

EIGHTH ORDINARY SESSION

***In re* MOHAMED KAHAL**

Judgment No. 46

THE ADMINISTRATIVE TRIBUNAL,

Considering the complaints against the World Health Organization drawn up by Mr. Mohamed Kahal on 8 December 1959 and 23 December 1959 and the replies of the Organisation to the said complaints, both replies being dated 28 April 1960;

Considering Article II, paragraph 6 of the Statute of the Tribunal;

Having examined the documents in the dossier, the Tribunal having ruled that there should be no oral proceedings;

IN LAW

1. Mr. Kahal's two complaints raise the same issue for judgment. They should be dealt with jointly and the issue settled by a single decision.

2. Under Article 2, paragraph 6 of the Statute of the Tribunal the Tribunal shall be open -

(a) to the official, even if his employment has ceased, and to any person on whom the official's rights have devolved on his death;

(b) to any other person who can show that he is entitled to some right under the terms of appointment of a deceased official or under provisions of the Staff Regulations on which the official could rely.

3. Under the above-mentioned provision Mr. Kahal, who is neither an official nor a former official of the World Health Organization and whose wife, a former official of the Organisation, is not deceased, is not qualified to institute proceedings before the Tribunal; his complaints are therefore not receivable.

DECISION

The above-mentioned complaints are dismissed as not receivable.

In witness of this judgment, delivered in public sitting on 13 September 1960 by the Rt. Hon. Lord Forster of Harraby, K.B.E., Q.C.; President, Mr. Maxime Letourneur, Vice-President, and Mr. André Grisel, Judge, the aforementioned have hereunto subscribed their signatures, as well as myself, Lemoine, Registrar of the Tribunal.

Signatures:

Forster of Harraby
M. Letourneur
André Grisel
Jacques Lemoine