



Administrative
Tribunal

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

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

Mesures de réparation et exécution des jugements

Orateur principal : Patrick Frydman, Vice-Président et ancien Président du Tribunal administratif de l'Organisation internationale du Travail ; Conseiller d'État (France)

Cette présentation proposera une analyse comparée des règles relatives à la réparation et à l'exécution des jugements dans cinq juridictions administratives internationales, à savoir le Tribunal administratif de l'OIT, le Tribunal d'appel des Nations Unies, le Tribunal du contentieux administratif des Nations Unies, le Tribunal administratif du Conseil de l'Europe et le Tribunal administratif de l'OTAN. Dans une première partie, elle montrera que la plénitude des pouvoirs de réparation du juge est un gage d'une justice effective et traitera en particulier de la question, essentielle au regard de l'exigence d'octroi d'une réparation appropriée, de la détermination du montant des condamnations prononcées au titre du préjudice matériel. En seconde partie, la présentation analysera le rôle des mesures provisoires dans la garantie de la bonne exécution des jugements. Seront ensuite explorés les moyens dont disposent les requérants pour obtenir l'exécution des jugements, ainsi que les difficultés les plus fréquemment rencontrées en la matière. La question latérale des mécanismes de correction des erreurs matérielles que peuvent contenir les jugements sera également traitée, avant que ne soit évoquée, pour finir, la question de la possibilité de confier le suivi de l'exécution des jugements à un organe externe aux juridictions elles-mêmes.