104th Session Judgment No. 2679

The Administrative Tribunal,

Considering the second complaint filed by Ms F. V. against the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization (CTBTO PrepCom) on 29 September 2006, the Commission's reply of 8 December 2006, the complainant's rejoinder of 11 January 2007 and the Commission's surrejoinder of 16 February 2007;

Considering Articles II, paragraph 5, and VII of the Statute of the Tribunal;

Having examined the written submissions and decided not to order hearings, for which neither party has applied;

Considering that the facts of the case and the pleadings may be summed up as follows:

A. Facts relevant to this case are to be found in Judgment 2524, delivered on 1 February 2006 in which the Tribunal found that the complainant had been the victim of harassment with respect to the decision not to extend her contract; on this ground, it ordered the Commission to pay her material and moral damages as well as costs. It may be recalled that the complainant lodged a second appeal by a letter of 27 January 2005 in which she challenged the Executive Secretary's decision of 16 December 2004 not to extend her appointment beyond its expiry date of 15 January 2005. She separated from service on that date; the appeal was still pending at the time of delivery of the judgment.

Meanwhile, on 15 December 2004, she initiated a rebuttal process with regard to her performance appraisal report of 2 December 2004 on the grounds that it contained inaccurate and unsubstantiated statements. In its report of 15 April 2005 the Personnel Advisory Panel, to which the contested performance appraisal was referred, noted that it did not have enough information to comment on the disagreement between the complainant and her supervisor, Mr M. It also noted that several procedural irregularities were apparent. The Panel nevertheless concluded that the performance appraisal report was made on an independent basis and was an objective view of the supervisor, and that it "could" be maintained.

By a letter of 9 June 2005 the Executive Secretary informed the complainant that he had decided, in view of the conclusions of the Personnel Advisory Panel, to maintain her performance appraisal report of 2 December 2004. The complainant subsequently requested him to review his decision. The Executive Secretary replied on 19 September 2005 that any issues relating to her performance appraisal report should be raised during the pending internal appeal proceedings. The complainant subsequently submitted additional comments to the Joint Appeals Panel and requested that the performance appraisal report in question be removed from her personnel file.

In its report of 29 May 2006 the Joint Appeals Panel found that, in light of the Tribunal's findings in Judgment 2524 regarding the attitude of Mr M. during the reporting period, the performance appraisal report of 2 December 2004was flawed. It therefore recommended that it be removed from the complainant's personnel file and that the challenged decision of 16 December 2004, endorsing a recommendation which was partly based on the flawed report, be set aside. It also recommended that the complainant be paid the equivalent of all salary and other financial benefits she would have received had her contract of employment been extended for another two years from 1 May 2004 to 30 April 2006, "net of any compensation earned during the same period without any interest", as well as 5,000 euros in moral damages because of the manner in which the separation had been notified and implemented.

By a letter of 12 June 2006, which is the impugned decision, the Executive Secretary informed the complainant that he had decided to endorse the Joint Appeals Panel's recommendations, and asked her to provide information on the "compensation earned" from 15 January 2005 until 30 April 2006.

On 25 July 2006 the complainant informed the Administration that between 15 January 2005 and 30 April 2006 she had earned 51,406.17 United States dollars and indicated that the Commission owed her 73,874.80 dollars in material damages. That amount was paid on 24 August 2006. By a letter of 6 September 2006 the complainant's

lawyer asked for an additional payment of 6,922.56 dollars in material damages, explaining that there had been an error in her original estimate. The Commission then requested from her a statement of earnings including all emoluments (i.e. pension and health insurance contributions in particular). Since the complainant did not submit that information, the Commission refused to pay any further material damages.

B. The complainant alleges denial of due process in the rebuttal process. She points out that the Personnel Advisory Panel found "serious problems" with her appraisal report but did not recommend that it be set aside. She submits that therefore she did not receive a frank, fair and factual appraisal as provided for under Administrative Directive No. 2 (Rev.2) of April 2000.

She contends that the Commission failed to resolve a serious conflict between her and Mr M. at the time it arose and allowed him to repeat his "slanderous attacks" in her appraisal report. She draws attention to the Joint Appeals Panel's finding that the attitude of Mr M. was one of open hostility amounting to harassment and that the performance appraisal report prepared by him was of "questionable motivation". She also submits that the Executive Secretary should have awaited the outcome of the rebuttal process before deciding not to extend her appointment; in her view, such action shows that there was a "strategy [...] to get rid of her", as noted by the Joint Appeals Panel. She adds that the Administration, by providing a short period of notice, was "willing to injure her dignity and cause her further stress and pain". She further points out that she was awarded moral damages for the "manner in which [the] separation was notified and carried through", but that the Commission has failed to compensate her for the ongoing harassment and for the mental anguish suffered while she was searching for other employment. Indeed, while applying for a job elsewhere she was requested to provide employment records, which included the appraisal report of 2 December 2004 as it had not been removed from her personnel file at that time.

According to the complainant, the Joint Appeals Panel's report is tainted by an error of law insofar as it did not address the substance of her claim concerning the removal of her performance appraisal report of 2 December 2004. She explains that although the Panel recommended that the report in question be removed from her personnel file, it did so on the grounds that it contained remarks from Mr M. that amounted to harassment according to the Tribunal's findings in Judgment 2524. She alleges that consequently the decision to maintain her appraisal report was unlawful.

In addition, she submits that the amount of material damages that the Administration agreed to pay her following the Panel's recommendation is not correct since it did not include interest. She considers that the Commission owes her a further 6,922.56 United States dollars in material damages because the initial estimate for her net income that she submitted to the Commission was inaccurate. She stresses that she has provided the Commission with certified statements by her employer and the insurance company in that respect.

The complainant seeks the quashing of the impugned decision, the award of interest at the rate of 8 per cent "from due dates" on the material damages already paid by the Commission and the payment of an additional 6,922.56 dollars. She also seeks moral damages in the amount of 45,000 euros and costs.

C. In its reply the Commission holds that the complaint is irreceivable as it was filed after the ninety-day period laid down in Article VII of the Statute of the Tribunal. It points out that the complainant has not proved that she received the impugned decision of 12 June only on 4 July 2006 as alleged. It also argues that her claims relate to the period before 18 October 2004 and were settled by the Tribunal in Judgment 2524. It further contends that the complainant has failed to exhaust internal means of redress concerning the calculation of material damages equivalent to the amounts she would have received had her appointment been extended for two years; but it states that it is not opposed to that issue being considered by the Tribunal. It adds that the complainant's claim concerning the extension of her contract is moot since she was awarded material damages in an amount equivalent to the amount she would have earned had her appointment been extended.

Concerning the decision not to extend her appointment, the Commission denies that it was a foregone conclusion driven by the need of a post in the complainant's division. It also asserts that the Administration did not intentionally breach the complainant's right to have her performance fairly appraised. In support of its assertion, it points out that the Joint Appeals Panel found no mobbing or harassment. It further explains that appraisal reports are not issued for the use of prospective employers and that these reports are part of the staff member's personnel file, which is confidential.

With regard to material damages, the defendant explains that the process of establishing the compensation to be

paid to the complainant is based on comparing income and allowances between two intergovernmental organisations applying basically the same set of rules in defining income and allowances. It adds that the complainant cannot be entitled to receive pension and health insurance contributions twice. Moreover, it was not stated in the letter of 25 July 2006 that the amount claimed for material damages was only an estimate. It further submits that the claim for the payment of interest has no legal basis and that in any event the suggested rate is excessive. It explains that interest would be due only if the complainant were to succeed in her complaint and the Commission were thereafter to delay the payment of the sums due. It points out that it acted in compliance with the recommendations of the Joint Appeals Panel and that the complainant's request for the removal of her performance appraisal report from her personnel file was granted.

Lastly, the defendant indicates that if the Tribunal decides that the claim for payment of 6,922.56 euros [recte dollars] is receivable, the complainant should be asked to produce evidence of compensation granted from "other sources including all emoluments" and to refund any overpayment.

D. In her rejoinder the complainant asserts that the burden of proof is on the Commission, as the sender of the impugned decision, to show that she had received notice of it prior to 4 July 2006. She explains that in her new job she travels a lot and that she found the impugned decision in her inbox on 4 July 2006 upon return from mission to Japan. She also recalls that she filed her complaint on 29 September, that is to say within ninety days of receipt of the final administrative decision.

She contends that the Tribunal's ruling in Judgment 2524 has no *res judicata* effect on the present case since it concerns a different administrative decision. She also argues that the present case is one in which punitive or exemplary damages would be appropriate as the Commission intentionally tried to cause her "emotional stress and mental suffering" when implementing the recommendations of the Joint Appeals Panel. She maintains her claim for the payment of an additional 6,922.56 dollars in material damages stating that the Panel did not specify that she had to account for "benefits, allowances or other emoluments" and that the Tribunal's case law does not require that a staff member "account for the value of benefits from other employment". She points out that the Panel's recommendation was based on Judgment 2500 in which the Tribunal held that the complainant in that case had to provide "account for any net earnings from other employment" in order to calculate the amount he would have received in "salary and other benefits".

E. In its surrejoinder the Commission notes that the complainant did not avail herself of the documents put in her inbox on 12 June until 4 July 2006, and therefore indicates that it will not pursue the issue of receivability.

On the merits it reiterates that the complainant was not denied due process with regard to the rebuttal process. It stresses that the complainant's performance appraisal report was removed from her personnel file as recommended by the Joint Appeals Panel. With regard to the award of material damages, it explains that the complainant is not entitled to be paid an amount equivalent to the costs of health insurance in the Commission where in fact she had taken out similar health insurance with her new employer; the same is true with regard to pension. It points out that the complainant has consistently refused to cooperate with regard to the calculation of material damages. Lastly, it submits that the claim for "punitive damages" should not be allowed as it is both a new claim and substantively unjustified.

CONSIDERATIONS

- 1. The complainant is a former staff member of CTBTO PrepCom. Her employment came to an end on 15 January 2005 pursuant to a decision by the Executive Secretary, dated 16 December 2004, not to extend her contract. There had been an earlier decision on 16 October 2003 not to extend her appointment beyond its expiry on 30 April 2004. However, that decision was suspended on a number of occasions and was ultimately deprived of legal effect by the decision of 16 December 2004.
- 2. The facts surrounding the decision of 16 October 2003 are set out in Judgment 2524. In that case, the Tribunal found that the complainant had been the victim of harassment. In the result, the Tribunal ordered the Commission to pay her material and moral damages, as well as costs.
- 3. The decision of 16 December 2004 was taken after receipt of the recommendation of the Joint Appeals Panel that considered the complainant's internal appeal with respect to the decision of 16 October 2003. That Panel

recommended, amongst other things, that the latter decision be set aside and a new decision taken as to the extension of the complainant's contract having regard to her performance appraisal reports, including the report due for the period ending in April 2004. That recommendation was made on 30 September 2004 and the complainant was advised on 18 October that a performance appraisal report would be prepared for the period in question and a Personnel Advisory Panel convened to make a new recommendation with respect to the extension of her contract.

- 4. As it happened, there were two separate appraisal reports. One was dated 2 December 2004 covering, inter alia, the period from 1 May to 27 August 2003 when the complainant worked as a Radionuclide Officer under the supervision of Mr M. The other, dated 30 November 2004, covered the period up to 30 April 2004 when she worked in the Evaluation Section to which she had been temporarily transferred following the breakdown of relations between her and Mr M. From 27 August to 6 November 2003, the complainant was on sick leave.
- 5. In the performance appraisal report covering the complainant's work in the Evaluation Section, her supervisors reported that she worked cooperatively and got along well with other staff. One of her supervisors, Ms A., noted a need for improvement in relation to her "tendency to jump to conclusions" but there was nothing in her comments to indicate that the complainant's contract should not be extended and no such recommendation was made. Later, the Chief of the Personnel Section requested Ms A. to make a recommendation and, on 8 December 2004, she recommended against the extension of the complainant's contract stating, amongst other things, that her performance as an evaluator had been "suboptimal". The complainant was not given an opportunity to respond to the remarks made in support of that recommendation.
- 6. The performance appraisal for the period 1 May to 27 August 2003 was completed by Mr M. The complainant had made an allegation of harassment by him in the internal appeal proceedings with respect to the decision of 16 October 2003. In his comments, Mr M. referred to "behavioral problems" on the part of the complainant, "difficulties working within a team environment" and, also, to "gross insubordination" which had led him "to remove her from the radionuclide team environment". That insubordination, it was said, was an "unfortunate episode" that resulted in the recommendation on which the decision of 16 October 2003 was based. Details of this "episode" are to be found in Judgment 2524. More to the point, this "episode" resulted in a "Note for File" prepared by Mr M. which was not provided to the complainant but which was before the Personnel Advisory Panel that recommended, in 2003, against extension of the complainant's contract. The Director of the International Data Centre Division refrained from comment as he was not the Director during the appraisal period.
- 7. The complainant disagreed with Mr M.'s statement in her performance appraisal report, saying that it was "presenting as a cause what [was] only the result of his behavior and of the harassment [...] resulting in 2 and ½ months sick leave".
- 8. On 15 December 2004 the complainant initiated a rebuttal process with respect to the performance appraisal report that had been completed by Mr M. on 2 December. In the meantime, however, a Personnel Advisory Panel had been established and provided with her performance appraisal reports and with the additional remarks and recommendation of Ms A., dated 8 December. The Panel met on 10 December and recommended against the extension of the complainant's contract. No reasons were given. In the subsequent decision, dated 16 December, it was said that the reason for non-extension of the complainant's contract was her "over-all performance record and, in particular, the lack of thoroughness in [her] work as well as a lack of professional conduct in the performance of [her] duties". That decision was transmitted to the complainant at her mother's home in France and received by her on 22 December 2004.
- 9. On 10 January 2005 the complainant requested the Executive Secretary to review his decision of 16 December 2004. That request was denied on 11 January 2005 and, thereafter, internal appeal proceedings were commenced. In February, March and April the Personnel Advisory Panel met to consider the performance appraisal report completed by Mr M. and dated 2 December 2004. In the course of its considerations, the Panel requested further information and the Administration provided some documents relating to Mr M.'s allegations but failed to produce others. The documents relating to Mr M.'s allegations were not provided to the complainant and she was not offered an opportunity to reply to them. In its report, the Panel stated that, on the information supplied, it "was not able to judge whether the [performance appraisal report] was prepared by [Mr M.] in frank, fair and factual manner or not". It also found that there had been procedural errors but concluded that that was "not essential in drawing its views that the [performance appraisal report] could be maintained".
- 10. The Executive Secretary's decision to maintain the complainant's performance appraisal report was

forwarded to her on 9 June 2005 and on 16 August she requested a review of that decision. She also asked that the report be removed from her personnel file and that she be paid moral damages in the amount of 10,000 euros in respect of the decision to maintain the report. She was informed on 19 September that there was no appeal from a decision resulting from the rebuttal process, but that she could raise issues relating to the appraisal report in the appeal against the decision of 16 December 2004. The complainant then amended her request for relief in that appeal and also stated that she filed a statement of appeal with the Joint Appeals Panel against the decision to maintain her performance appraisal report. The Secretary of the Panel also informed her that it was not possible to appeal that decision, but that the issues she raised could be considered as part of the appeal filed against the decision of 16 December 2004.

- 11. The Joint Appeals Panel issued its report on 29 May 2006. Based largely on the findings of the Tribunal in Judgment 2524, it found that the performance appraisal report completed by Mr M. was flawed. It also found that the performance appraisal completed by Ms A. was flawed in that the recommendation against extension of the complainant's contract as a Radionuclide Officer was based on her performance as an evaluator. The Panel rejected the complainant's argument that the Executive Secretary should have waited for the outcome of the rebuttal process before deciding not to extend her contract. It also rejected her argument that she was entitled to three months' notice. However, it was of the view that "the circumstances of [her] separation show[ed] a certain haste to get rid of her which attests to the administration's insensitivity to her situation".
- 12. In the result, the Joint Appeals Panel recommended removal of the flawed performance appraisal report completed by Mr M. from the complainant's personnel file and the payment "of all salary and other financial benefits to which she would have been entitled had her contract [...] been extended for [...] two years from 1 May 2004 [...] net of any compensation earned during the same period without any interest". It also recommended the payment of 5,000 euros for moral damages because of the manner in which the complainant's separation "was notified and carried through". It noted in this regard that the complainant had had only two weeks in January 2005 to prepare for separation. It recommended against her further claims for moral damages.
- 13. By a letter of 12 June 2006 the Executive Secretary informed the complainant that he had decided to accept the recommendations of the Joint Appeals Panel. Subsequently, he also agreed to remove Ms A.'s recommendation not to extend the complainant's contract from the complainant's personnel file. On 29 September 2006 the complainant lodged her second complaint with the Tribunal seeking interest on the material damages which, by then, had been paid, additional material damages in the amount of 6,922.56 United States dollars plus interest, additional moral damages in the amount of 45,000 euros and costs, including costs of the internal appeal. It is no longer disputed that the complaint was filed within ninety days of receipt of the Executive Secretary's decision.
- 14. It is necessary to explain the claim for additional material damages. On 25 July 2006 the complainant's lawyer informed the Commission that, after deducting the complainant's "actual monthly income" for the period in question, the amount payable pursuant to the recommendation of the Joint Appeals Panel was 73,874.80 dollars. This amount was transferred to her bank account on 24 August 2006. Subsequently, her lawyer informed the Commission that his calculations had been incorrect and requested payment of an additional 6,922.56 dollars. The Commission replied stating that the statement of earnings upon which the claim was based showed net income and that, for a correct calculation to be made, it was necessary for the complainant to provide "a certified statement of earnings including all emoluments". The complainant contends that only her net earnings should be taken into account and has not provided the statement requested.
- 15. The dispute with respect to the calculation of material damages is, to some extent, a dispute as to the meaning of the recommendation of the Joint Appeals Panel. The Commission raises no objection to the issue being considered by the Tribunal. Accordingly, it is convenient to proceed on the basis that the complainant seeks material damages in excess of those recommended by the Panel particularly as the recommendation is expressed in terms of "compensation earned" and not "net income".
- 16. The Joint Appeals Panel recommended the award of material damages calculated by reference to "salary and other financial benefits". That expression clearly included health insurance and pension contributions that would otherwise have been paid. In that context, the requirement to offset "compensation earned during the [relevant] period" referred not merely to net salary but to other emoluments, including health insurance and pension fund contributions, notwithstanding the different nature of the pension fund to which the complainant then belonged. There was no error in the recommendation. The purpose of material damages in the case of non-extension of a contract is to place the person to whom they are awarded in the same or, as nearly as possible, in the

same financial position as would have been the case if the contract had been extended. It is not to put the person in a better position, as would occur in this case if the offsetting amounts were calculated on the basis of net salary. The complainant's reliance on Judgment 2500 is misplaced as that case was concerned with compensation for the loss of a valuable opportunity to have a contract extended and not for its non- extension.

- 17. As the complainant has only produced details of her net salary, it follows that she has not established that she is entitled to material damages in excess of the sum already paid. Accordingly, her claim for additional material damages must be rejected.
- 18. The Joint Appeals Panel gave no reason for its recommendation that no interest be paid on material damages. As earlier indicated, the purpose of material damages in cases such as the present is to put the person concerned in the same or nearly the same financial position as if the contract had been extended. As these damages are usually paid after the dates on which salary would have been received, it is only proper that they should bear interest from due dates. Failure to recommend accordingly was an error of law. Thus, the Executive Secretary's decision to accept the Panel's recommendations must, to that extent, be set aside.
- 19. In its recommendation that the complainant be awarded moral damages only in respect of the manner in which her separation was notified and carried into effect, the Joint Appeals Panel stated that the complainant had already been awarded moral damages for harassment and that further moral damages "require[d] an action other than mobbing or harassment which resulted in separate injury". That is correct insofar as the complainant was awarded moral damages in respect of matters not directly related to the decision of 16 December 2004. Further, it is correct, as the Commission contends, that the complaint cannot reopen issues conclusively settled by Judgment 2524. However, the complainant's claim for additional moral damages is based on the contention that the decision dated 16 December 2004 was taken for an improper purpose, namely, "to hurt [her] emotionally and physically, and destroy her career".
- 20. In support of her contention that the impugned decision was taken for an improper purpose, the complainant relies on, amongst other things, the failure of the Commission to resolve the conflict between her and Mr M. at the time that it arose and its allowing Mr M. to repeat the substance of his earlier "Note for File" in her performance appraisal report. Additionally, she relies on the denial of due process in the rebuttal process and the haste with which her employment was terminated. Clearly, the failure to resolve the dispute with Mr M. was a factor leading to the award of moral damages in Judgment 2524 and, as such, cannot justify moral damages for harassment over and above those awarded by the said judgment. But that is not to say that that failure must be disregarded in the ascertainment of the real purpose of the impugned decision. So, too, although it is not open to the complainant to bring proceedings for moral damages with respect to the denial of due process in the rebuttal process, that is not to say that the way in which the Administration conducted itself in this process may not shed light on the purpose of the impugned decision.
- 21. In substance, CTBTO PrepCom argues that the claim for additional moral damages should be rejected because its actions in relation to the decision of 16 December 2004 were in accordance with the recommendations of the first Joint Appeals Panel in its report of 30 September 2004 and, thereafter, substantially in accordance with the relevant Staff Regulations and Rules. To the extent that those actions were not strictly in accordance with the relevant Regulations and Rules, the Commission argues that the complainant obtained satisfaction by invoking the relevant internal review and appeal processes. It points out that the first Joint Appeals Panel did not find harassment on the part of Mr M. and that Judgment 2524 had not been delivered when the decision was taken in December 2004 not to extend the complainant's contract. All of this may be accepted, but it overlooks what CTBTO PrepCom did know.
- 22. The Commission knew, well before the report of the first Joint Appeals Panel, that there was a serious professional difference between the complainant and Mr M. which he had characterised as "gross insubordination" and on the basis of which he had decided to isolate her from the radionuclide team. It knew that the situation had deteriorated to the point where the complainant had developed health problems resulting in sick leave for a period in excess of two months. It also knew that Mr M. was opposed to the complainant's return to the Radionuclide Section to which she had been appointed and from which she had been temporarily transferred. It also knew that he had been opposed to that transfer. While it would be going too far to accede to the complainant's claim that the decision not to extend her contract was taken for the purpose of injuring her and destroying her career, a number of matters point inexorably to the conclusion that that decision was taken for the purpose of ridding the Commission of a serious personal and professional problem which it had taken no steps to resolve and, by then, was unwilling

to resolve.

- 23. The first matter that points to the identified purpose of the decision of 16 December 2004 is that, although nothing in the performance appraisal report completed by Ms A. suggested that the complainant's contract should not be extended, the Administration sought a recommendation from her which it then forwarded to the Personnel Advisory Panel without referring that recommendation or the matters advanced in support of it to the complainant for her comment. Secondly, although it knew of Mr M.'s attitude towards the complainant, the Administration took no steps to obtain the comments of the person who was Director of the relevant Division during the period covered by the report. Thirdly, the reasons given for the decision were clearly based on the performance appraisal report completed by Mr M. whose objectivity was, at the very least, likely to have been influenced by the claim of harassment made by the complainant. Fourthly, the short period of notice indicates that it was intended that a final decision be implemented without the complainant having had an opportunity to put her case in the rebuttal process initiated the day before the final decision was taken. Even if the Executive Secretary did not then know that the rebuttal process had been initiated, there was ample opportunity thereafter to stay the decision, as had been done in the case of the earlier decision of October 2003, until the rebuttal process was finalised.
- 24. Given the conclusion that the decision not to extend the complainant's contract was taken for the purpose of ridding the Commission of a problem which it was unwilling to resolve, there should be an award of moral damages in the amount of 15,000 euros over and above the amount of 5,000 euros already paid. Additionally, there should be an award of 5,000 euros for the costs of these and the internal appeal proceedings. It should be noted that the complainant claimed before the Joint Appeals Panel costs, but without any reason being given, no costs were awarded.

DECISION

For the above reasons,

- 1. The decision of the Executive Secretary of 12 June 2006 is set aside to the extent that he refused interest on material damages, moral damages over and above 5,000 euros and costs.
- 2. CTBTO PrepCom shall pay simple interest, calculated every month from due dates until 24 August 2006, on the material damages already paid to the complainant at the rate of 8 per cent per annum.
- 3. It shall pay the complainant moral damages in the amount of 15,000 euros over and above the amount of 5,000 euros already paid.
- 4. It shall also pay her the costs of these and the internal appeal proceedings in the sum of 5,000 euros.
- 5. The complaint is otherwise dismissed.

In witness of this judgment, adopted on 2 November 2007, Ms Mary G. Gaudron, Presiding Judge for this case, Mr Agustín Gordillo, Judge, and Mr Giuseppe Barbagallo, Judge, sign below, as do I, Catherine Comtet, Registrar.

Delivered in public in Geneva on 6 February 2008.

Mary G. Gaudron

Agustín Gordillo

Giuseppe Barbagallo

Catherine Comtet