

Organisation internationale du Travail
Tribunal administratif

International Labour Organization
Administrative Tribunal

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

D. S. (No. 3)

v.

UNESCO

141st Session

Judgment No. 5124

THE ADMINISTRATIVE TRIBUNAL,

Considering the third complaint filed by Mr F. J. D. S. against the United Nations Educational, Scientific and Cultural Organization (UNESCO) on 22 April 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, a retiree from UNESCO since 31 March 1998, challenges before the Tribunal a decision of the Bureau of Human Resources dated 24 January 2024, rejecting his request of 6 December 2023 for an administrative review relating to an alleged conflict of interests involving the Chairperson of the Board of Management of the Organization's Medical Benefits Fund.

2. The Tribunal has already ruled, as the complainant acknowledges himself in his complaint, that under Staff Regulation 11.1, Staff Rule 111.1 and the Statutes of the Appeal Board, a former staff member of UNESCO cannot use the internal means of redress to

challenge a decision taken after she or he has left the Organization (see Judgments 4034, consideration 4, and 3505, consideration 4).

It is therefore for the former staff member concerned, if she or he intends to challenge such a decision, to impugn it directly before the Tribunal, in accordance with the rules governing the submission of complaints to the Tribunal.

3. 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).

4. In the present case, although the complainant has not provided the Tribunal with a copy of the initial decision in question, that decision was necessarily taken before 6 December 2023 – the date on which the complainant filed a request for administrative review against it.

5. It follows that his complaint, filed on 22 April 2024, was not, in any event, filed within the 90-day time limit laid down in Article VII, paragraph 2, of the Statute of the Tribunal, quoted above. Since the complaint is clearly irreceivable, it will be summarily dismissed 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.