

CORRESPONDENCE

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

[See p. 3, supra]

2. THE DEPUTY-REGISTRAR OF THE COURT TO THE SECRETARY-GENERAL OF THE
UNITED NATIONS

4 August 1981.

I have the honour to acknowledge receipt of the letter of 23 July 1981 whereby Your Excellency informed the President of the Court that the Committee on Applications for Review of Administrative Tribunal Judgements had on 13 July 1981 decided to request of the International Court of Justice an advisory opinion on an application for the review of Judgement No. 273 of the United Nations Administrative Tribunal, and to inform you that your letter, with which you transmitted certified copies of the English and French texts of the Committee's decision, was duly filed in the Registry on the date of its receipt, namely 28 July 1981.

Today, in accordance with Article 66, paragraph 1, of the Statute of the Court, I have 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 of the printed Request, containing the text of your letter in English and French, 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 person in respect of whom Judgement No. 273 was rendered may wish to submit.

(Signed) A. PILLEPICH.

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

4 août 1981.

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 13 juillet 1981.

¹ La même communication a été adressée aux autres Etats admis à ester devant la Cour.

4. THE DEPUTY-REGISTRAR TO THE DIRECTOR OF THE OFFICE OF THE LEGAL
COUNSEL OF THE UNITED NATIONS
(telex)

6 August 1981.

Reference request for advisory opinion on *Application for Review of Judgment No. 273 of the United Nations Administrative Tribunal*, President has today, 6 August, decided pursuant Statute, Article 66 (2) that (a) United Nations and (b) States Members of United Nations are considered likely to be able to furnish information on question and has made Order¹ under that Article fixing 30 October 1981 as time-limit for filing written statements. Formal letter to Secretary-General and copy Order will be airmailed directly.

5. THE DEPUTY-REGISTRAR TO THE SECRETARY-GENERAL OF
THE UNITED NATIONS

10 August 1981,
Express Airmail

I have the honour to refer to your letter of 23 July 1981, by which you were good enough to communicate to the Court a decision taken on 13 July 1981 by 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 President of the Court as likely to be able to furnish information on the question, and that, by an Order dated 6 August 1981, a copy of which is enclosed, the President has fixed 30 October 1981 as the time-limit for the submission of written statements. The subsequent procedure has been reserved for further decision.

I am further to inform you that the President considers that it would facilitate the work of the Court on this request for advisory opinion if, as in previous cases, any written statement presented on behalf of the United Nations, and any other documentation, were made available to the Court in both the official languages of the Court (English and French).

¹ *I.C.J. Reports 1981*, p. 49.

6. LE GREFFIER ADJOINT AU MINISTRE DES AFFAIRES ÉTRANGÈRES
D'AFGHANISTAN¹

10 août 1981.

Il est connu de Votre Excellence que, le 13 juillet 1981, le Comité des demandes de réformation de jugements du Tribunal administratif des Nations Unies a pris la décision suivante:

[Voir ci-dessus p. 3]

Le texte de cette décision est parvenu au Greffe de la Cour le 28 juillet 1981. Sous le couvert d'une lettre du 4 août 1981, 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 l'Organisation des Nations Unies et ses Etats Membres ont été jugés par le Président susceptibles de fournir des renseignements sur la question et que, par ordonnance datée du 6 août 1981, dont un exemplaire est joint, le Président a fixé au 30 octobre 1981 la date d'expiration du délai pour la présentation d'exposés écrits. La suite de la procédure est réservée.

Au cas où votre gouvernement désirerait se prévaloir de la faculté qui lui est ouverte de présenter un exposé écrit dans le délai ainsi 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 (art. 39, par. 1, du Statut).

7. LE GREFFIER ADJOINT AU CHEF DU GOUVERNEMENT DE LA PRINCIPAUTE
DE LIECHTENSTEIN²

10 août 1981.

Le Greffier adjoint de la Cour internationale de Justice a l'honneur de communiquer ci-joint à Son Excellence le Chef du Gouvernement de la Principauté de Liechtenstein le texte d'une ordonnance rendue par le Président de la Cour le 6 août 1981 en l'affaire de la *Demande de réformation du jugement n° 273 du Tribunal administratif des Nations Unies*.

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

² La même communication a été adressée aux autres Etats parties au Statut de la Cour mais non membres des Nations Unies (Saint-Marin, Suisse).

8. THE REGISTRAR TO THE DIRECTOR OF THE OFFICE OF THE LEGAL COUNSEL OF
THE UNITED NATIONS

28 August 1981.

Regarding the Advisory Opinion requested on the *Application for Review of Judgement No. 273 of the United Nations Administrative Tribunal*, it would be appreciated if you would kindly let us know the approximate date of the transmittal of the dossier referred to in Article 65, paragraph 2, of the Court's Statute. As you are aware the late President fixed 30 October as the time-limit for written statements under Article 66, paragraph 2, of the Statute.

(Signed) Santiago TORRES BERNÁRDEZ.

9. THE LEGAL COUNSEL OF THE UNITED NATIONS TO COUNSEL FOR MR. MORTISHED

17 September 1981.

I enclose a copy of a letter from Mr. A. Pillepich, Deputy-Registrar of the International Court of Justice which, although dated 10 August 1981, was only received in the Office of Legal Affairs at the end of August 1981, transmitting an Order fixing 30 October 1981 as the time-limit within which written statements may be submitted to the Court.

I very much regret that this letter was not sent to you immediately upon its arrival. Fortunately, the date fixed by the Court was chosen after informal consultation in July 1981 with all concerned in the case and it confirms the estimated date for submission of written statements referred to in those consultations.

(Signed) Erik SUY.

10. COUNSEL FOR MR. MORTISHED TO THE LEGAL COUNSEL OF THE UNITED
NATIONS

New York, September 1981.

I wish to thank you for your letter of 17 September 1981 transmitting to me a copy of the letter of Mr. A. Pillepich, Deputy-Registrar of the International Court of Justice, dated 10 August 1981. The letter of Mr. Pillepich contained information on the Order of the Court fixing 30 October 1981 as the time limit within which written statements may be submitted to the Court. I assume that the same information was communicated to other interested parties on or about the same date, namely 10 August 1981.

Since neither Mr. Mortished nor I received this information until 17 September 1981, we have no choice but to ask for an extension of the time-limits within which to file a written statement on behalf of Mr. Mortished. I would appreciate your assistance in obtaining for us an extension of the time-limits for a further one month, i.e., up to 30 November 1981, to compensate for the time lost.

I very much regret to have to make this request, the result of which may be to delay the Court's consideration of the matter. On the other hand, I am sure that you appreciate the time constraints under which internal volunteer counsel usually work.

(Signed) Sylvanus A. TIEWUL.

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

24 September 1981.

I have the honour to inform you that counsel for Mr. Mortished has requested an extension of one month to 30 November 1981 for submission of a written statement in the *Application for Review of Judgement No. 273 of the United Nations Administrative Tribunal*.

The Secretary-General supports this request and I should be grateful if you could ask the Court to grant counsel's request for a one-month extension to 30 November 1981 in which to file his written statement.

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

25 September 1981.

I wish to refer to the Secretary-General's letter of 23 July 1981 transmitting a request by the Committee on Applications for Review of Administrative Tribunal Judgements for an advisory opinion on Judgement No. 273 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 today by air freight for submission to the Court 30 dossiers in English containing documents likely to throw light upon the question submitted to the Court. I certify that the dossier contains true copies of the documents that are official records of the General Assembly (these are indicated in the Table of Contents) and true copies of all other documents that exist only in mimeographed or typewritten form. 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 dossier¹.

At the same time I am transmitting a copy of the dossier to Mr. Mortished, to whom the above-mentioned Judgement of the Administrative Tribunal relates, as well as to his counsel.

Many of the documents in the dossier are available in English only and therefore have had to be translated into French. The volume of documents to be translated poses some problems during a General Assembly session but it is now expected that a complete French version of the dossier will be ready by mid-November.

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 question formulated by the Committee for Applications for Review.

13. COUNSEL FOR MR. MORTISHED TO THE LEGAL COUNSEL OF THE UNITED NATIONS

New York, 30 September 1981.

Please refer to my letter to you of 23 September 1981 and to your letter of 24 September 1981 to Mr. Santiago Torres Bernárdez, Registrar, International Court of Justice.

¹ See pp. 7-13, *supra*.

I wish to express my appreciation to you for the support which you gave to our request for an extension of the time-limit for filing a written statement up to 30 November 1981 in order to compensate for the time lost by us.

I have communicated the above two letters to Mr. Mortished. In line with his wishes, I would like to request that you transmit a copy of my letter to you of 23 September 1981 to Mr. Torres Bernárdez as an accompaniment to your letter of 24 September 1981.

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

6 October 1981.

I have the honour to refer to my letter of 24 September 1981 which transmitted a request from counsel for Mr. Mortished for an extension of one month, to 30 November 1981, for submission of Mr. Mortished's written statement in the *Application for Review of Judgement No. 273 of the United Nations Administrative Tribunal*.

I now enclose a letter dated 30 September 1981 from counsel for Mr. Mortished, which requests that I transmit to you a copy of his request for an extension dated 23 September 1981. Accordingly, I attach a copy of that letter. Counsel's letter of 23 September 1981, in its first paragraph, refers to my letter to him of 17 September 1981, a copy of which is also attached.

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

9 October 1981.

I refer to the letter dated 24 September 1981 from Mr. Suy, the Legal Counsel, requesting an extension of the time-limit fixed by the President of the Court for the filing of written statements under Article 66, paragraph 2, of the Statute of the Court, in the case concerning *Application for Review of Judgement No. 273 of the United Nations Administrative Tribunal*. I have the honour to inform you that, by an Order¹ dated 8 October 1981, the Court has extended that time-limit to 30 November 1981, the subsequent procedure being reserved for further decision. A copy of the Order will be transmitted to you in due course.

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

16 octobre 1981.

Me référant à ma lettre du 10 août 1981 relative à la demande d'avis consultatif formulée par le Comité des demandes de réformation de jugements du Tribunal administratif des Nations Unies, j'ai l'honneur de vous faire savoir que, par ordonnance du 8 octobre 1981, la Cour a prorogé jusqu'au 30 novembre 1981 la date d'expiration du délai dans lequel des exposés écrits peuvent être présentés conformément à l'article 66, paragraphe 2, du Statut de la Cour. La suite de la procédure est réservée.

¹ *I.C.J. Reports 1981*, p. 52.

² La même communication a été adressée aux autres Etats Membres des Nations Unies.

Je vous prie de bien vouloir trouver ci-joint le texte imprimé de l'ordonnance dont il s'agit.

17. LE GREFFE AU GOUVERNEMENT DE LA PRINCIPAUTÉ DE LIECHTENSTEIN¹

16 octobre 1981.

Le Greffe de la Cour internationale de Justice présente ses compliments au Gouvernement de la Principauté de Liechtenstein et a l'honneur de lui communiquer ci-joint le texte d'une ordonnance rendue par la Cour le 8 octobre 1981 en l'affaire de la *Demande de réformation du jugement n° 273 du Tribunal administratif des Nations Unies*.

18. COUNSEL FOR MR. MORTISHED TO THE LEGAL COUNSEL OF THE UNITED NATIONS

New York, 6 November 1981.

Thank you for your letter of 23 October 1981 transmitting to me a copy of the Order of the International Court of Justice dated 8 October 1981 extending the time-limit to 30 November 1981 for the filing of written statements. This confirmed the oral communication made to me by your staff.

I have noticed in the Order of the Court that the ground for the extension is stated as follows: "such extension is required for the preparation of the observations of the staff member in respect of whom the Judgement of the Tribunal was rendered". I have no choice but to comment upon this issue inasmuch as it appears that the Court has been misled.

By a letter dated 17 September 1981 you transmitted to me a copy of a letter dated 10 August 1981 from Mr. A. Pillepich, Deputy-Registrar of the International Court of Justice. That letter contained information on the Order of the Court fixing 30 October 1981 as the time-limit within which written statements were to be submitted to the Court.

In my response to you of 23 September 1981, I stated that in view of the failure on your part to communicate to us, for well over one month, the information concerning the time-limit for filing a statement, an extension of the time-limit "to compensate for the time lost" was needed by us.

In your communication to the Court of 24 September 1981, you informed the Court that an extension of the time-limit was being requested by counsel for Mr. Mortished. As your communication disclosed neither the real nature of my request nor the reasons underlying it, I requested you by my letter of 30 September 1981 to transmit a copy of my letter of 24 September 1981 to the Court.

By a letter dated 6 October 1981 you transmitted a copy of the letter in question to the Court. As the Order of the Court extending the time-limit till 30 November 1981 was dated 8 October 1981, it is clear that the copy of my letter of 23 September 1981 which you transmitted on 6 October 1981 could not have reached the Court by the time that it issued its Order. The language in the last preambular paragraph of the Court's Order confirms the fact that the Order of the Court was issued on the basis of incomplete information.

¹ La même communication a été adressée aux autres Etats parties au Statut de la Cour mais non membres des Nations Unies (Saint-Marin, Suisse).

I am afraid that the issue involved here is responsible for the delay in the present proceedings and the correction of the record. It should be clearly understood that the extension of the time-limit was to compensate for the time lost by Mr. Mortished as a result of a failure of communication on your part and not merely that "such extension is required for the preparation of the observations of the staff member in respect of whom the Judgement of the Tribunal was rendered". I hope that you will take appropriate steps to secure an appropriate amendment so that the Court's records reflect the situation more accurately.

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

12 November 1981.

I have the honour to transmit a copy of a letter dated 6 November 1981 that I received from Mr. Tiewul, counsel for Mr. Mortished, concerning the Order of 8 October 1981 by the International Court of Justice extending the time-limit within which written statements may be submitted in accordance with Article 66, paragraph 2, of the Statute of the Court.

20. THE SECRETARY-GENERAL OF THE UNITED NATIONS TO THE ACTING PRESIDENT OF THE COURT

{See pp. 99, supra}

21. THE MINISTER-COUNSELLOR OF THE EMBASSY OF THE UNITED STATES OF AMERICA TO THE REGISTRAR

30 November 1981.

I have the honour to submit to the International Court of Justice the written statement¹ of the Government of the United States of America on the question submitted by the Committee on Applications for Review of Administrative Tribunal Judgements pursuant to Article 11 of the Statute of the Tribunal regarding the effect to be given to General Assembly resolution 34/165.

(Signed) W. Dixon BOGGS.

22. LE DIRECTEUR DES AFFAIRES JURIDIQUES DU MINISTÈRE DES RELATIONS EXTÉRIEURES DE FRANCE AU GREFFIER

30 novembre 1981.

Je vous prie de trouver ci-joint les observations² du Gouvernement français sur la demande d'avis consultatif formulée par le Comité des demandes de

¹ See pp. 160-191, *supra*.

² Voir ci-dessus p. 192-209.

réformation de jugements du Tribunal administratif des Nations Unies à propos du jugement n° 273 (*Mortished*).

(Signé) Gilbert GUILLAUME.

23. THE LEGAL COUNSEL OF THE UNITED NATIONS TO THE REGISTRAR
(telex)

1 December 1981.

I advise that the Secretary-General will not submit a written statement to the Court under Article 66, paragraph 2, of the Court's Statute other than formally transmitting the observations of Mr. Mortished.

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

21 December 1981.

I have the honour to acknowledge the receipt of the letter dated 30 November 1981 whereby Your Excellency, as required by Article 11 of the Statute of the United Nations Administrative Tribunal and pursuant to Article 66, paragraph 2, of the Statute of the International Court of Justice, transmitted to me copies of a statement setting forth the views of Mr. Ivor P. Mortished concerning the *Application for Review of Judgement No. 273 of the United Nations Administrative Tribunal* on which an advisory opinion has been requested of the Court.

I have further to inform you, with reference to my letters of 10 August and 9 October 1981, that, within the extended time-limit of 30 November 1981 fixed by the President of the Court, the Governments of France and the United States of America submitted written statements in the above-mentioned case, pursuant to Article 66, paragraph 2, of the Statute of the Court. Copies of the texts of these statements, which you may wish to make available to counsel for Mr. Mortished, are being sent to you under separate cover, and the unofficial translations by the Registry will likewise be forwarded to you when they are available.

I shall not fail to inform you in due course of such further decisions as may be taken by the Court with respect to the subsequent procedure.

25. THE REGISTRAR TO THE SECRETARY OF STATE OF THE UNITED STATES OF AMERICA¹

23 December 1981.

By a letter of 10 August 1981 I informed Your Excellency that the United Nations Committee on Applications for Review of Administrative Tribunal Judgements had requested an advisory opinion of the International Court of

¹ A communication in the same terms was sent to the Minister for External Relations of France.

Justice concerning an *Application for Review of Judgement No. 273 of the United Nations Administrative Tribunal* and that the President of the Court had considered the United Nations and its member States as likely to be able to furnish information on the question. I also informed you, by the same letter, that 30 October 1981 had been fixed as the time-limit for the submission of written statements and, by a letter of 16 October 1981, that that time-limit had been extended to 30 November 1981.

I now have the honour to inform you that, within the time-limit as thus extended, the Secretary-General of the United Nations transmitted to the Court a statement of the views of Mr. Mortished, whose case was the subject of the aforesaid Judgement No. 273, and that, in addition to your Government, that of France submitted a written statement.

I enclose the texts of the above statements in the original language and shall send you, when available, the corresponding translations being prepared by the Registry. I am also enclosing the Introductory Note with which the Secretary-General of the United Nations has prefaced the dossier of documents likely to throw light upon the question on which an opinion is required (Statute, Art. 65, para. 2) and the table of contents of that dossier.

The subsequent procedure having been reserved, I shall not fail to inform you in due course of such decision as the Court may take in the matter.

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

23 décembre 1981.

Par lettre du 10 août 1981, je vous ai fait connaître que le Comité des demandes de réformation de jugements du Tribunal administratif des Nations Unies avait demandé à la Cour internationale de Justice un avis consultatif en l'affaire de la *Demande de réformation du jugement n° 273 du Tribunal administratif des Nations Unies* et que l'Organisation des Nations Unies et ses Etats Membres étaient jugés par le Président susceptibles de fournir des renseignements sur la question. Par la même lettre, je vous ai également fait connaître que la date d'expiration du délai pour la présentation d'exposés écrits avait été fixée au 30 octobre 1981 et, par une lettre du 16 octobre 1981, je vous ai informé que cette date avait été prorogée au 30 novembre 1981.

J'ai aujourd'hui l'honneur de porter à votre connaissance que, dans le délai ainsi prorogé, le Secrétaire général des Nations Unies a transmis à la Cour l'opinion de M. Mortished, qui a été l'objet du jugement n° 273 du Tribunal administratif, et les Gouvernements des Etats-Unis d'Amérique et de la France ont présenté des exposés écrits.

Je vous communique le texte de ces exposés en langue originale. Je vous adresse également la note liminaire et la table des matières du dossier de documents pouvant servir à élucider la question que le Secrétaire général des Nations Unies a transmis à la Cour en vertu de l'article 65, paragraphe 2, de son Statut.

La suite de la procédure ayant été réservée, je ne manquerai pas de vous faire connaître en temps utile toute décision que la Cour prendra en la matière.

¹ La même communication a été adressée aux autres Etats Membres des Nations Unies, à l'exception des Etats-Unis d'Amérique et de la France.

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

8 February 1982.

Further to my letter of 21 December 1981 on the subject of the written statements filed in the case concerning an *Application for Review of Judgement No. 273 of the United Nations Administrative Tribunal*, I have the the honour to inform Your Excellency that I have today transmitted to you, under separate cover, copies of two volumes prepared in the Registry, one in English and the other in French, containing translations of the above-mentioned statements as well as the original texts.

Should you make a copy or copies of these volumes available to counsel for Mr. Mortished, I would be grateful if you would in so doing draw attention to the unofficial character of the translations and to the fact that the written statement of the Government of the United States appears in a corrected version taking account of the errata transmitted to you with my letter of 12 January 1982.

28. THE REGISTRAR TO THE SECRETARY OF STATE OF THE UNITED STATES OF AMERICA

8 February 1982.

In my letter of 23 December 1981 on the subject of the written statements filed in the case concerning an *Application for Review of Judgement No. 273 of the United Nations Administrative Tribunal* I undertook to furnish Your Excellency in due course with the corresponding unofficial translations prepared by the Registry for the use of Members of the Court.

I have accordingly the honour to transmit to you herewith copies of two volumes prepared in the Registry, one in English and the other in French, containing the original texts and the translations of the above-mentioned statements. The statement of your Government is incorporated in the corrected version of which I acknowledged the receipt on 12 January 1982, and in the French translation due account has been taken of the corrigenda.

29. THE REGISTRAR TO THE SECRETARY-GENERAL OF THE UNITED NATIONS²

1 March 1982.

With reference to Your Excellency's letter of 30 November 1981 concerning an *Application for Review of Judgement No. 273 of the United Nations Administrative Tribunal*, and further to the letters of 21 December 1981 and 8 February 1982 by which I transmitted to you the written statements submitted in that case, I have the honour to inform you that the Court, pursuant to Article 66, paragraph 4, of its Statute, has decided to permit any State or organization

¹ A similar communication was sent to the Minister for External Relations of France.

² A similar communication was sent to the Secretary of State of the United States of America and to the Minister for External Relations of France.

having presented or transmitted a written statement to submit comments in writing on the statement made or transmitted by any other.

The Court has fixed Thursday 15 April 1982 as the time-limit for the submission of such comments.

**30. LE DIRECTEUR DES AFFAIRES JURIDIQUES DU MINISTÈRE
DES RELATIONS EXTÉRIEURES DE FRANCE AU GREFFIER**

9 avril 1982.

Je vous prie de trouver ci-joint les observations complémentaires¹ du Gouvernement français sur la demande d'avis consultatif formulée par le Comité des demandes de réformation de jugements du Tribunal administratif des Nations Unies à propos du jugement n° 273 (*Mortished*).

**31. COUNSEL FOR MR. MORTISHED TO THE LEGAL COUNSEL OF THE UNITED
NATIONS**

New York, 15 April 1982.

I acknowledge your letter of 10 March 1982 transmitting to me information from the International Court of Justice regarding the establishment by the Court of 15 April 1982 as the time-limit for filing comments on the statements submitted by the Governments of the United States and France concerning Judgement No. 273 of the United Nations Administrative Tribunal. I am to inform you that we do not wish to submit any comments on these statements.

**32. THE CHARGÉ D'AFFAIRES OF THE UNITED STATES OF AMERICA TO THE
REGISTRAR**

16 April 1982.

Herewith I submit to the International Court of Justice the United States' "Additional Comments"² in the review of Judgement No. 273 of the United Nations Administrative Tribunal.

(Signed) W. Dixon BOGGS.

**33. THE DEPUTY-REGISTRAR TO THE SECRETARY-GENERAL OF THE UNITED
NATIONS**

19 April 1982.

Further to my letters of 8 February and 1 March 1982 I have the honour to transmit to Your Excellency herewith copies of the written comments submitted

¹ Voir ci-dessus p. 213.

² See pp. 214-218, *supra*.

in accordance with Article 66, paragraph 4, of the Statute of the Court, in the case concerning an *Application for Review of Judgement No. 273 of the United Nations Administrative Tribunal*, and of their translations prepared by the Registry. Should you make any copy of these texts available to counsel for Mr. Mortished, I would be grateful if you would in so doing draw attention to the unofficial character of the translations.

I have further to inform you that the Court does not intend to hold any sitting for the purpose of hearing oral statements or comments. The date of the public sitting at which it will render its advisory opinion will be notified in due course.

34. LE GREFFIER ADJOINT AU MINISTRE DES RELATIONS EXTÉRIEURES DE FRANCE¹

19 avril 1982.

J'ai l'honneur d'accuser réception des observations complémentaires que le Gouvernement français a présentées, en réponse à ma lettre du 1^{er} mars, en l'affaire de la *Demande de réformation du jugement n° 273 du Tribunal administratif des Nations Unies* et de vous adresser ci-joint copie de celles que le Gouvernement des Etats-Unis d'Amérique a de même soumises à la Cour en application de l'article 66, paragraphe 4, de son Statut.

Vous trouverez également, ci-joint, copie de la traduction française non officielle de ces dernières observations, établie par les soins du Greffe à l'intention des membres de la Cour.

Les exposés écrits présentés en l'affaire n'ont pas fait l'objet d'autres observations écrites et je suis informé, en particulier, que M. Mortished n'a pas prié le Secrétaire général des Nations Unies d'en transmettre en son nom. Je dois en outre porter à votre connaissance que la Cour n'a pas l'intention de tenir audience pour entendre des exposés oraux.

Je ne manquerai pas de vous faire connaître, une fois fixée, la date de l'audience publique à laquelle la Cour rendra son avis consultatif.

**35. LE GREFFIER ADJOINT AU MINISTRE DES AFFAIRES ÉTRANGÈRES
D'AFGHANISTAN²**

21 avril 1982.

Me référant à la lettre du 23 décembre 1981 par laquelle les exposés écrits présentés en l'instance consultative concernant la *Demande de réformation du jugement n° 273 du Tribunal administratif des Nations Unies* vous ont été communiqués, j'ai l'honneur de porter à votre connaissance que, la Cour ayant décidé, en application de l'article 66, paragraphe 4, de son Statut, d'admettre chaque Etat ou organisation ayant présenté ou transmis des exposés écrits à discuter par écrit, dans un délai expirant le 15 avril 1982, les exposés présentés ou transmis par d'autres Etats ou organisations, le Gouvernement de la République française et le Gouvernement des Etats-Unis d'Amérique ont soumis des observations écrites dont vous trouverez le texte ci-joint.

¹ La même communication a été adressée au secrétaire d'Etat des Etats-Unis d'Amérique.

² La même communication a été adressée aux autres Etats Membres des Nations Unies, à l'exception des Etats-Unis d'Amérique et de la France.

Il m'incombe d'autre part de vous faire connaître que la Cour n'a pas l'intention de tenir audience pour entendre des exposés oraux ou des observations orales.

36. THE DIRECTOR OF THE OFFICE OF THE LEGAL COUNSEL OF THE UNITED NATIONS TO THE REGISTRAR

22 April 1982.

I am enclosing herewith a copy of a letter dated 15 April 1982, addressed to the Legal Counsel by Mr. Sylvanus A. Tiewul, counsel for Mr. Mortished, informing him that Mr. Mortished does not wish to submit any comments on the statements submitted to the International Court of Justice by the Governments of France and the United States concerning Judgement No. 273 of the United Nations Administrative Tribunal.

(Signed) John F. SCOTT.

37. THE REGISTRAR TO THE SECRETARY-GENERAL OF THE UNITED NATIONS
(telex)

16 July 1982.

The International Court of Justice will deliver its Advisory Opinion on the *Application for Review of Judgement No. 273 of the United Nations Administrative Tribunal* at a public sitting at 10.30 a.m. on Tuesday, 20 July 1982.

38. THE REGISTRAR TO THE SECRETARY-GENERAL OF THE UNITED NATIONS
(telex)

20 July 1982.

Today, 20 July 1982, the International Court of Justice delivered its Advisory Opinion in the case concerning the *Application for Review of Judgement No. 273 of the United Nations Administrative Tribunal*. The Court is composed as follows: *President Elias; Vice-President Sette-Camara; Judges Lachs, Morozov, Nagendra Singh, Ruda, Mosler, Oda, Ago, El-Khani, Schwebel, Sir Robert Jennings, de Lacharrière, Mbaye, Bedjaoui.*

The operative part of the Opinion reads:

[See *I.C.J. Reports 1982*, p. 366.]

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

20 July 1982.

I have the honour to send you herewith, in accordance with Article 109 of the Rules of Court, one original copy, duly signed and sealed, and two other copies of the Advisory Opinion given today by the International Court of Justice in the

case concerning an *Application for Review of Judgement No. 273 of the United Nations Administrative Tribunal*.

40. LE GREFFIER AU MINISTRE DES RELATIONS EXTÉRIEURES
DE FRANCE¹

20 juillet 1982.

En application de l'article 109 du Règlement de la Cour internationale de Justice, j'ai l'honneur de vous communiquer ci-joint le texte de l'avis consultatif que la Cour a rendu ce jour en l'affaire de la *Demande de réformation du jugement n° 273 du Tribunal administratif des Nations Unies*.

41. LE GREFFIER ADJOINT AU MINISTRE DES AFFAIRES ÉTRANGÈRES
D'AFGHANISTAN²

23 août 1982.

Conformément à l'article 109 du Règlement de la Cour, le Greffier adjoint de la Cour internationale de Justice a l'honneur de transmettre sous ce pli un exemplaire de l'avis consultatif rendu par la Cour le 20 juillet 1982 au sujet de la *Demande de réformation du jugement n° 273 du Tribunal administratif des Nations Unies*.

42. THE DEPUTY-REGISTRAR TO THE SECRETARY-GENERAL OF THE UNITED
NATIONS

24 August 1982.

I have the honour to refer to the Registrar's letter dated 20 July 1982, and to send you herewith two copies of the printed version of the Advisory Opinion given by the Court in the case concerning *Application for Review of Judgement No. 273 of the United Nations Administrative Tribunal*. By the same pouch 25 copies of that Advisory Opinion are being forwarded to the Office of Legal Affairs (attention Mr. J. F. Scott). In addition 225 copies are being forwarded separately by airmail to the Director of the General Legal Division.

¹ La même communication a été adressée au secrétaire d'Etat des Etats-Unis d'Amérique.

² La même communication a été adressée aux autres Etats admis à ester devant la Cour.

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, NY 10017 (USA)*.

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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, NY 10017 (Etats-Unis)*.

On peut acquérir les publications de la COUR PERMANENTE DE JUSTICE INTERNATIONALE (1920-1946) auprès de Kraus Reprint Co., Route 100, Millwood, NY 10546 (Etats-Unis). Pour tous renseignements, prière de s'adresser à cette société.
