

Organisation internationale du Travail  
*Tribunal administratif*

International Labour Organization  
*Administrative Tribunal*

**R. (No. 15)**

*v.*

**IAEA**

**128th Session**

**Judgment No. 4201**

THE ADMINISTRATIVE TRIBUNAL,

Considering the fifteenth complaint filed by Mr R. R. against the International Atomic Energy Agency (IAEA) on 12 December 2018 and corrected on 19 January 2019;

Considering Articles II, paragraph 5, and VII of the Statute of the Tribunal and Article 7 of its Rules;

Having examined the written submissions;

**CONSIDERATIONS**

1. The complainant impugns before the Tribunal the decision of 13 September 2018, notified to him by the Deputy Director General, by which the Director General of the IAEA rejected his request for review of a decision taken by the Executive Committee of the Staff Association on 11 August 2018, rejecting his application for legal support under the Staff Association's legal insurance policy in connection with a complaint he had filed with the Tribunal. The Director General considered that he was not in a position to review the contested communication of the Executive Committee of the Staff Association given that the Committee's rejection of the complainant's application was not an administrative decision subject to review under Staff Rule 12.01.1(D). Referring to Judgments 2100, consideration 15, and 3106, consideration 7,

the Director General also pointed out that the principle of freedom of association precluded interference by the Administration in the affairs of a staff association.

2. In order to challenge these reasons, the complainant refers in his brief to Judgment 4077, consideration 14, and submits that Article II of the Tribunal's Statute does not specify which organ of the organization must take the administrative decision that is impugned before the Tribunal.

3. The Tribunal notes that, at the time when he filed his complaint, the complainant was a former official. Although the Tribunal is open to former officials of international organizations recognising its competence, a complaint filed by a former official must, like any other complaint, invoke non-observance, in substance or in form, of the terms of the complainant's appointment and/or of provisions of the Staff Regulations, as required by Article II, paragraph 5, of the Tribunal's Statute. In this case, however, the complainant does not allege that any provision of his terms of appointment or of the Staff Regulations has been violated.

4. It follows that the complaint, which does not fall within the competence of the Tribunal, is clearly irreceivable and must be summarily dismissed in accordance with the procedure provided for in Article 7 of the Rules of the Tribunal.

#### DECISION

For the above reasons,

The complaint is dismissed.

In witness of this judgment, adopted on 23 May 2019, Mr Giuseppe Barbagallo, President of the Tribunal, Mr Michael F. Moore, Judge, and Sir Hugh A. Rawlins, Judge, sign below, as do I, Dražen Petrović, Registrar.

Delivered in public in Geneva on 3 July 2019.

GIUSEPPE BARBAGALLO

MICHAEL F. MOORE

HUGH A. RAWLINS

DRAŽEN PETROVIĆ