

Organisation internationale du Travail
Tribunal administratif

International Labour Organization
Administrative Tribunal

*Registry's translation,
the French text alone
being authoritative.*

118th Session

Judgment No. 3334

THE ADMINISTRATIVE TRIBUNAL,

Considering the application for execution of Judgment 2956, filed by Mr P. W.V. on 4 August 2011 and corrected on 4 October, the reply of the World Health Organization (WHO) of 9 December 2011 and the letter of 21 January 2012 by which the complainant informed the Registrar of the Tribunal that he did not wish to file a rejoinder;

Considering Article II, paragraph 5, of the Statute of the Tribunal;

Having examined the written submissions and decided not to hold oral proceedings, for which neither party has applied;

CONSIDERATIONS

1. The complainant is requesting execution of Judgment 2956, delivered on 2 February 2011. In that judgment the Tribunal found that the complainant's claims relating to his continued stationing at Brazzaville (Republic of the Congo) during the temporary relocation of the WHO Regional Office for Africa to Harare (Zimbabwe) had not been examined as announced in 2001, and that no final decision could have been taken on those claims after the Headquarters Board of Appeal had given its opinion. The Organization therefore had to make

a final determination as to whether or not the complainant's claims were well founded.

2. On 15 June 2011 the Regional Personnel Officer communicated to the complainant the final decision of the Regional Director. The complainant's claims were dismissed because it had not been necessary to call upon his skills as a conference technician during the temporary relocation of the Regional Office to Zimbabwe, since the Harare premises were already provided with the technical personnel required to service the meeting rooms. In the decision it was pointed out that the complainant, who had been placed administratively on special leave, had received the whole of his salary during the entire period of temporary relocation of the Office, although he had no right to be posted to Harare, and had been able to resume his post when the Brazzaville premises reopened.

The Regional Personnel Officer emphasized that the complainant, who was no longer a staff member of the Organization since he had taken retirement on 31 December 2004, could not appeal that decision by way of an internal appeal, but was entitled to apply directly to the Tribunal if he so wished.

3. In his application for execution the complainant alleges that the Organization violated "the constitutions of the United Nations and of the WHO" through various manoeuvres which resulted in the loss of his correspondence. However, he does not put forward any argument to show that the decision of 15 June 2011, which was sufficient for the execution of Judgment 2956, was unlawful.

In these circumstances, the application for execution must be rejected.

4. The Organization requests the Tribunal to "remind the complainant in the strongest terms of the restraint and respect called for in correspondence and submissions to the Tribunal". As the Tribunal has already stated in a judgment delivered in another complaint filed by the complainant (Judgment 2955, under 5), the

complainant, who is not assisted by a lawyer, has certainly used blunt, colourful language which is not always very courteous. However, this wording does not exceed the bounds of what is acceptable in the context of legal proceedings.

DECISION

For the above reasons,
The application for execution is dismissed.

In witness of this judgment, adopted on 9 May 2014, Mr Claude Rouiller, Vice-President of the Tribunal, Mr Seydou Ba, Judge, and Mr Patrick Frydman, Judge, sign below, as do I, Dražen Petrović, Registrar.

Delivered in public in Geneva on 9 July 2014.

CLAUDE ROUILLER
SEYDOU BA
PATRICK FRYDMAN
DRAŽEN PETROVIĆ