

SEVENTEENTH ORDINARY SESSION

In re JURADO

(No. 4 - Waiver of Immunity in respect of the Child Jurado)

Judgment No. 97

THE ADMINISTRATIVE TRIBUNAL,

Considering the complaint against the International Labour Organisation drawn up by Mr. Cesáreo Jurado on 27 February 1965 in which he prays the Tribunal: (1) to sustain an objection to Judges Letourneur, Grisel and Armbruster; (2) to quash a decision of 19 February 1965 refusing to waive the immunity of the child Jurado in respect of civil action against the Organisation; (3) to award damages for the injury suffered, and (4) to award costs for the expenses incurred in connection with the filing of the complaint;

Considering the reply of the International Labour Office of 30 March 1965 which submits that the complaint should be dismissed, the additional documents produced by the complainant on 12 April 1966 and the observations of the I.L.O. concerning the said documents, dated 25 May 1966;

Considering Articles II, VI, VII and VIII of the Statute of the Tribunal, Articles 1.2 and 1.7 of the Staff Regulations of the International Labour Organisation, Article 39, paragraph (c) and Article 40 of the Constitution of the International Labour Organisation, and the provisions of the Agreement of 11 March 1946 between the Swiss Federal Government and the International Labour Organisation governing the legal status of the Organisation in Switzerland;

Having examined the documents in the dossier, oral proceedings having neither been requested by the parties nor ordered by the Tribunal;

CONSIDERATIONS:

1. The passage in the complainant's statement (page 2, paragraph 11) beginning: "At the present stage of the proceedings ..." and ending: "... and more and more childish", and the passage in the same statement (page 4, paragraph 23) beginning: "If the Administrative Tribunal ..." and ending: "... anti-Spanish and anti-Catholic decisions", are totally unnecessary to support the complaint and are merely insulting towards the I.L.O.; the Tribunal must, therefore, order their deletion.
2. Neither the fact that two of the Judges who sat in the case previously brought by Mr. Jurado before the Administrative Tribunal and disposed of by Judgment No. 70 given by the Tribunal on 11 September 1964 have been called upon to hear a further case brought by the same complainant, nor the fact that one of these Judges is of Swiss nationality and sits in the Supreme Court of his country, can in itself be regarded as valid ground for objection to these Judges.

On the submissions made against the decision of 19 February 1965

3. As held in Judgment No. 70, the Administrative Tribunal is not competent to give a ruling in respect of the Director-General's decisions concerning the immunity from jurisdiction of I.L.O. officials and members of their family; this lack of competence applies alike in the case of a decision to grant immunity as in the case of refusal to waive it.

On the other submissions

4. In support of his other submissions, Mr. Jurado has simply reverted to arguments already dismissed by the Tribunal in Judgments Nos. 70 and 83, without adding any new element.

DECISION:

For the above reasons,

1. The complaint is dismissed.
2. The passages in Mr. Jurado's statement referred to above are deleted as being insulting.

In witness of this judgment, delivered in public sitting in Geneva on 9 May 1967 by Mr. Maxime Letourneur, President, Mr. André Grisel, Vice-President, and the Right Honourable Lord Devlin, P.C., Judge, the aforementioned have hereunto subscribed their signatures, as well as myself, Lemoine, Registrar of the Tribunal.

(Signed)

M. Letourneur
André Grisel
Devlin
Jacques Lemoine

Updated by PFR. Approved by CC. Last update: 7 July 2000.