



## **60th anniversary of the Administrative Tribunal of the Council of Europe**

### **Public conference**

### **The right to a fair trial before international administrative tribunals**

**14 October 2025**

### **Outline of keynote speeches**

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#### **Panel 1**

#### **Access to a court with respect to acts and omissions of international organisations**

**Keynote speaker: Mykola Gnatovskyy, Judge of the European Court of Human Rights**

This presentation examines the tension between the fundamental right of access to a court, as guaranteed by Article 6 § 1 of the ECHR, and the jurisdictional immunity of international organisations. Since the landmark judgment of the ECtHR's Grand Chamber in *Waite and Kennedy v. Germany*, the central issue has been balancing an organisation's functional immunity against an individual's right to a hearing. The analysis will focus on the principle that immunity is permissible under the ECHR only if "reasonable alternative means" are available to individuals to effectively protect their rights. The presentation will explore the evolving jurisprudence of both the ECtHR and national courts in defining what constitutes an adequate alternative. This includes examining the essential characteristics international administrative tribunals must possess to be considered "courts" and assessing the conditions under which arbitration serves as an acceptable dispute resolution mechanism in this specific context.

#### **Panel 2**

#### **Scope and method of judicial review by international administrative tribunals**

**Keynote speaker: Paola Chirulli, Professor at the Università La Sapienza (Rome, Italy)**

The presentation will introduce the discussion by providing insights into the scope and method of judicial review carried out by international administrative tribunals. After outlining the common characteristics of these bodies, the analysis will examine the

relationship between judicial and internal review mechanisms, which affects the overall standard of justice offered to applicants. The discussion will then delve further into the scope of judicial review, focusing particularly on the need for 'full jurisdiction' and greater control of discretion. This will demonstrate how a delicate balance must be struck between the specific types of controversies and the different administrative powers involved. Subsequently, the presentation will address the potential expansion of the scope of review to include general decisions and examine the impact of judgements on internal administrative practices. The presentation will conclude by emphasising the importance of developing a high standard of judicial review across the various jurisdictions of international administrative tribunals.

### **Panel 3**

#### **Reparation measures and enforcement of judgments**

**Keynote speaker: Patrick Frydman, Vice-President and former President of the Administrative Tribunal of the International Labour Organization; Conseiller d'État (FR)**

[upcoming]