoit:

«à tout Etat admis à ester devant la Cour et à toute organisation internationale jugés, par la Cour ou par le Président si elle ne siège pas, susceptibles de fournir des renseignements sur la question, le Greffier fait connaître, par communication spéciale et directe, que la Cour est disposée à recevoir des exposés écrits dans un délai à fixer par le Président, ou à entendre des exposés oraux au cours d'une audience publique tenue à cet effet».

Appliquant cette disposition, j'ai l'honneur de faire connaître à Votre Excellence, par la présente communication spéciale et directe, qu'en l'espèce et à ce jour les Etats Membres et le Secrétaire général des Nations Unies ont été considérés par la Cour comme susceptibles de fournir des renseignements sur la question et d'autre part que, par ordonnance de la Cour du 14 juillet 1972, la date d'expiration du délai pour la présentation d'exposés écrits a été fixée au 20 septembre 1972. La suite de la procédure est réservée.

¹ *I.C.J. Reports 1972*, p. 10.

² Une communication analogue a été adressée aux autres Etats Membres des Nations Unies.

Au cas où Votre Gouvernement désirerait se prévaloir de la faculté qui lui est ouverte de présenter un exposé écrit dans le premier délai fixé, j'attacherais du prix à en être informé aussitôt que possible. J'ajoute que l'exposé devrait être rédigé soit en français, soit en anglais, langues officielles de la Cour (article 39, paragraphe 1, du Statut).

6. THE REGISTRAR TO THE SECRETARY-GENERAL OF THE UNITED NATIONS¹

24 July 1972.

With reference to my communication of 17 July 1972, I have the honour to send you herewith the text of the Order made by the International Court of Justice on 14 July 1972.

7. THE DIRECTOR OF THE GENERAL LEGAL DIVISION OF THE UNITED NATIONS
SECRETARIAT TO THE REGISTRAR

28 July 1972.

This is to acknowledge and thank you for the following two communications addressed to the Secretary-General:

Your letter of 10 July 1972 (52938), with which you enclosed a copy of the printed text of the Secretary-General's letter of 28 June communicating to the President of the Court the request for an advisory opinion in relation to Judgement No. 158 of the Administrative Tribunal of the United Nations; Your letter of 17 July 1972 (52978), by which you informed the Secretary-General that the Court so far considers the United Nations and its Member States as likely to be able to furnish information on the questions to which the letter of 28 June related, and that the time-limit of 20 September 1972 has been fixed for the submission of written statements.

We have communicated this information to Mr. Fasla, the Applicant to whom the above-mentioned judgement of the Administrative Tribunal relates, and to his counsel², and have arranged to receive from them, for transmission to the Court within the time-limit established by it, any views Mr. Fasla may wish to have considered in connection with the present proceeding.

(Signed) Blaine SLOAN.

8. THE DIRECTOR OF THE GENERAL LEGAL DIVISION OF THE UNITED NATIONS
SECRETARIAT TO THE REGISTRAR

24 August 1972.

I wish to refer to the Secretary-General's letter of 28 June 1972 transmitting a request by the Committee on Applications for Review of Administrative Tribunal Judgements for an advisory opinion on the *Application for Review of Judgement No. 158 of the United Nations Administrative Tribunal*.

Pursuant to Article 65, paragraph 2, of the Statute of the International Court of Justice, I am transmitting to you for submission to the Court 30 dossiers in

¹ A similar communication was sent to States Members of the United Nations.

² Mr. Erik N. Valters.

English and 30 in French containing documents likely to throw light upon the questions submitted to the Court. I certify that all these documents are final official records of the United Nations or true copies thereof, except for certain documents that exist in mimeographed form only and are so indicated in the Table of Contents of the dossiers. Each dossier also contains a Table of Contents listing all the documents transmitted, as well as an Introductory Note designed to facilitate the use of the dossiers¹.

In addition, I am transmitting to you 30 folders containing copies of the 92 annexes to the application submitted to the Committee on Applications for Review of Administrative Tribunal Judgements and referred to in its questions to the Court. Most of these documents are in English and a few in French. A list of the annexes², in English and French, appears at the beginning of each folder.

At the same time I am transmitting a copy of the dossiers as well as of the supplementary folder to Mr. Mohamed Fasla, the Applicant to whom the above-mentioned judgement of the Administrative Tribunal relates, as well as to his counsel.

The Secretary-General will be pleased to provide the Court with any additional documentation or information in his possession that the Court might find useful in its consideration of the opinion requested by the Committee.

9. THE SECRETARY-GENERAL OF THE UNITED NATIONS TO THE PRESIDENT OF THE COURT

15 September 1972.

I have the honour to inform you that I have designated Mr. Constantin A. Stavropoulos, Under-Secretary-General, The Legal Counsel, as the representative of the Secretary-General in the proceedings of the Court concerning the request by the Committee on Applications for Review of Administrative Tribunal Judgements for an advisory opinion on the *Application for Review of Judgement No. 158 of the United Nations Administrative Tribunal*.

Mr. Stavropoulos is authorized to present written statements on behalf of the Secretary-General in the matter before the Court.

(Signed) Kurt WALDHEIM.

10. THE LEGAL COUNSEL OF THE UNITED NATIONS TO THE REGISTRAR

15 September 1972.

I have the honour to transmit herewith a letter of even date from the Secretary-General, addressed to the President of the International Court of Justice, authorizing me to present written statements on his behalf in the matter of the *Advisory Opinion on the Application for Review of Judgement No. 158 of the United Nations Administrative Tribunal*.

Pursuant to the above-mentioned authorization, I also have the honour to transmit herewith, for communication to the Court, one copy of a written statement in the foregoing matter³. A further 49 copies are being sent to you by air-freight.

¹ See pp. 7-12, *supra*.

² See pp. 20-23, *supra*.

³ See pp. 27-64, *supra*.

We are in touch with counsel of Mr. Mohamed Fasla, the Applicant to whom the above-mentioned judgement of the Administrative Tribunal relates, and expect to receive from him within the next few days a statement of the views of Mr. Fasla, which we shall immediately transmit to you pursuant to paragraph 2 of Article 11 of the Tribunal's Statute.

(Signed) Constantin A. STAVROPOULOS.

11. THE LEGAL COUNSEL OF THE UNITED NATIONS TO THE REGISTRAR

18 September 1972.

I have the honour to refer to the request by the Committee on Applications for Review of Administrative Tribunal Judgements for an advisory opinion on the *Application for Review of Judgement No. 158 of the United Nations Administrative Tribunal*.

In connection with that request and as required by paragraph 2 of Article 11 of the Tribunal's Statute, I am herewith transmitting to you for communication to the Court one copy of a statement¹ setting forth the views of Mr. Mohamed Fasla, the Applicant to whom the above-mentioned judgement of the Administrative Tribunal relates. This statement is one that we have just received from the Applicant's Counsel. A further 49 copies are being sent to you by air-freight.

12. THE REGISTRAR TO THE SECRETARY-GENERAL OF THE UNITED NATIONS

6 October 1972.

I refer to my letter of 17 July 1972, constituting the special and direct communication provided for in Article 66, paragraph 2, of the Court's Statute, in respect of the request for advisory opinion on the *Application for Review of Judgement No. 158 of the United Nations Administrative Tribunal*, by which I informed you that the United Nations and its Member States had been considered by the Court as likely to be able to furnish information on the question. I now have the honour to inform you that the only written statement submitted to the Court is that received from the United Nations, comprising a statement on your behalf and the views of the person to whom Judgement No. 158 of the Administrative Tribunal related, namely Mr. Mohamed Fasla.

In my letter of 17 July, I informed you that when the time-limit for the submission of written statements was fixed by the Court, the subsequent procedure was reserved for further decision. I now have the honour to inform you that it is not contemplated that public hearings for the submission of oral statements will be held in this case, but the President of the Court has fixed 27 November 1972 as the time-limit for the submission of written comments as provided for in Article 66, paragraph 4, of the Statute.

13. LE GREFFIER AU MINISTRE DES AFFAIRES ÉTRANGÈRES D'AFGHANISTAN²

6 octobre 1972.

Dans ma lettre du 17 juillet 1972 qui constituait la communication spéciale et directe prévue à l'article 66, paragraphe 2, du Statut de la Cour relativement à la

¹ Not reproduced.

² Une communication analogue a été adressée aux autres Etats Membres des Nations Unies.

requête pour avis consultatif concernant la *Demande de réformation du jugement n° 158 du Tribunal administratif des Nations Unies*, je faisais connaître à Votre Excellence que l'Organisation des Nations Unies et ses Etats Membres avaient été considérés par la Cour comme susceptibles de fournir des renseignements sur la question. Votre Excellence voudra bien trouver sous pli séparé un exemplaire de l'exposé écrit reçu de l'Organisation des Nations Unies, qui comprend un exposé fait au nom du Secrétaire général et l'opinion de la personne que concerne le jugement n° 158 du Tribunal administratif des Nations Unies, M. Mohamed Fasla. Je fais tenir en outre à Votre Excellence une traduction française de cet exposé, établie par le Greffe et dépourvue de tout caractère officiel (article 39, paragraphe 4, du Règlement¹). Aucun autre exposé écrit n'a été transmis à la Cour à la suite de la communication spéciale et directe faite le 17 juillet 1972.

J'indiquais dans la lettre du 17 juillet que la Cour, en fixant la date d'expiration du délai pour la présentation d'exposés écrits, avait réservé la suite de la procédure. J'ai l'honneur d'aviser Votre Excellence qu'il n'est pas envisagé de tenir en l'affaire d'audiences publiques consacrées à des exposés oraux; à cet égard, je me permets d'appeler l'attention de Votre Excellence sur la recommandation contenue dans la résolution 957 (X) de l'Assemblée générale et tendant à ce que les « Etats Membres et le Secrétaire général s'abstiennent de présenter des exposés oraux à la Cour internationale de Justice » dans les procédures visant à obtenir, au moyen d'un avis consultatif, la réformation de jugements du Tribunal administratif des Nations Unies.

Le Président a fixé au 27 novembre 1972 la date d'expiration du délai dans lequel des observations écrites pourront être soumises conformément à l'article 66, paragraphe 4, du Statut.

14. THE LEGAL COUNSEL OF THE UNITED NATIONS TO THE REGISTRAR

(telegram)

6 October 1972.

1° On 29 September we received a letter of even date from Erik N. Valters advising us that he had withdrawn as counsel of Mohamed Fasla am mailing you copy of that letter.

2° Have today received following cable dated 5 October from Fasla

"Pursuant to paragraph 2 of Article 11 of Administrative Tribunal Rules respectfully request submission by cable to ICJ the following:

"The views presented by counsel Valters on my behalf on 18 September have been distorted and mislead ICJ of my intent clear cut instructions had been provided to Mr. Valters on various occasions on telephone and by letters and our agreement has been that my views will be stated by him and communicated to me on time before submission to ICJ from 14 to 27 September. I was unable to reach Mr. Valters on the phone on 25 September. I received from a former colleague a Xerox copy circulating at Secretariat of what has been presented to ICJ as my views by Mr. Valters on 27 September by telegram. I have requested Mr. Valters to submit within 24 hours a corrigendum to ICJ on 28 September. Mr.

¹ Règlement de la Cour adopté le 6 mai 1946, *C.I.J. Actes et documents n° 1*, 2^e édition, p. 54-83.

Valters refused to fulfil his obligation toward me and disqualify himself to be my counsel. I respectfully request ICJ in the interest of justice to enable me to submit within a reasonable delay a corrigendum to what Mr. Valters has presented as my views. An explanatory communication supported by evidence will follow this cable¹."

Annex

MR. VALTERS TO THE DIRECTOR OF THE GENERAL LEGAL DIVISION OF THE UNITED NATIONS SECRETARIAT

New York, 29 September 1972.

With reference to the proceedings before the International Court of Justice concerning *Application for Review of Judgement No. 158 of the United Nations Administrative Tribunal*, please be advised that I have withdrawn as counsel for Mr. Mohamed Fasla. I should like to take this opportunity to thank you most sincerely for the co-operation which you and your staff have unfailingly extended to me during my association with Mr. Fasla.

15. THE LEGAL COUNSEL OF THE UNITED NATIONS TO THE REGISTRAR

(telegram)

11 October 1972.

Re my tel 6 October point 2^o Fasla's cable was dispatched 1 October and received in UN 5 October.

16. THE LEGAL COUNSEL OF THE UNITED NATIONS TO THE REGISTRAR

13 October 1972.

Pursuant to paragraph 2 of Article 11 of the Statute of the Administrative Tribunal of the United Nations, I have the honour to transmit to you herewith the original of a communication, dated 7 October 1972, sent by Mr. Mohamed Fasla to the Secretary-General for submission to the International Court of Justice in connection with the advisory opinion requested on the *Application for Review of Judgement No. 158 of the United Nations Administrative Tribunal*.

I am also transmitting to you herewith an English and a French copy of the Secretary-General's Bulletin number ST/SGB/131¹ dealing with the organization of the Secretariat, which is referred to on page three of the above-mentioned communication. Although a number of amendments to that document have been issued since, none of these affect the passage referred to by Mr. Fasla.

I also have the honour to acknowledge herewith the receipt of your letter of 6 October addressed to the Secretary-General and informing him that the President of the Court has fixed 27 November 1972 as the time-limit for the submission of written comments. We immediately informed Mr. Fasla of this time-limit and have sent him a copy of your letter.

¹ Not reproduced.

Annexes

MR. FASLA TO THE SECRETARY-GENERAL OF THE UNITED NATIONS

(Attn.: Director of General Legal Division)

Tucson, 7 October 1972.

Pursuant to paragraph 2, Article 11, of the Statute of the United Nations Administrative Tribunal I request that you submit to the International Court of Justice the attached communication which is part of my views in this case before the Court.

I would be most grateful to you if you would provide me with a receipt for this document and a copy of your transmission to the Court.

MR. FASLA TO THE REGISTRAR

Tucson, 7 October 1972.

As required by paragraph 2, Article 11, of the Statute of the United Nations Administrative Tribunal this communication is sent to you through the Secretary-General of the United Nations.

Throughout this period of international turmoil complicated by competing ideologies and irrational prejudices the United Nations and the International Court of Justice have stood as a symbol of the hopes of the world and as a standard of justice to which all could aspire.

The Preamble to the Charter of the United Nations reaffirms "faith in fundamental human rights in the dignity and worth of the human person . . .". To violate the essence of the Charter is to violate the hopes of mankind; to destroy confidence in the justness of this council of nations is to destroy the hopes for peaceful settlements of disputes. A failure to fulfill the need for just methods of arbitration invites a resort to violence and injustice. A failure to adhere to principles invites unprincipled action and injustice.

The International Court of Justice, as the highest tribunal of civilization, as the embodiment of the belief that disputes should be settled civilly and justly, as the fulfillment of the hopes of men for a better world, must be concerned to protect those ideals and preserve those hopes.

The International Court of Justice has before it now an Application for Review of Judgement No. 158 of the United Nations Administrative Tribunal (Fasla against the Secretary-General of the United Nations). The opinion rendered by the Court will be of the highest consequence and can reaffirm the faith of men in the sanctity of justice. Because of the importance of this case, and of any case which appears before the Court, it appears evident that a *prima facie* obligation exists on the part of the Court to ensure that the views of both parties be fully represented before that Court.

The deposition dated 18 September 1972 submitted by Erik N. Valters in his capacity as my counsel entitled "Views of Mr. Mohamed Fasla" conveys a substantial misrepresentation of my position by failing to represent my views correctly on this issue. But most importantly, it distorts the nature of the issues involved in this case, giving the impression that my only concern is monetary.

Mr. Valters failed to follow my instructions as to the content of this deposition, failed to obtain my approval of the deposition before it was submitted to

the Court, and when confronted with these facts by me withdrew from this case on 29 September 1972.

As an indication of Mr. Valter's failure to follow my instructions as to the content of this deposition I point out that I instructed him to emphasize the importance of the production by respondent of two letters, among others. The first of these is the Hagen letter dated 9 March 1969 which despite its importance has been ruled by the Tribunal as "not relevant to the case". The second is a letter dated 26 April 1969 from the President of the Yemen Arab Republic to the Secretary-General of the United Nations. The reply by the Administrator UNDP is dated 28 May 1969 under the symbol DP/310/Yemen.

I pointed out to Mr. Valters specific aspects of the judgment of the Tribunal which I wished him to include and to emphasize as a failure of justice. These points are not made in the deposition, nor are my views presented.

I instructed Mr. Valters to ensure the production of the dossier of the Administrative Tribunal as required by Article 12, Section 2, of the Statute and Rules of the United Nations Administrative Tribunal which states "The Executive Secretary shall make for each case a dossier which shall record all actions taken in connexion with the preparation of the case for trial, the dates thereof, and the dates on which any document or notification forming part of the procedure is received in or despatched from this office". I also requested that he ensure production of the minutes of the Tribunal involving the proceedings of my case.

I also asked that Mr. Valters inquire of the Court the legitimacy of the principle expressed in the Secretary-General's Bulletin (St/SGB/131) of October 1966 which is expressed on page 13. Should the General Legal Division of the Secretariat, in a case involving the Secretary-General as respondent, "represent the Secretary-General before the Administrative Tribunal and, on request, advise the Tribunal on legal questions"?

I also requested Mr. Valters to protest to the Court as unacceptable the position taken by the Respondent regarding the status of the General Committee¹ and the production of documents irrelevant to the case, namely, "Documentation relating to the formulation of Article 1 of the Statute of the Administrative Tribunal", "Documentation of the Special Committee on Review of Administrative Tribunal Judgments", "Documentation of the Twelfth Session of the General Assembly", and "Documentation of the Tenth Session of the General Assembly", since I felt that this would shift the emphasis from the two questions for which the Advisory Opinion was requested to a determination of the legitimacy of the General Committee and the extent and nature of its powers.

In a letter to Mr. Valters dated 26 August 1972 I instructed him on page 6 "to send a draft of your application in due time in order that we can discuss it about all the points . . .". I not only did not approve of the content of this deposition I was not even aware of its existence until 25 September 1972 when I was apprised that a copy was circulating in Headquarters.

Following is a copy of the cable which I sent to Mr. Valters on 27 September 1972 which represents a free discussion between an applicant and his counsel. Upon receipt of this cable Mr. Valters disqualified himself as my counsel.

"At many occasions I have tried in the last few days to have you on the phone either at home or at the office but I did not succeed. I left messages

¹ Committee on Applications for Review of Administrative Tribunal Judgements.
[Note by Mr. Fasla.]

to call me collect but I am surprised that I did not receive any communications from you.

As today I have not received the written statement on my behalf to IJC. However I have been provided by a friend at Headquarters a Xerox copy of this document circulating at the Secretariat since 18 of September. I regret that I have to be informed by others about what has been presented as my views.

I am distressed that my views have been distorted in spite of your agreement and your promise that you will follow my recommendations and clear with me any documents before presentation to IJC as you did for the proceeding with Administrative Tribunal. I am deeply distressed about your omission that the Secretary-General has violated the Article of the Charter, Article 101, Paragraph 3 (recall from Yemen Arab Republic and penalization for irregularities committed by senior officers).

I am distressed that you have built the entire comments on material compensation and added others just as respondent had predicted and this contrary to my recommendation. You have been aware in writing and on the phone that my case against the Secretary-General is for a moral principle. It is for justice and this has been made clear to you and I mention to you again two weeks ago that I wanted to obtain restoration to the status quo ante and not any compensation. I am distressed to find that you mentioned that the prejudice has only started in Yemen Arab Republic while in fact as you presented to Administrative Tribunal the prejudice has been displayed during all my career with the UN by the same senior officer Vadyanatan and senior officers under his influence and command. I am distressed that you don't mention at all that I request the production of Hagen's letter to IJC. I am distressed in spite of evidence submitted to you that no mention has been made about the presentation by UNDP for the approval by governing council of projects never requested by Yemen Arab Republic and imposed by UNDP to maintain corrupted experts unwanted by Yemen Arab Republic Government and my writing to the headquarters against this irregularity presented to the governing council by UNDP.

I am distressed about the frame up by UNDP concerning Prattley's letter.

My views are distorted in your statement. My purpose in pursuing this affair is based only on principle, on the Charter of the UN and on Human Rights. It is not an affair of interest.

If I had wanted to make money in Yemen Arab Republic I could have followed the example of many officers of the UN.

I consider IJC the highest court in earth and I will not follow as I have mentioned to you the misleading or incorrect arguments as presented by the Legal Office of an Organization supposedly dedicated to law and order.

I will stay again on a principle of law and I consider the mark of disrespect to bring to a dignified court the views based on material compensation only.

I don't have the pretention to tell them what they should do and to use the misleading and incorrect arguments as the Legal Office is doing.

I will be most grateful to you to submit to me within 24 hours by cable a corrigendum including all my corrections and stating my real views that you would like to send to IJC.

Best regards."

Mr. Valters who has diligently assisted me with my proceedings before the Tribunal was undoubtedly qualified to do so. After undertaking to present my case to the International Court of Justice he was unexpectedly appointed to the highly sensitive position of Assistant to the Under-Secretary for the Office of Public Information of the United Nations. This, undoubtedly, created a situation which involved Mr. Valters in a conflict of interest.

Because this deposition does not represent my views, and in view of the fact that Mr. Valters manifestly ignored my instructions, I request, if it is within the power of the Court, that I be allowed to resubmit my own views.

Article 7 of the Universal Declaration of Human Rights declares "All are equal before the law and are entitled without any discrimination to equal protection of the law". There exists a manifest inequality of legal resources between the Secretary-General of the United Nations and myself. He can through his office avail himself of the vast resources of the Legal Office of the Secretariat. He has at his disposal a large and well-trained staff with which he can assemble documentation favorable to his case, choosing selectively from large amounts of documentation which is unavailable to me. Much of the documentation of the Secretary-General is drawn from cases inappropriate to my case, cases which came from the hysteria of the McCarthy period and are most inapplicable to my case.

I am financially unable to approach the level of preparation of the Secretary-General. A serious breach of justice will be committed if I am unable to represent my views before the Court, due to a lack of legal resources available to me.

I appeal to the Court to remedy this inequity, if it is within their power. Equal protection before the law must include procedural equality. I appeal to you to appoint for me competent legal counsel from your staff independent of the United Nations to represent my views before the Court. If counsel cannot be provided for me I plead to be allowed to make a personal deposition to the Court, to a Member of the Court, or to an independent person designated by the Court.

I am at a loss to suggest further to the Court how I could be allowed to present my views to them in a way which would be natural to me and which would reflect my culture, background, and training. I am an economist, not a lawyer, and my life has been destroyed by attachment to the principles of the Charter of the United Nations. I am unsure even of the manner in which one should address this august body. But unless I can represent my views fairly and adequately the International Court of Justice would not be provided with all materials necessary to reach an opinion, and a breach of justice would occur. At the very minimum I should have the right to expect that the Respondent will not present arguments and submit evidence which is known to him, and has been shown, to be false, incorrect, and misleading as he has done consistently to the Joint Appeals Board, to the Administrative Tribunal, and even now to the highest and most dignified court in the World.

At stake in this case is nothing less than one of the most basic principles of human justice: equal protection of the law. The Opinion of the Court will determine whether the principles of the Charter of the United Nations will be fairly applied to the employees of the United Nations and that they will not be punished for attempting to uphold the principles of that Charter.

Article 101 of the Charter of the United Nations requires that the "paramount consideration in the employment of the staff and in the determination of conditions of service shall be the necessity of securing the highest standards of efficiency, competence, and integrity". In attempting to meet these standards of

integrity and to fulfil the oath I took as an employee of the United Nations I have been penalized, my personal and professional reputation has been destroyed, I and my family have suffered severe financial and emotional damage; but most importantly, the ideal of service has been tarnished. Representatives of the United Nations must place service to the ideals of that Organization above considerations of personal gain.

As a representative of the United Nations I was bound by the provisions of the Charter and by the Convention of Privileges and Immunities of the United Nations adopted 13 February 1946. Section 21 of that Convention requires that "The United Nations shall co-operate at all times with the appropriate authorities of Members to facilitate the proper administration of justice, secure the observance of police regulations and prevent the occurrence of any abuse in connection with the privileges, immunities, and facilities mentioned in this article". Instead of ensuring that "the highest standards of efficiency, competence, and integrity" would be maintained the Secretary-General penalized me for my concern to uphold these standards required of representatives of the United Nations.

A failure to protect those employees who seek to fulfil the conditions and standards of service to the United Nations can only result in the degradation of those standards. A failure to live up to those standards seriously damages the hopes that the world places in the United Nations as a means of achieving a just and peaceful world.

This communication follows my cable to the International Court of Justice dated 1 October 1972 and provides supportive evidence for my request as noted in the cable, "in the interest of justice to enable me to submit within a reasonable delay, a corrigendum to what Mr. Valters has presented as my views".

I have the honour, sir, of being your most humble and obedient servant, firm believer in the principles of the Charter of the United Nations and in the justice of the Court.

17. THE LEGAL COUNSEL OF THE UNITED NATIONS TO THE REGISTRAR

(telegram)

20 October 1972.

Yesterday Secretary-General received following cable from Mohamed Fasla "Pursuant to paragraph 2 of Article 11 Statute of UN Administrative Tribunal, respectfully request submission by cable to ICJ, of the following: 'Respectfully inform the Court, 1^o telegram dispatched October 1st to Respondent to be forwarded to Court pursuant to paragraph 2 of Article 11 UN Administrative Tribunal, has been diffused by Respondent to person not entitled to know content. Privacy of communication with the Court has been violated. Evidence will be submitted directly to Registrar, on request. 2^o the same telegram October 1st, erroneously announced by the Respondent as cable of October 5th, has been transmitted to Court by Respondent as accessory to his own cable of October 6th. I have, in time, protested to the UN Legal Office for correction of the date of the cable. 3^o all communications from the Court are received with considerable delay. Respondent who knows that my address is 3340 North Camino de Piedras, Tucson, transmits communications from the Court to fictitious address 3440 North Camiro de Piedras'".

18. THE REGISTRAR TO THE LEGAL COUNSEL OF THE UNITED NATIONS

24 October 1972.

I have the honour to acknowledge receipt of a number of communications from you relating to the *Application for Review of Judgement No. 158 of the United Nations Administrative Tribunal*, namely: (i) telegram of 6 October *inter alia* reproducing the text of a telegram received by you from Mr. Fasla; (ii) telegram of 11 October; (iii) letter of 6 October enclosing copy letter and memorandum from Mr. Valters; (iv) letter of 13 October enclosing a communication received by you from Mr. Fasla, and a copy of the Secretary-General's Bulletin number ST/SGB/131; (v) telegram of 20 October reproducing the text of a telegram received by you from Mr. Fasla.

19. THE REGISTRAR TO THE LEGAL COUNSEL OF THE UNITED NATIONS

(telegram)

25 October 1972.

In view of Fasla communications President decides 1^o Written statement of United Nations may be amended by filing corrected version statement of Faslas views which was incorporated therein within timelimit 5 December 1972. 2^o Timelimit for written comments under Statute Article 66 Paragraph 4 extended to 31 January 1973. Letter to Secretary-General airmailed today.

20. THE REGISTRAR TO THE SECRETARY-GENERAL OF THE UNITED NATIONS

25 October 1972.

I have the honour to refer to the special and direct communication which I addressed to you on 17 July last, in connection with the *Application for Review of Judgement No. 158 of the United Nations Administrative Tribunal*, informing you that the United Nations and its member States had been considered as likely to be able to furnish information on the question, and to the written statement filed on behalf of the United Nations in response to that communication, incorporating the views of Mr. Mohamed Fasla, the person to whom the said Judgement of the Administrative Tribunal relates.

It appears from the communications from Mr. Fasla, which you have forwarded to the Court, that there is some doubt whether the statement transmitted to you as the views of Mr. Fasla and as such incorporated in the written statement of the United Nations filed under Article 66, paragraph 2, of the Statute, accurately represents Mr. Fasla's views. The President of the Court has therefore decided that the written statement of the United Nations may be amended by the filing of a corrected version of the statement of Mr. Fasla's views, and the time-limit for the filing of this document has been fixed by the President at 5 December 1972.

I refer also to my letter of 6 October 1972, by which I informed you that the President of the Court had fixed 27 November 1972 as the time-limit for the submission of written comments as provided for in Article 66, paragraph 4, of the Statute; the President has now decided, in view of the time-limit for amendments referred to above, to extend the time-limit for the submission of written comments until 31 January 1973.

21. LE GREFFIER AU MINISTRE DES AFFAIRES ÉTRANGÈRES D'AFGHANISTAN ¹

25 octobre 1972.

Par lettre du 6 octobre 1972 relative à la requête pour avis consultatif concernant la *Demande de réformation du jugement n° 158 du Tribunal administratif des Nations Unies*, j'ai fait connaître à Votre Excellence que le seul exposé écrit déposé dans cette procédure émanait de l'Organisation des Nations Unies et que le Président de la Cour avait fixé au 27 novembre 1972 la date d'expiration du délai dans lequel des observations écrites pourraient être soumises conformément à l'article 66, paragraphe 4, du Statut.

J'ai l'honneur de porter à la connaissance de Votre Excellence que, comme certains doutes paraissent exister sur le point de savoir si le texte qui a été remis au Secrétaire général de l'Organisation des Nations Unies comme étant l'opinion de M. Fasla (personne que concerne le jugement susvisé du Tribunal administratif) et qui fait partie de l'exposé écrit de l'Organisation exprime avec exactitude les vues de l'intéressé, le Président a décidé que l'exposé écrit de l'Organisation des Nations Unies pourrait être modifié par le dépôt d'une version corrigée de l'opinion de M. Fasla dans un délai venant à expiration le 5 décembre 1972.

Le Président a décidé en conséquence de reporter au 31 janvier 1973 la date d'expiration du délai dans lequel des observations écrites pourront être soumises conformément à l'article 66, paragraphe 4, du Statut.

22. THE LEGAL COUNSEL OF THE UNITED NATIONS TO THE REGISTRAR

1 November 1972.

I have the honour to acknowledge receipt of your letter of 24 October (53400) and of your cable of 25 October, both addressed to me, and of your letter of 25 October (53403) addressed to the Secretary-General, all in relation to the *Application for Review of Judgement No. 158 of the United Nations Administrative Tribunal*.

We have forwarded copies of each of these communications to Mr. Mohamed Fasla.

23. THE LEGAL COUNSEL OF THE UNITED NATIONS TO THE REGISTRAR

20 November 1972.

I have the honour to transmit to you herewith the original of a letter dated 15 November 1972 and addressed to you by Mr. Mohamed Fasla in relation to the *Application for Review of Judgement No. 158 of the United Nations Administrative Tribunal*.

Annex

MR. FASLA TO THE REGISTRAR

Tucson, 15 November 1972.

Pursuant to Paragraph 2, Article 11, of the Statute of the United Nations Administrative Tribunal, this communication is sent to you through the Secretary-General of the United Nations.

¹ Une communication analogue a été adressée aux autres Etats Membres des Nations Unies.

By letter No. 53403 of 25 October 1972 you have informed the Secretary-General of the United Nations that the President of the Court had decided that the written statement of the United Nations may be amended by the filing of a corrected version of my statement views and that the time-limit for the filing of this document has been fixed by the President at 5 December 1972.

In accordance with Article 66, Paragraph 2, I respectfully request the Court that the written statement of the United Nations be supplemented by an oral statement, which I feel is necessary for the effective presentation of my views.

24. THE LEGAL COUNSEL OF THE UNITED NATIONS TO THE REGISTRAR

4 December 1972.

I have the honour to refer to the request by the Committee on Applications for Review of Administrative Tribunal Judgements for an advisory opinion on the *Application for Review of Judgement No. 158 of the United Nations Administrative Tribunal*.

As required by paragraph 2 of Article 11 of the Tribunal's Statute and in accordance with your letter of 25 October informing the Secretary-General that the President of the Court had fixed 5 December 1972 as the time-limit for the filing of a corrected version of the views of Mr. Mohamed Fasla, the Applicant to whom the above-mentioned Judgement relates, I am herewith transmitting to you for communication to the Court one copy of a statement¹, dated 3 December 1972 and received today, prepared and submitted on behalf of Mr. Fasla by Professor Richard A. Falk, together with Attachment Nos. 1-8 to that statement. A further 49 copies of the statement and the attachments will be sent to you by air-freight as soon as the necessary copies have been produced.

I am also enclosing a copy of a letter dated 15 November from Mr. Fasla, by which he informed us formally that he had asked Professor Falk to serve as his legal counsel in connexion with the above Application.

Annex

MR. FASLA TO THE DIRECTOR OF THE GENERAL LEGAL DIVISION OF THE UNITED NATIONS SECRETARIAT

Tucson, 15 November 1972.

I would like to inform you that I have asked Richard A. Falk, Milbank Professor of International Law and Practice at Princeton University to serve as my legal counsel in connection with the Application for Review of Judgement No. 158 of the United Nations Administrative Tribunal.

25. LE GREFFIER AU MINISTRE DES AFFAIRES ÉTRANGÈRES D'AFGHANISTAN²

20 décembre 1972.

Par lettre du 25 octobre 1972, j'ai fait connaître à Votre Excellence que, dans l'affaire concernant la *Demande de réformation du jugement n° 158 du Tribunal*

¹ See pp. 65-100, *supra*.

² Une communication analogue a été adressée aux autres Etats Membres des Nations Unies.

administratif des Nations Unies, le Président de la Cour avait décidé qu'une version corrigée de l'opinion de M. Fasla pourrait être déposée dans un délai venant à expiration le 5 décembre 1972.

J'ai l'honneur d'adresser ci-joint à Votre Excellence le texte de la version corrigée de l'opinion de M. Fasla, transmise par l'Organisation des Nations Unies ainsi qu'une traduction française de cet exposé, établie par le Greffe et dépourvue de tout caractère officiel (article 39, paragraphe 4, du Règlement).

26. THE REGISTRAR TO THE LEGAL COUNSEL OF THE UNITED NATIONS

(telegram)

25 January 1973.

In *Application for Review of Judgment 158 of Administrative Tribunal Court* has decided not to hear oral statements.

27. THE LEGAL COUNSEL OF THE UNITED NATIONS TO THE REGISTRAR

30 January 1973.

I have the honour to refer to the request by the Committee on Applications for Review of Administrative Tribunal Judgements for an advisory opinion on the *Application for Review of Judgment No. 158 of the United Nations Administrative Tribunal*.

In accordance with paragraph 4 of Article 66 of the Statute of the Court and pursuant to your letter of 25 October 1972 informing the Secretary-General that the President of the Court had extended until 31 January 1973 the time-limit for the submission of written comments, I am hereby transmitting, for communication to the Court, one copy of a set of Comments¹ (together with 27 Appendices) relating to the Corrected Statement of the Views of Mr. Mohamed Fasla (the person to whom the above-mentioned Judgement relates) that was submitted to the Court in December 1972. A further 49 copies of the Comments and the Appendices thereto will be sent to you by airfreight as soon as the necessary copies have been produced.

We are in touch with Mr. Fasla and expect to receive from his counsel Mr. Fasla's *Comments containing his Views on the Statement* submitted to the Court on behalf of the Secretary-General in September 1972.

28. THE LEGAL COUNSEL OF THE UNITED NATIONS TO THE REGISTRAR

31 January 1973.

I have the honour to refer to the request by the Committee on Applications for Review of Administrative Tribunal Judgements for an advisory opinion on the *Application for Review of Judgment No. 158 of the United Nations Administrative Tribunal*.

In accordance with paragraph 2 of Article 11 of the Statute of the Administrative Tribunal and pursuant to your letter of 25 October 1972 informing the Secretary-General that the President of the Court had extended until 31 January 1973 the time-limit for the submission of written comments, I am hereby

¹ See pp. 103-130, *supra*.

transmitting, for communication to the Court, one copy of a set of Comments¹ (consisting of a Response signed by counsel for Mr. Mohamed Fasla—the person to whom the above-mentioned Judgement relates—together with six Attachments, and of a Personal Annex by Mr. Fasla divided into four parts) containing Mr. Fasla's views on the Statement that had been submitted to the Court on behalf of the Secretary-General in September 1972. A further 49 copies of these Comments will be sent to you by airfreight as soon as the necessary copies have been produced.

As requested by Professor Richard A. Falk, Mr. Fasla's counsel, I am also sending to you herewith a copy of his letter of 29 January 1973 addressed to the Secretary-General, under cover of which Professor Falk today submitted the above-mentioned Comments.

Annex

PROFESSOR FALK TO THE SECRETARY-GENERAL OF THE UNITED NATIONS

Princeton, 29 January 1973.

We have the honor to submit our response to your written statement in relation to the request for an Advisory Opinion from the International Court of Justice to review Judgement No. 158 of the United Nations Administrative Tribunal.

We have been severely handicapped in our preparation of a response by the total absence of any resources by which to engage in necessary research and to facilitate the logistical side of our presentation. Mr. Fasla is completely without funds and it has not been possible to find alternative means to finance an adequate preparation. For this reason I would like to renew our earlier request that you join with us in asking the International Court of Justice for an oral hearing as necessary, given the exceptional circumstances of this controversy. Without such an oral supplement to these written pleadings it will be impossible to put before the Court our position.

In the future when a case reaches this level of appeal it would seem appropriate for the United Nations Secretariat to make some financial provision to enable an aggrieved individual to have independent counsel of his own choice and to be able to develop the case by means of the production of necessary documents and depositions. A ceiling could be placed on such financial allowance that could be adjusted to a level equivalent to that incurred by the *General Legal Office* itself. It should also be kept in mind that the legal staff of the United Nations is expert on these matters and is in a position to gain access to evidentiary materials with little additional effort.

I also ask, as a matter of formal request, that you transmit this letter to the Registrar of the International Court of Justice for action by the Court itself.

We believe, in conclusion, that Mr. Fasla has been a victim of bureaucratic forces beyond his control throughout this painful process of his separation from *United Nations employment*. We believe, and know that you share this belief, that it is in the interest of the Organization that the integrity and morale of the international civil service be upheld. Such objectives, it is respectfully suggested, cannot be attained unless there is some real inquiry directed at Mr. Fasla's underlying contentions that his career difficulties were directly attributable to prejudice generated by his efforts to straighten out a terrible mess in the

¹ See pp. 131-175, *supra*.

Yemen office of the UNDP, a mess attested to by the highest officers in the Government of Yemen in letters we submit as part of our response, having just obtained their release. This overall situation goes to the root of Mr. Fasla's contention that the Administrative Tribunal foreshortened its inquiry in such a way as to fail to exercise the jurisdiction vested in it, and that its judgement embodied procedural errors which occasioned a failure of justice.

On our side, I can assure you that Mr. Fasla remains ready to co-operate in any way that serves the interests of the United Nations Organization. The tragic irony of this case arises because Mr. Fasla has been ruined precisely because he has an extraordinary commitment to the Charter of the United Nations and the purposes it is seeking to serve in the world. We remain hopeful, then, that at this final stage in these proceedings that the genuine interests of all parties can be safeguarded.

29. LE GREFFIER AU MINISTRE DES AFFAIRES ÉTRANGÈRES D'AFGHANISTAN¹

22 février 1973.

Dans mes lettres des 6 et 25 octobre 1972 relatives à la requête pour avis consultatif concernant la *Demande de réformation du jugement n° 158 du Tribunal administratif des Nations Unies*, j'ai fait connaître à Votre Excellence que le Président de la Cour avait fixé au 27 novembre 1972, puis au 31 janvier 1973, la date d'expiration du délai dans lequel des observations écrites pourraient être soumises conformément à l'article 66, paragraphe 4, du Statut.

J'ai l'honneur d'adresser à Votre Excellence le texte des observations présentées au nom du Secrétaire général de l'Organisation des Nations Unies sur la version corrigée de l'opinion de M. Mohamed Fasla ainsi que le texte de la réponse de M. Mohamed Fasla à l'exposé du Secrétaire général, observations et réponse qui ont été soumises à la Cour comme suite à la décision du Président rappelée plus haut. Je fais tenir en outre à Votre Excellence une traduction française de ces textes, établie par le Greffe et dépourvue de tout caractère officiel (article 39, paragraphe 4, du Règlement).

Votre Excellence se souviendra que, dans ma lettre du 6 octobre 1972, j'indiquais qu'il n'était pas envisagé de tenir en l'affaire d'audiences publiques consacrées à des exposés oraux. Je puis maintenant préciser que la Cour a décidé de ne pas tenir de telles audiences.

**30. LE PRÉSIDENT DE LA COUR AU CONSEILLER JURIDIQUE
DE L'ORGANISATION DES NATIONS UNIES**

(télégramme)

30 mars 1973.

M. le Juge Gros demande que la question suivante soit posée au Secrétaire général: « Les enregistrements des quatre séances du Comité des demandes de réformation dans l'affaire concernant le jugement n° 158 du Tribunal administratif ont-ils un caractère confidentiel? Dans la négative je demande au Secrétariat de les fournir ou d'en fournir la transcription pour examen. »

¹ Une communication analogue a été adressée aux autres Etats Membres des Nations Unies.

31. THE LEGAL COUNSEL OF THE UNITED NATIONS TO THE PRESIDENT OF THE COURT*(telegram)*

5 April 1973.

Concerning request by Judge Gros:

Tape recordings exist of four meetings of Committee on Applications for Review in Fasla case, but no transcript has been made from these tapes as Committee did not request a transcript nor did it authorize release of tapes. Unlike verbatim records and summary records in final form, tapes have never been considered official records as they have not been subject to right of correction by delegations which is exercised in relation to verbatim or summary records. Moreover, in this instance statements recorded on tapes were made by delegations in closed meeting with belief on their part that no disclosure would be made without their permission. We are thus compelled to conclude that these tapes do not constitute an official record and that they possess a confidential character.

32. THE REGISTRAR TO THE LEGAL COUNSEL OF THE UNITED NATIONS*(telegram)*

5 July 1973.

Court will give Advisory Opinion in Fasla case on Thursday 12 July. Formal letter of confirmation follows.

33. THE REGISTRAR TO THE LEGAL COUNSEL OF THE UNITED NATIONS

6 July 1973.

The Registrar of the International Court of Justice presents his compliments to the Legal Counsel and, with reference to Article 67 of the Statute of the Court, has the honour to state that the Court's Advisory Opinion on the *Application for Review of Judgement No. 158 of the United Nations Administrative Tribunal* will be delivered at a public sitting to be held at 10 a.m. on Thursday 12 July 1973.

34. THE REGISTRAR TO THE SECRETARY-GENERAL OF THE UNITED NATIONS*(telegram)*

12 July 1973.

Advisory Opinion¹ Fasla delivered this morning. Court decided by 10 votes to 3 to comply with the request and is of opinion with regard to question I, by 9 votes to 4, that the Administrative Tribunal has not failed to exercise the jurisdiction vested in it as contended in the Applicant's application to the Committee on Applications for Review of Administrative Tribunal Judgements; with regard to question II, by 10 votes to 3, that the Administrative Tribunal has not committed a fundamental error in procedure which has occasioned a failure of justice as contended in the Applicant's application to the Committee on Applications for Review of Administrative Tribunal Judgements.

¹ *I.C.J. Reports 1973*, p. 166.

35. THE REGISTRAR TO THE SECRETARY-GENERAL OF THE UNITED NATIONS

12 July 1973.

I have the honour to send you by airmail, under separate cover, two copies of the Advisory Opinion given today by the International Court of Justice on the *Application for Review of Judgement No. 158 of the United Nations Administrative Tribunal*.

In pursuance of Article 85, paragraph 2, of the 1946 Rules of Court, one original copy of the Opinion, duly signed and sealed, is being sent to you by surface mail.

36. LE GREFFIER AU MINISTRE DES AFFAIRES ÉTRANGÈRES D'AFGHANISTAN ¹

12 juillet 1973.

Conformément à l'article 85, paragraphe 2, du Règlement de la Cour de 1946, j'ai l'honneur de transmettre sous ce pli un exemplaire certifié conforme de l'avis consultatif rendu par la Cour internationale de Justice sur la *Demande de réformation du jugement n° 158 du Tribunal administratif des Nations Unies*.

D'autres exemplaires seront expédiés ultérieurement par la voie ordinaire conformément aux indications données à ce sujet par votre Gouvernement.

37. THE DIRECTOR OF THE GENERAL LEGAL DIVISION OF THE UNITED NATIONS
SECRETARIAT TO THE REGISTRAR

24 July 1973.

This is to acknowledge receipt during the past weeks of the following communications relating to the *Application for Review of Judgement No. 158 of the United Nations Administrative Tribunal*:

- (a) your cable of 5 July informing Mr. Stavropoulos that the Advisory Opinion would be given on 12 July;
- (b) your letter of 6 July (54660) confirming the information in the above cable;
- (c) your cable of 12 July containing the decision of the Court as stated in its Advisory Opinion of that date;
- (d) your letter of 12 July (54673) informing the Secretary-General of the dispatch of copies of the Advisory Opinion.

Copies of all these communications were, on receipt, immediately forwarded to Mr. Mohamed Fasla and to his counsel.

On 19 July we received the 200 copies of the Advisory Opinion. We immediately mailed copies to Mr. Fasla and to his counsel.

We are still awaiting the receipt of the original, signed and sealed, copy of the Opinion, which you have sent us by surface mail.

38. LE GREFFIER AU SECRÉTAIRE GÉNÉRAL DE L'ORGANISATION DES NATIONS UNIES

21 octobre 1974.

Dans les paragraphes 32 et 33 de vos observations sur la version corrigée de l'opinion de M. Fasla en l'affaire de la *Demande de réformation du jugement*

¹ La même communication a été adressée aux autres Etats Membres des Nations Unies.

n^o 158 du Tribunal administratif des Nations Unies, vous avez exprimé le désir que la Cour examine la question du contenu du volume de la série *Mémoires, plaidoiries et documents* relatif à cette affaire, en vue de protéger les intérêts des organisations et des personnes que M. Fasla avait mises en cause.

J'ai l'honneur de vous faire connaître que, après en avoir délibéré et compte tenu notamment du fait que les pièces écrites de cette affaire, y compris l'opinion révisée de M. Fasla, ont été communiquées aux Etats Membres des Nations Unies, la Cour a décidé de publier en l'espèce :

- la requête et la liste des documents transmis par vos soins conformément à l'article 65, paragraphe 2, du Statut de la Cour ;
- votre exposé écrit et la version corrigée de l'opinion de M. Fasla telle qu'elle a été transmise aux Etats Membres, étant entendu que cette opinion sera précédée d'une mise en garde du Greffier soulignant que la Cour ne s'est pas livrée à un examen approfondi des faits en l'espèce et qu'elle ne s'est donc pas prononcée sur le bien-fondé de certaines allégations ;
- vos observations sur la version corrigée de l'opinion de M. Fasla et la réponse de celui-ci à votre exposé, sans les appendices et pièces jointes à ces documents.

39. THE DIRECTOR OF THE GENERAL LEGAL DIVISION OF THE UNITED NATIONS
SECRETARIAT TO THE REGISTRAR

29 October 1974.

This is in response to your letter of 21 October 1974 (56816) by which you informed the Secretary-General of the Court's decision regarding the documents to be included in the *Pleadings, Oral Arguments, Documents* relating to its advisory opinion of 12 July 1973.

We have no comments to make with respect to that list. A copy of your letter has been transmitted to Mr. Fasla.

The publications of the INTERNATIONAL COURT OF JUSTICE may be ordered from any bookseller. For information regarding the sale of the Court's publications please write to the *Distribution and Sales Section, Office of the United Nations, 1211 Geneva 10 (Switzerland)*, or the *Sales Section, United Nations, New York, N.Y. 10017 (USA)*.

The publications of the PERMANENT COURT OF INTERNATIONAL JUSTICE (1920-1946) are obtainable from Kraus Reprint Ltd., 9491 Nendeln, Liechtenstein, to which all requests should be addressed.

On peut acquérir les publications de la COUR INTERNATIONALE DE JUSTICE auprès des librairies spécialisées du monde entier. Pour tous renseignements, prière de s'adresser à la *Section de la distribution et des ventes, Office des Nations Unies, 1211 Genève 10 (Suisse)* ou à la *Section des ventes, Nations Unies, New York, N.Y. 10017 (Etats-Unis)*.

On peut acquérir les publications de la COUR PERMANENTE DE JUSTICE INTERNATIONALE (1920-1946) auprès de Kraus Reprint Ltd., 9491 Nendeln, Liechtenstein. Pour tous renseignements, prière de s'adresser à cette société.
