

TENTH ORDINARY SESSION

***In re* PRESS**

Judgment No. 57

THE ADMINISTRATIVE TRIBUNAL,

Considering the complaint against the World Health Organization drawn up by Dr. Jean Press on 31 January 1962 and the reply of the Organisation to the preliminary conclusion put forward in the said complaint;

Considering Article VIII of the Statute of the Tribunal and Article 19 of its Rules of Court;

Considering that the material facts of the case are as follows:

Complainant referred to the Tribunal the decision of the Director-General of WHO, dated 16 November 1961, rejecting complainant's request that he should be described as a co-author of document WHO/Insecticides/125-WHO/Mal.314 of 6 September 1961, which was issued under the name of R. Elliot and J.M. Barnes; and requested, in preliminary conclusions, that the Tribunal should order the publication of the above-mentioned document in the Bulletin of WHO to be suspended pending a judgment on the legality of the decision impugned. In view of their urgency and their contents, the preliminary conclusions call for an immediate decision.

IN LAW

No provision of its Statute attributes competence to the Tribunal to issue directions to an organisation against which a complaint has been lodged, and particularly to order the competent authorities of such an organisation to take or refrain from taking a particular course of action.

In particular, although under Article 19 of its Rules of Court the Tribunal may prescribe provisional measures during the preliminary examination of a complaint before it, no such measures can be contemplated unless they are directed to ensuring a fully satisfactory preliminary examination of the case, and unless they are conducive to that end, and such as to enable the Tribunal to issue a judgment based on a full knowledge of the facts or serving an effective purpose. In the circumstances of this case the suspension requested by Dr. Press would not be conducive to the attainment of the said objectives, and his preliminary conclusions should therefore be rejected.

DECISION

Those conclusions, appended to the complaint of Dr. Press, which request suspension of the publication of the report WHO/Insecticides/125 in the Bulletin of WHO until the Tribunal delivers judgment on the decision impugned, are rejected.

In witness of this judgment delivered in public sitting on 2 May by the Rt. Hon. Lord Forster of Harraby, K.B.E., Q.C., President, Mr. Maxime Letourneur, Vice-President and Mr. André Grisel, Judge, the aforementioned have hereunto subscribed their signatures, as well as myself, Lemoine, Registrar of the Tribunal.

Signatures:

Forster of Harraby
M. Letourneur
André Grisel
Jacques Lemoine