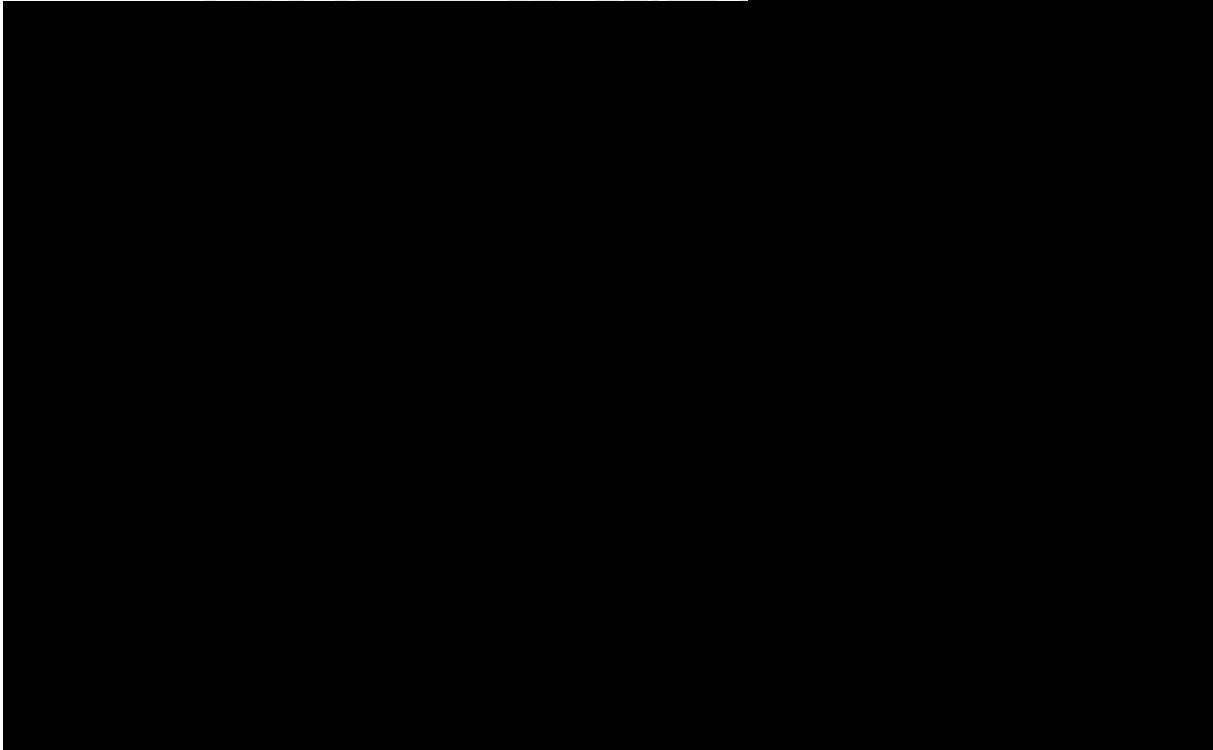

Judgment No. 2019-UNAT-975



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8. Article 2314 of the Statute of the United Nations Appeals Tribunal sets out the Tribunal's authority in these circumstances. The Tribunal is \$ \$

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G. On 10 July 2019, in its resolution 70:80GC, the General Assembly (hereinafter "the Assembly") appointed the four full-time judges (and set out the entire composition of the Appeals Tribunal) (as of 10 July 2019) (naming the three full-time judges and the six part-time judges).

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9. The appeal (petition filed on 11 September 2016) the Applicant contested the procedure by which the Applicant requested for a review of the decision (decision) (decision) (failure to review the decision) (failure to follow up on the Applicant's appeals recommendations submitted to the Applicant for a review of the decision).

10. Judge Downing heard the appeal (petition) (and witnesses on 8 and 9 June 2019) (and upon losing of the evidence (and the Applicant's submissions) (the Applicant entered its declarations) (stages).

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11. The appeal (petition filed on 17 July 2017) the Applicant contested the ongoing monitoring (assessment) (based on the review of the activities for reporting (and reporting to the monitoring) (including the decision to include (in investigation of the assessment) only the monitoring (actions) (and the violation of staff member's rights (and definition of the criteria) (including the related decision to state that the Applicant's claims had been found unsubstantiated) (in the relevant).

²) General Assembly resolution 70:27; S. Res. 2019/3e

12.

20. The Appeals Chamber finds that the majority's interpretation of the second sentence of paragraph 70 of Resolution 70:27, which states that the Security Council's decision to refer the situation in the Democratic Republic of the Congo to the International Criminal Court was "final and without appeal", is not supported by the text of the resolution. The majority's interpretation is inconsistent with the ordinary meaning of the words "final and without appeal" in the context of the resolution. The majority's interpretation is also inconsistent with the purpose of the resolution, which was to refer the situation in the Democratic Republic of the Congo to the International Criminal Court for investigation and prosecution of the crimes within the jurisdiction of the Court.

21. The Appeals Chamber finds that the majority's interpretation of the second sentence of paragraph 70 of Resolution 70:27 is also inconsistent with the purpose of the resolution, which was to refer the situation in the Democratic Republic of the Congo to the International Criminal Court for investigation and prosecution of the crimes within the jurisdiction of the Court. The majority's interpretation is also inconsistent with the ordinary meaning of the words "final and without appeal" in the context of the resolution. The majority's interpretation is also inconsistent with the purpose of the resolution, which was to refer the situation in the Democratic Republic of the Congo to the International Criminal Court for investigation and prosecution of the crimes within the jurisdiction of the Court.

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⁵)ener(I Assem!ly resolution 70:27;\$. (r(. 02 3em. #

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87. The (...) (re dismissed (nd * is. ute Tri! un(l %rder No. 58 3) 9A:20194 (nd %rder No. 55 3) 9A:20194 (re #ere! y (ffirmed.

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* (ted t#is 25th d(y of %' to! er 2019 in Ne- Lor>\$ United &t(tes.

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Jntered in t#e Register on t#is 20th d(y of * e' em! er 2019 in Ne- Lor>\$ United &t(tes.

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