

THIRTIETH ORDINARY SESSION

***In re* SILOW (No. 6)**

(Allegations of libel)

Judgment No. 206

THE ADMINISTRATIVE TRIBUNAL,

Considering the complaint against the United Nations Food and Agriculture Organization (FAO) drawn up by Mr. Ronald Silow on 26 February 1973;

Considering the order made by the President of the Tribunal on 8 March 1973, 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. On 30 November 1972, during a meeting of the Executive Council of the FAO, the complainant received from an anonymous source a copy of a roneoed notice inviting delegates to take care if they were accosted by a mentally disturbed person. In the belief that this was another move against him in his lengthy dispute with the FAO, which has already led him to lodge five complaints with the Tribunal, Mr. Silow sent a letter of protest to the Director-General demanding that he ask the Italian police to find the author of the libel. In his reply of 19 December 1972 the Director-General deplored the notice but said that the author, whoever he might be, had not written it on his instructions. He added that a spot-check had confirmed that the notice had not been distributed to any delegates and that in the circumstances, while the Organization was in no way responsible for the regrettable incident, he considered it neither necessary nor desirable to ask the Italian police to make an inquiry.

B. On 27 December 1972 Mr. Silow lodged an appeal with the FAO Appeals Committee asking it to condemn the alleged libel against him and to recommend the Director-General to call in the Italian police. The Chairman Of the Appeals Committee informed him on 21 February 1973 that the Committee considered his appeal irreceivable because he had ceased to be an FAO official at the time of the alleged incident and that incident had no bearing on his conditions of employment during his period of service with the Organization.

C. In his complaint impugning the Director-General's decision of 19 December 1972 and contesting the letter of the Chairman of the Appeals Committee dated 21 February 1973, Mr. Silow asks the Tribunal to hold the Director-General responsible for the incident and to order the Organization to pay him US\$100,000 in damages, remuneration for his efforts since his retirement to expose the errors of the FAO's programme for the use of atomic energy in agriculture, and costs, and to make him a public apology.

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 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