

## SIXTY-FIFTH SESSION

### *In re* MUIGA

(Second interlocutory order)

#### Judgment 947

THE ADMINISTRATIVE TRIBUNAL,

Considering the complaint filed by Mr. Michael Ikua Muiga against the World Health Organization (WHO) on 22 August 1986;

Considering the first interlocutory order in Judgment 875 of 10 December 1987;

Considering the complainant's medical records disclosed by the Organization by letter dated 2 June 1987, its comments thereon of 29 January 1988 and the complainant's of 1 February 1988;

Considering the medical report dated 14 October 1988 submitted by Dr. David Guéret Wardle, the expert appointed by order of the President of the Tribunal on 1 February 1988 in accordance with Judgment 875;

Considering the WHO's observations of 1 November 1988 on the medical report and the complainant's reply of 7 November to those observations;

Considering the complainant's observations of 2 November on the medical report and the WHO's reply of 7 November to those observations;

Having examined the written evidence;

#### CONSIDERATIONS:

1. The complainant suffered the accident, since recognised as service-incurred, on 3 April 1982. He was separated on 9 August 1983 and has been seeking compensation since then.

In Judgment 875 the Tribunal decided that a medical expert, to be appointed by order of its President, should determine the nature and extent of all the disorders from which the complainant is suffering and the extent to which each of them is attributable to the accident. It did so because the medical committee appointed by the Director-General of the WHO had considered only the foot injury although the complainant himself was claiming compensation for total disability due to a variety of causes, not just his foot injury.

2. The Tribunal accepts the findings of the medical inquiry, which establish finally the medical aspects of the case.

3. In view of the findings the Tribunal, before delivering final judgment, requires from the complainant his replies to the following questions:

(1) What invalidity pension is he claiming in compensation for total work disability caused as to 50 per cent by the accident?

(2) What is the total amount he is claiming in compensation for loss of function of the foot and of this amount what portion is attributable to loss of enjoyment of life?

The complainant shall file his replies, together with any relevant comments, within six weeks of the date of notification of this judgment.

On receipt of those submissions the Organization shall within a further period of six weeks file, together with any relevant comments, its replies to the following questions:

(1) What sum is the Organization willing to pay as invalidity pension for the complainant's total work disability?

(2) What is the total amount it is willing to pay in compensation for loss of function of the foot and of this amount what portion is attributable to loss of enjoyment of life?

4. Since the proceedings have been protracted an interim award is due to the complainant, and the Tribunal sets the amount at 24,000 United States dollars, plus interest at 10 per cent a year from 9 August 1983.

5. The Tribunal also makes an interim award of costs, which it sets at 10,000 Swiss francs.

DECISION:

1. The Tribunal orders further submissions from the parties as set out in 3 above.

2. The Organization shall pay the complainant an interim award of \$24,000 plus interest at 10 per cent a year from 9 August 1983.

3. The Organization shall pay him 10,000 Swiss francs towards costs.

In witness of this judgment by Mr. Jacques Ducoux, President of the Tribunal, Tun Mohamed Suffian, Vice-President, and Miss Mella Carroll, Judge, the aforementioned have signed hereunder, as have I, Allan Gardner, Registrar.

Delivered in public sitting in Geneva on 8 December 1988.

(Signed)

Jacques Ducoux  
Mohamed Suffian  
Mella Carroll  
A.B. Gardner