

Organisation internationale du Travail
Tribunal administratif

International Labour Organization
Administrative Tribunal

*Registry's translation,
the French text alone
being authoritative.*

C. P.

v.

WTO

141st Session

Judgment No. 5107

THE ADMINISTRATIVE TRIBUNAL,

Considering the complaint filed by Ms M. C. P. against the World Trade Organization (WTO) on 30 July 2024;

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

Having examined the written submissions of the complainant;

CONSIDERATIONS

1. The complainant, who introduces herself as the widow of Mr P., a former employee of the WTO who died on 5 May 2021, filed a complaint on 30 July 2024 against an email from the WTO of 23 May 2023, whereby the Organization refused to provide her with a copy of Mr P.'s contract of employment, on the grounds that they were no longer married on the date of his death.

2. In accordance with Article II, paragraph 6, of the Statute of the Tribunal, the Tribunal shall be open to the official even if her or his employment has ceased, and to any person on whom the official's rights have devolved on her or his death.

In the present case, the Tribunal considers it established that, contrary to the WTO's assertion in its email of 23 May 2023, the complainant and Mr P. were indeed married on the date of his death. It is clear from the evidence that she was designated as the "surviving spouse" in a duly registered document of 3 December 2022. There is therefore no doubt that the rights of her late husband devolved on her and that she has *locus standi* before the Tribunal in this capacity.

3. Furthermore, the WTO Staff Regulations and Staff Rules make no provision allowing an official's successors to resort to internal means of redress. The provisions of the Staff Regulations and Staff Rules relating to the internal appeal procedure apply to "staff members" alone. It follows that the complainant had direct access to the Tribunal and was not subject to the requirement to exhaust the internal means of redress.

4. However, the complaint, filed with the Tribunal on 30 July 2024 against the WTO's email of 23 May 2023, is time-barred.

According to Article VII, paragraph 2, of the Statute of the Tribunal, "[t]o be receivable, a complaint must [...] have been filed within ninety days after the complainant was notified of the decision impugned".

As the Tribunal has repeatedly stated, time limits are an objective matter of fact and it should not rule on the lawfulness of a decision which has become final, because any other conclusion, even if founded on considerations of equity, would impair the necessary stability of the parties' legal relations, which is the very justification for a time bar (see, for example, Judgments 4896, consideration 6, 4374, consideration 7, 4160, consideration 9, 3828, consideration 7, or 3406, consideration 12).

In this case, the 90-day period provided for in Article VII, paragraph 2, quoted above, expired on 21 August 2023, some 11 months before the date on which the present complaint was filed.

5. In view of the foregoing considerations, the complaint must be summarily dismissed as clearly irreceivable in accordance with the procedure set out 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 13 November 2025, Mr Patrick Frydman, Vice-President of the Tribunal, Mr Jacques Jaumotte, Judge, and Mr Clément Gascon, Judge, sign below, as do I, René M. Vargas M., Registrar.

Delivered on 10 February 2026 by video recording posted on the Tribunal's Internet page.

(Signed)

PATRICK FRYDMAN JACQUES JAUMOTTE CLEMENT GASCON

RENÉ M. VARGAS M.