

FIRST ORDINARY SESSION

***In re* MERCIER**

(Arbitral Competence)

Judgment No. 7

THE ADMINISTRATIVE TRIBUNAL,

Being seised of a Complaint dated 18 September 1946 by Mrs. Charles Mercier (widow) against the International Institute of Intellectual Co-operation,

Whereas the intervention of the Complainant exercising the right of her deceased husband and acting as legal guardian of his children must be understood as constituting also a Complaint to the Tribunal for the purpose of obtaining the settlement of her rights under these heads;

Whereas it appears from the terms of the judgment in the case of Weiss, given this day, that Mr. Weiss rightfully and validly maintained the deceased in service until his death on 26 June 1945;

Whereas therefore the Defendant must be ordered to fulfil its obligations on which it has defaulted up to the present date,

ON THE GROUNDS AS AFORESAID,

The Tribunal, giving judgment by default, the Defendant having failed to appear;

Rejecting all fuller or contrary conclusions;

Orders the Defendant to pay to the Complainant the total salary en disponibilité due to the deceased on the basis of the statement prepared on 7 March 1941 by Mr. Weiss;

Also orders the Defendant to pay, as damages, because of the delay in payment of the sums due, the sum of 80,000 French francs;

The above subject to deduction of sums shown to have been already paid, if such be the case;

Orders the refund of the deposit made by the Complainant in accordance with the Statute of the Tribunal.

In witness of which judgment, pronounced in public sitting on 27 February 1947, by His Excellency Mr. A. Devèze, President, Jonkheer van Rijckevorsel, Vice-President, and Mr. Eide, Judge, the aforementioned have hereunto subscribed their signatures as well as myself, van Asch van Wijck, Assistant Registrar of the Tribunal.

(Signatures)

Vald. Eide
Albert Devèze
A. van Rijckevorsel
W.H.J. van Asch van Wijck