

SEVENTEENTH ORDINARY SESSION

In re JURADO

(No. 6 - Allegations of collusion and divulging confidential information)

Judgment No. 99

THE ADMINISTRATIVE TRIBUNAL,

Considering the complaint against the International Labour Organisation drawn up by Mr. Cesáreo Jurado on 20 July 1965, in which he prays: (1) that Judges Letourneur, Grisel and Armbruster should not try the case; (2) that the Organisation be ordered to make various payments of compensation for divulging confidential information and for collusion with the counsel of Mrs. Jurado; (3) that the Organisation be ordered to make various payments in compensation for its refusal to waive Mr. Jurado's immunity for the purpose of civil proceedings against an expert psychiatrist commissioned by the Organisation, for violation of professional secrecy; and (4) that various costs be awarded for the study and the drafting of the complaint and for copying expenses;

Considering the reply of the International Labour Office of 20 September 1965, the complainant's rejoinder of 18 December 1965, and the Organisation's comments on this rejoinder of 15 March 1966, the supplementary documents produced by complainant on 12 April 1966 and the Organisation's comments on these documents of 25 May 1966, and also complainant's memorandum of 22 June 1966 concerning fresh facts and the Organisation's comments on this memorandum of 29 June 1966;

Considering the memorandum on an incidental plea of 14 March 1966, which related to measures taken ex officio by the Tribunal and called for no reply from the Administration;

Considering Articles II and VI of the Statute of the Tribunal;

Having examined the documents in the dossier, the oral proceedings and hearing of witnesses and experts requested by complainant having been disallowed;

CONSIDERATIONS:

On the objection to the composition of the Tribunal

1. Neither the fact that two of the Judges who sat in the case brought before the Administrative Tribunal by Mr. Jurado 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 own country, can in itself be regarded as valid ground for objection to these Judges. Moreover, since Judge Armbruster is not called upon to try the present case, the objection directed against him is in any event irrelevant.

On the submissions made in the complaint

2. In so far as they are not totally unrelated to the decision impugned, the submissions in this complaint, as well as those put forward in the statement "on an incidental plea", are clearly wholly unfounded, or are based on arguments already dismissed by the Tribunal in Judgments Nos. 70 and 83.

The present complaint must therefore be rejected as an abuse of process.

DECISION:

For the above reasons,

The above complaint of Mr. Jurado is dismissed.

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.