

THIRTIETH ORDINARY SESSION

***In re* SILOW (No. 5)**

- (a) Exclusion of Mr. Silow from the meeting of an FAO Committee;**
- (b) Allegations of improprieties in the proceedings of the FAO Appeals Committee.**

Judgment No. 205

THE ADMINISTRATIVE TRIBUNAL,

Considering the complaint against the United Nations Food and Agriculture Organization (FAO) drawn up by Mr. Ronald Silow on 26 November 1972 and his additional memorandum of 28 January 1973;

Considering the order made by the President of the Tribunal on 10 December 1972, in accordance with Article 8, paragraph 3, of the Rules of Court, that no further action should be taken on the complaint until the present session of the Tribunal;

Considering Article II, paragraphs 5, 6 and 7, of the Statute of the Tribunal;

Having examined the documents constituting the complaint, the oral proceedings requested by the complainant having been disallowed by the Tribunal;

Considering that the complaint may be summarised as follows:

A. Mr. Silow alleges that the administrative services of the FAO forbade him to attend a meeting of the Committee on Agriculture of the FAO held at headquarters in Rome from 17 to 22 April 1972. The purpose, he maintains, was to prevent his attending a debate on the uses of atomic energy in agriculture, and his exclusion was an abuse of authority and a grave denial of his rights. He states that the Director-General of the FAO rejected his protest on 23 August 1972 on a recommendation, made by the Appeals Committee, that it should be dismissed under Staff Regulation 301.111 and Staff Rule 303.111 on the ground that he had ceased to be an FAO official at the time of the incident.

B. The second part of the complaint consists of allegations of improprieties in the FAO's internal appeals procedure. Mr. Silow protests at the past and current treatment of his many appeals by the Appeals Committee. He states that, on the Appeals Committee's recommendation that his complaint be dismissed as frivolous and vexatious, the Director-General informed him on 23 August 1972 that he could not accept his allegations.

C. The complainant impugns the Director-General's two decisions of 23 August 1972.

CONSIDERATIONS:

Article 8, paragraph 3, of the Rules of Court of the Administrative Tribunal provides that "if it appears that a complaint is clearly irreceivable or devoid of all merit, the President may instruct the Registrar to take no further action thereon until the next session of the Tribunal. The Tribunal shall then consider the complaint and may either adjudge that it be summarily dismissed as clearly irreceivable or devoid of all merit, or order that it should be proceeded with in the ordinary way."

The actions referred to the Tribunal by Mr. Silow do not relate to the observance either of the terms of his own contract of employment or of the Staff Regulations or Staff Rules.

His complaint is thus clearly irreceivable by the Tribunal and must therefore be dismissed under paragraph 3 of Article 8, quoted above.

DECISION:

For the above reasons,

The complaint is dismissed.

In witness of this judgment 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, Morellet, Registrar of the Tribunal.

Delivered in public sitting in Geneva on 14 May 1973.

(Signed)

M. Letourneur
André Grisel
Devlin

Roland Morellet