

TWELFTH ORDINARY SESSION

In re L'EVEQUE

Judgment No. 76

THE ADMINISTRATIVE TRIBUNAL,

Considering the complaint against the International Telecommunication Union drawn up by Mr. Charles L'Evêque on 7 March 1963, brought into conformity with the Rules of Court on 8 April 1963, and the documents in the dossier, including the written statements of the parties concerning the hearing of witnesses, the filing of which was requested by the Tribunal;

Considering the Statute and Rules of Court of the Tribunal;

Considering that, under article 11 of the Rules of Court, "The Tribunal may order such measures of investigation as it considers desirable, including personal appearance of the parties before it, the hearing of witnesses on oath, either on the motion of the Tribunal or on application by the parties, expert inquiries, administration of oaths, and so forth";

Considering that, in support of his complaint, Mr. L'Evêque maintains that the decision of the Secretary-General, dated 7 August 1962, terminating his appointment, was motivated exclusively by reasons extraneous to the interests of the service, and, in particular, to his professional qualifications; that, on the other hand, ITU affirms that this measure was taken in application of article 9.1, paragraph (a) (3), of the Staff Regulations exclusively on account of the professional incompetence of the person concerned; that the parties being thus opposed with regard to the facts, the Tribunal, resorting to the measures of investigation authorised under its Rules of Court, considers it necessary, in order to be able to give a ruling on the complaint with full knowledge of the case, to hear the witnesses proposed by the complainant, that, at the same time, it is necessary to reserve the right of the Organisation to request the hearing of witnesses capable of clarifying the facts of the case, as well as the authority of the Tribunal to summon, of its own accord, other witnesses than those proposed by the parties;

ON THE GROUNDS AS AFORESAID:

1. Orders the hearing as witnesses of Messrs. Robert Ward, Georges Chamot, Jean-Pierre Christinat, Alf. S. Winter-Jensen and Jean-Paul Bernard.
2. Decides that Mr. Ward shall reply, in accordance with the conditions laid down in paragraph 3 of article 14 of the Rules of Court, to the questions drawn up by the Tribunal on the proposals of the parties.
3. Decides that the other witnesses proposed by the complainant shall be examined by the Tribunal at a hearing on a date to be fixed subsequently. 4. Authorises ITU to request the hearing of witnesses capable of clarifying the facts of the case.
5. Instructs the Registrar of the Tribunal to take all the measures necessary to give effect to the present decision.

Thus decided at Geneva on 11 September 1964 by Mr. Maxime Letourneur, President, Mr. André Grisel, Vice-President, and Mr. Hubert Armbruster, Deputy Judge.

Signed:

M. Letourneur
Jacques Lemoine