

The contribution of international courts and tribunals to the methodology of international law

OC - (ILA-14127) - THE DISCIPLINARY PROCEEDINGS AGAINST STAFF MEMBERS IN THE UN LEGAL SYSTEM

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Abstract

This paper analyzes the origins of the internal justice system of the United Nations and the defense rights of international staff members in the context of disciplinary proceedings.

The text is structured in three parts: the first part, addresses the origins of the internal justice system and the creation of its two tribunals (a first instance court- UNDT) and an appeals court (UNAT).

The second part identifies the main legal principles that emerged from the internal jurisprudence related to staff member's procedural rights and thirdly, the internal jurisprudence is tested under the hermeneutical framework of Article 6 of the European Convention of Human Rights.

The purpose was to evaluate whether there is a convergence between the jurisdictional practice of the United Nations and the parameters provided for by the jurisprudence of the European Court of Human Rights, concerning fair trials.

Palavras-chave : rule of law, UN legal system, defense rights