

**SEVENTEENTH ORDINARY SESSION**

***In re* JURADO**

**(No. 5 - Education grant)**

**Judgment No. 98**

THE ADMINISTRATIVE TRIBUNAL,

Considering the complaint against the International Labour Organisation drawn up by Mr. Cesáreo Jurado on 25 June 1965, the reply of the Organisation of 2 August 1965, the rejoinder of complainant of 8 October 1965, the letter of 22 October 1965 in which the Organisation stated that it did not wish to avail itself of the opportunity of replying, the supplementary documents produced by complainant on 12 April 1966, and the comments made by the Organisation on these documents on 25 May 1966;

Considering Article II of the Statute of the Tribunal and Article 3.14 of the Staff Regulations of the International Labour Office;

Having examined the documents in the dossier, the oral proceedings requested by complainant having been disallowed;

Considering that the material facts of the case are as follows:

A. By letter of 31 May 1965 complainant applied for an education grant on behalf of his son, stating that as he had been deprived of the guardianship of his son by the Swiss authorities the latter had not been able to receive his education in Spain. In reply he was informed by letter of 10 June 1965 that it was clear from the terms of his letter of 31 May and from the application form for the grant, which was not accompanied by any supporting evidence, that complainant had not shown that the required conditions for the grant were fulfilled.

B. The submissions in the complaint are in the following terms:

"That it please the Tribunal;

As to form:

1. To declare the present complaint and its annexes receivable.
2. To agree that Judges Maxime Letourneur, André Grisel and Hubert Armbruster, respectively President, Vice-President and Deputy Judge, should not try the case.
3. To place complainant's protest on formal record and to reserve his right to appeal, in view of the coercion, intimidation and threats of the I.L.O. against complainant designed to prevent him from exercising his right to appeal to the Tribunal, even in the event of the expiry of the time limit for appeal to the Administrative Tribunal against the illegal administrative decision of 31 May 1965.

As to substance:

1. To order the I.L.O. to pay damages of 5 million Swiss francs on account of the more than five years of captivity imposed by the I.L.O. on the child Andrés Jurado, legitimate son of the complainant, depriving him of his religion, his country, his national language, his father and all his Spanish family.
2. For violation of Article 3.14 of the Staff Regulations:
  - (a) Because the I.L.O. has prevented the child Jurado from being educated in his country, to order the I.L.O. to pay the sum of 10,000 Swiss francs for having failed to ensure freedom of access and residence in Switzerland for the

child Jurado and his father;

(b) Because the I.L.O. has refused to pay the education grant to the complainant, to order it to pay the said grant at the maximum statutory rate of \$600.

3. To order the I.L.O. to pay 1 Swiss franc on account of the work entailed by the preparation and drafting of the present complaint, and 100 francs on account of copying costs."

C. The Organisation submits that the complaint should be dismissed.

#### CONSIDERATIONS:

On the objection to the composition of the Tribunal

1. Neither the fact that two of the Judges who sat in the case brought before the Administrative Tribunal by Mr. Jurado and disposed of by Judgment No. 70 given by the Tribunal on 11 September 1964 have been called upon to hear a further case brought by the same complainant, nor the fact that one of these Judges is of Swiss nationality and sits in the Supreme Court of his own country, can in itself be regarded as valid ground for objection to these Judges. Moreover, since Judge Armbruster is not called upon to try the present case, the objection directed against him is without object.

On the submission directed to the rescinding of the decision impugned of 10 June 1965

2. In accordance with Article 3.14, paragraph (i) of the Staff Regulations, "The [education] grant shall be payable upon the presentation of evidence satisfactory to the Director-General that the conditions required by this Article are fulfilled".

The letter of 10 June 1965 confines itself to rejecting Mr. Jurado's application on the ground that it was not accompanied by any documents providing the evidence required by the regulation cited above.

It appears from the terms of the application itself that this reason is factually true. Consequently the submission referred to above must necessarily be dismissed.

On the submission directed to ordering the I.L.O. to pay the education grant:

3. This submission must be dismissed in consequence of the dismissal of the preceding submissions.

On the submissions requesting the Administrative Tribunal to record Mr. Jurado's protest against the I.L.O.'s attitude in regard to his right of appeal to the Tribunal:

4. Mr. Jurado's allegations relate to another case which is also before the Tribunal and are moreover couched in exaggerated terms. The decision impugned in the present complaint expressly states: "If you wish to submit the present matter to the Administrative Tribunal there is nothing to prevent you from doing so". In any event, these submissions are based on materially incorrect facts.

On the submission that the I.L.O. be ordered to pay damages in an amount of 5 million Swiss francs

5. This submission, which is based on gratuitous and insulting accusations, is plainly devoid of substance.

On the other submissions:

In support of his other submissions, Mr. Jurado has simply reverted to arguments already dismissed by the Tribunal in Judgments Nos. 70 and 83, without adding any new element.

#### DECISION:

For the above reasons,

The above-mentioned complaint of Mr. Jurado is dismissed.

In witness of this judgment, delivered in public sitting in Geneva on 9 May 1967 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, Lemoine, Registrar of the Tribunal.

(Signed)

M. Letourneur  
André Grisel  
Devlin  
Jacques Lemoine

Updated by PFR. Approved by CC. Last update: 7 July 2000.