Organisation internationale du Travail
Tribunal administratif

International Labour Organization
Administrative Tribunal

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

H.

v.

Interpol

136th Session **Judgment No. 4662**

THE ADMINISTRATIVE TRIBUNAL,

Considering the complaint filed by Ms L. H. against the International Criminal Police Organization (Interpol) on 14 October 2019 and corrected on 15 November, Interpol's reply of 27 February 2020, the complainant's rejoinder of 10 June 2020 and Interpol's surrejoinder of 14 August 2020;

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

Having examined the written submissions and decided not to hold oral proceedings, for which neither party has applied;

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

The complainant contests the Secretary General's decision to reject her application for voluntary departure and her claim for compensation for "legitimate resignation".

The complainant joined Interpol on 8 August 2005. In 2015 the Organization launched a restructuring programme which included a voluntary departure programme to which specific benefits were attached, including a voluntary departure indemnity corresponding to 12 months' gross salary for officials with at least six years' service. In an effort to address the Organization's financial constraints, the voluntary departure programme aimed to reduce staffing levels by encouraging agreed terminations of appointment. In May 2018 the

complainant requested information on the voluntary departure programme from the Office of Legal Affairs and the Human Resources Management Directorate in order to ascertain whether she was eligible to receive indemnities "for voluntary departure and involuntary loss of employment" if she were to follow her husband, who had found a job in another country. According to the complainant, the Administration confirmed her entitlement, but the Administration does not acknowledge having done so.

On 8 June 2018 the complainant submitted an application for voluntary departure under the said programme. By email of 16 July 2018, she was informed of the Secretary General's decision to endorse the recommendation of the Workforce Mobility Committee to reject her application as it would be appropriate to leave it to the new executive director with responsibility for the unit to which the complainant belonged to determine staffing needs. By email of 20 July, the complainant submitted her resignation with effect from 22 July and added that it should be regarded as a dismissal in view of the breach of confidence resulting from the decision of 16 July. At the same time, she submitted an internal appeal dated 20 July 2018 in which she explained her position and, in particular, asked to be allowed to participate in the voluntary departure programme and to be sent the opinion of the Workforce Mobility Committee.

By letter of 27 July 2018, the Director of Human Resources Management, acting by delegation of power from the Secretary General, informed the complainant that her resignation had been accepted with effect from 22 July. She stated that the complainant was not eligible for compensation under the Internal Scheme for the Compensation of Involuntary Loss of Employment (ISCILE) and that removal expenses were not covered by the Organization in case of resignation.

On 1 October 2018 the complainant lodged a second internal appeal against the decision of 27 July, in which she submitted that her resignation was "legitimate" within the meaning of the rules on resignation and therefore entitled her to compensation under the ISCILE.

In its opinion of 18 June 2019, the Joint Appeals Committee, which joined the two internal appeals, concluded that they should be dismissed. By a decision of 10 July 2019, the Secretary General endorsed the opinion of the Joint Appeals Committee and rejected the complainant's two internal appeals. Concerning the first appeal, the Secretary General considered that the complainant's application for voluntary departure had been rejected in line with the procedure in force and that the allegations of constructive dismissal had not been proven. Concerning the second appeal, he considered that the complainant had not followed the procedure for receiving compensation for involuntary loss of employment in the event of legitimate resignation. That is the impugned decision.

The complainant asks the Tribunal to set aside the impugned decision of 10 July 2019 and the contested decisions of 16 and 27 July 2018. She seeks to participate in the voluntary departure programme and to be awarded the sums usually paid for a departure thereunder. Subsidiarily, she claims payment of all the sums payable in the event of a "no-fault dismissal" and, in particular, indemnities for termination, notice and loss of employment, the reimbursement of removal costs and compensation for loss of employment under the Rules on the Internal Scheme for the Compensation of Involuntary Loss of Employment. She further claims interest at the rate of 5 per cent per annum on all the sums at issue. Should these claims be dismissed, the complainant asks the Tribunal to award her damages of 100,000 euros under all heads. She also seeks compensation in the amount of 50,000 euros for the moral injury she considers she has suffered, of which 25,000 euros would be intended to compensate for the flaws in the internal procedure. The complainant asks to be awarded the sum of 10,000 euros in costs for the internal appeal proceedings as well as the proceedings before the Tribunal.

Interpol asks the Tribunal to dismiss the complaint as unfounded in its entirety.

CONSIDERATIONS

1. The complainant seeks the setting aside of the decision of 10 July 2019 whereby the Secretary General of Interpol, pursuant to the unanimous opinion of the Joint Appeals Committee of 18 June 2019, rejected her internal appeals of 20 July 2018 and 1 October 2018 and confirmed, firstly, the prior decision of 16 July 2018 rejecting her application to participate in the voluntary departure programme and, secondly, the subsequent decision of 27 July 2018 informing her that her resignation had been accepted and that the Organization had waived the applicable notice period.

2. The complainant enters several pleas in support of her complaint, which relate to, firstly, the flaws in the procedure before the Workforce Mobility Committee, secondly, the flaws in the internal appeal procedure before the Joint Appeals Committee, thirdly, the inadequate reasoning stated for the impugned decision, and, fourthly, the unlawfulness of the impugned decision in respect of the nature of her separation from service, which the complainant regards as either a constructive dismissal, a legitimate resignation, or an unjustified refusal to grant her the compensation for an involuntary loss of employment for which she considers she is eligible.

3. The main provisions of Articles 1, 2 and 4 of Interpol's voluntary departure programme, on which the complainant based her application for voluntary departure of 8 June 2018 that gave rise to the present case, state the following:

"2. VOLUNTARY DEPARTURE

Article 1
General provisions and objectives

The Organization intends to put in place a restructuring and cost-reduction process that will result in a reduction in the number of staff. In order to facilitate this process and, in particular, to limit as far as possible the number of appointments that might be terminated, a programme to encourage the agreed termination of appointments will be put into effect in accordance with Staff Regulation 11.1(1).

This process must be applied with the interests of the Organization in mind. This approach governs the programme's main objectives, namely:

- To free positions to allow for internal mobility; and
- To allow the Organization to save money at the same time.

Article 2
Eligibility for application

The voluntary departure programme is open to officials under contract holding an indeterminate or a fixed-term appointment on regular budget posts, in any duty station.

The main criteria applied when assessing the applications remain the interests of the Organization.

Although eligible officials are invited to apply, there is no entitlement to benefit from an agreed termination and the Organization may refuse applications.

[...]

Article 4
Assessment of applications

Applications will be forwarded to the Workforce Mobility Committee created by the Secretary General.

The Committee will consult the directors concerned in the assessment process. Applications will be assessed taking into account the interests of the Organization and the objectives of the programme.

An official's application may not be accepted if it is in the Organization's interest to retain that official's specific skills and experience. The Secretary General must give reasons and explanations for his refusal."

4. Staff Instruction No. 2015.26 of 1 November 2015 defines the mandate of the Workforce Mobility Committee referred to in Article 4 quoted above. This staff instruction provides as follows in respect of the Committee's mandate, composition, attendance at meetings by non-members of the Committee, and the Committee's recommendations:

"1. Mandate

1.1 The Workforce Mobility Committee is tasked to:

(a) make recommendations to the Secretary General pertaining to the reduction of staffing costs;

(b) ensure the objectivity and transparency of measures taken in the course of the staff-reduction process.

[...]

2. Composition

2.1 The Workforce Mobility Committee shall be composed of:

(a) the Executive Director, Police Services (EDPS);

(b) the Executive Director for Resource Management (EDRM);

(c) the Executive Director for the INTERPOL Global Complex for Innovation (EDIGCI);

(d) the Executive Director for Strategy and Governance (EDSG);

(e) the Assistant Director of Finance and Procurement (EDRM/FSSM/FIN).

2.2 The Committee shall be chaired by the Executive Director Police Services (EDPS) or, in his absence, by the Executive Director for Resource Management (EDRM).

2.3 The Human Resources Sub-Directorate shall act as the Secretariat of the Committee.

[...]

4. Attendance at meetings

4.1 The Workforce Mobility Committee may invite the superiors of the officials concerned to attend meetings to allow them to provide their input on the cases to be discussed. The Committee may also invite any other official whose particular expertise is deemed useful.

4.2 A representative of the Staff Committees in Lyon and Singapore may attend the meetings of the Committee as an observer.

[...]

7. Recommendations from the Workforce Mobility Committee and decisions from the Secretary General

7.1 The Workforce Mobility Committee shall submit its recommendations to the Secretary General, who shall take a final decision.

7.2 Recommendations from the Committee shall be detailed and duly justified. The Secretary General shall take them into account but shall not be bound by them."

5. Furthermore, Staff Regulation 11.3 and Staff Rule 11.3.1 provide as follows in respect of resignation by an official of the Organization:

"**Regulation 11.3: Resignation**

Any official of the Organization may resign on giving the Secretary General the notice required under the terms of the relevant Staff Regulations or Staff Rules.

Rule 11.3.1: Resignation

(1) An official who resigns shall inform the Secretary General unequivocally in writing of his intention to leave the service of the Organization definitively.

(2) The periods of notice referred to in Rule 11.1.2 shall apply, *mutatis mutandis*, to notice of resignation.

(3) The rules pertaining to notice of termination of appointment shall apply *mutatis mutandis*, to notice of resignation.

(4) An official who has tendered his resignation may not withdraw his resignation once it has been accepted by the Organization, unless the Secretary General agrees on the withdrawal.

(5) An official who considers his resignation as legitimate, within the meaning of Rule A.3.3 (1,c), must expressly invoke this reason in his resignation letter and provide all elements to support it. Only such express invocation shall allow for the initiation of the procedure established under Rule A.3.3."

Rule A.3.3 of Appendix 3 to the Staff Manual to which Staff Rule 11.3.1(5) refers, in the version in force at the material time, provides as follows:

"Rule A.3.3: Compensation entitlement

(1) Compensation shall be payable pursuant to:
   (a) termination of appointment as defined in Regulation 11.1 (3,a) to (3,f);
   (b) the expiry of appointment, in conformity with Regulation 11.2, unless expressly excluded in the letter of appointment.

(2) No compensation shall be payable pursuant to:
   (a) retirement;
   (b) reaching the age limit as defined in Regulation 11.4;
   (c) death;
   (d) refusal of a proposal made by the Secretary General to extend a fixed term appointment, or to convert it into an indeterminate appointment, provided that such proposal concerns the same post than the one held by the official;
   (e) termination during or at the end of the probationary period;
   (f) termination of appointment under Regulation 11.1 (1) and 11.1 (2)."

The Tribunal observes in that respect that, when the complainant joined the Organization, Rule A.3.3(1)(c), which has not been included in aforementioned Appendix 3 since 2008 at the latest, provided as follows:

> «(c) legitimate resignation, particularly where the official concerned resigns in order to accompany his spouse or common-law spouse who is obliged to live elsewhere for professional reasons; [...]»

6. With regard to her first plea concerning the unlawfulness of the decision refusing her application for voluntary departure owing to flaws in the procedure before the Workforce Mobility Committee, the complainant firstly submits that the Committee was not composed in compliance with Article 2.1 of Staff Instruction No. 2015.26, in that only three of the five members specified took part.

However, according to the evidence in the file, in July 2018 the Executive Director, Police Services (EDPS), also held the position of Executive Director for Strategy and Governance (EDSG), and the position of Assistant Director of Finance and Procurement (EDRM/FSSM/FIN) was vacant and so supervised by the Executive Director for Resource Management (EDRM). Both these directors were members of the Committee. The complainant does not effectively contest this fact, which explains why the Committee sat in the composition in question.

This argument will therefore be rejected.

7. Secondly, the complainant contends that no representative of the Staff Committee was invited to attend the meeting concerning her application for voluntary departure, contrary to what Article 4.2 of the same staff instruction provides.

However, while that article states that such a representative may attend the meetings of the Workforce Mobility Committee, and while it is undoubtedly regrettable that no representative was formally invited in this case, the Tribunal observes that such a representative may only attend meetings as an observer and that her/his presence is not mandatory. The same applies to the supervisors of the officials concerned, whom the Committee may invite to attend meetings without such an invitation being obligatory, as the complainant wrongly argues.

The fact that a representative of the Staff Committee and the complainant's supervisors did not attend does not render the Workforce Mobility Committee's recommendation to the Secretary General unlawful.

This argument will also be rejected.

8. In further support of her first plea, the complainant also submits that the mere note "no voluntary departure" written by the Secretary General on the recommendation received from the Committee indicates that sufficient reasons were not given for the decision to reject the complainant's application for voluntary departure.

However, the Tribunal notes that, in the decision of 16 July 2018, which was notified to the complainant, the Administration stated why the Committee had issued a recommendation, endorsed by the Secretary General, not to support the complainant's application, namely that "this [was] a core budget post and it was deemed that it would be appropriate for the incoming [executive director] to review and consider the staffing needs in their areas of oversight". That reasoning enabled the complainant to know why the decision was taken to reject her request and to exercise the remedies available to her, as her written submissions eloquently demonstrate.

This argument must also be rejected.

9. Lastly, the Tribunal considers that the complainant cannot argue that the reasons stated could not allow the Workforce Mobility Committee and the Secretary General to refuse her application for voluntary departure under the Organization's voluntary departure programme. The Tribunal notes that, as aforementioned second paragraph of Article 2 of the programme states, applications are assessed mainly on the basis of the Organization's interests, there is no entitlement to an agreed termination of appointment, and the Organization may refuse applications. Furthermore, Article 4 of the same programme states that an official's application may be rejected if it is in the Organization's interests to retain her or his skills and experience. It follows that, in assessing the complainant's application, the Committee and the Secretary General were entitled to take into

account the Organization's interests and the consequences of the complainant's voluntary departure. The reasons given for rejecting her application – firstly, to await the arrival of a new executive director to assess the needs of the executive directorate, and secondly, because of the recent assignment of additional staff to her unit to meet human resources requirements – could be justified in terms of the Organization's interests. It is not for the Tribunal to substitute its assessment for that of the Organization in such a case.

As Interpol rightly points out in its submissions, the complainant had also the option of submitting a fresh application for voluntary departure once a new director had taken up post, which she did not do, since on receiving the decision to reject her application for voluntary departure she chose instead to resign.

10. It follows from the foregoing considerations that the first plea is unfounded and must be dismissed.

11. As regards her second plea, the complainant submits that the procedure followed by the Joint Appeals Committee was tainted with flaws in that her right to an impartial, prompt, adversarial, fair, legitimate and effective review of her internal appeal was breached.

The Tribunal notes, however, that the Committee's unanimous opinion is detailed and demonstrates an in-depth assessment of the evidence submitted and the various arguments put forward by the complainant in her internal appeals. In her submissions, the complainant confines herself to stating that several grievances were "left out", without further explanation. However, the Committee examined the complainant's many pleas and it cannot be found that her right to an effective internal appeal was breached.

Furthermore, the complainant has no grounds for asserting that the Committee did not consider her appeal properly. The documents in the file, the timeline of events and the procedures followed, set out in detail in the Committee's opinion, clearly show that it examined each party's arguments and evidence in a transparent manner and obtained the necessary clarifications from both the complainant and the Organization.

The Committee gave the complainant the opportunity to express her views on the Organization's arguments before it delivered its opinion. The complainant's allegations that the Committee could have held additional hearings, questioned the acting executive director about the contradictions she had identified and asked the members of the Workforce Mobility Committee for details of their discussions are not founded. Under Staff Rule 10.3.3, the Committee may order any investigative measures that it deems necessary. The Tribunal considers that, in this case, the evidence does not show that the measures taken by the Committee to examine the complainant's appeal were inadequate in view of the arguments raised before it.

Lastly, while it is true that the complainant received belatedly the opinion of the Workforce Mobility Committee which had given its view on her application, the submissions and documents in the file show that the Committee was mindful of the complainant's grievances on this point and forwarded the opinion to her so it could receive her comments, which the complainant was able to submit to the Committee before it delivered its recommendation. The complainant was therefore able to comment on the relevant issues relating to the decisions that were the subject of her internal appeal and, in particular, on the Organization's arguments (see Judgment 4408, consideration 4). The complainant's allegations of failure to observe the adversarial principle have not been proven.

12. The complainant further contends that the Joint Appeals Committee did not deal with her appeal promptly. However, the Tribunal points out that the time taken by such a body to deliver its opinion does not have in itself a bearing on the lawfulness of the decision taken in the light of that opinion. In the form in which it is raised, this plea is therefore irrelevant.

13. As regards the alleged breach of her right to an effective internal appeal due to a lack of impartiality on the part of the Joint Appeals Committee, the Tribunal observes that the complainant's submissions on this point refer mainly to the fact that the member representing the staff did not issue a dissenting opinion in the face of

the numerous egregious flaws in the process before the Committee. However, settled case law has it that the complainant bears the burden of proving allegations of lack of impartiality and, in this case, the complainant clearly does not adduce the requisite proof. Mere suspicions and allegations unsupported by tangible evidence are insufficient (see Judgment 4553, consideration 7).

14. In light of the foregoing considerations, the complainant's second plea is unfounded and must therefore be dismissed.

15. As regards the third plea, concerning the insufficient reasons provided for the impugned decision, the complainant submits that the decision did not state reasons as it "merely summarises the [C]ommittee's opinion".

However, as the Tribunal has consistently held, "when the executive head of an organisation adopts the recommendations of an internal appeal body, she or he is under no obligation to give any further reasons in his or her decision than those given by the appeal body itself" (see Judgment 4307, consideration 15). In the present case, in the impugned decision, the Secretary General refers to the detailed reasons and explanations set out in the unanimous opinion of the Joint Appeal Committee and summarises them, emphasising the salient points before stating his conclusions. Again, the reasons provided for the decision were sufficiently explicit to enable the complainant to take an informed decision accordingly, as her submissions show, and to allow the Tribunal to exercise its power of review in the present judgment (see Judgment 4081, consideration 5).

The third plea is unfounded.

16. The complainant's fourth and last plea concerns what she describes as the unlawfulness of the impugned decision in respect of the refusal of her application for voluntary departure, the nature of her separation from service – which in her view is either a constructive dismissal or a legitimate resignation – and the refusal to grant her compensation for the involuntary loss of employment for which she is eligible.

17. Firstly, the Tribunal points out that, as the aforementioned provisions of the voluntary departure programme make clear, officials' applications to the programme are assessed in the light of the Organization's interests and there is no entitlement to termination of appointment. In the present case, the complainant has failed to establish that the Secretary General based his refusal of her application for voluntary departure on unlawful grounds, as she maintains.

18. Secondly, as regards the nature of her separation from service, the complainant submits that, as she stated in her resignation letter and her internal appeal of 20 July 2018, her departure can in reality be attributed to the Organization on account of loss of trust. According to the complainant, the Organization acted maliciously and in breach of its duty of good faith towards her in that, having been informed of her wish to resign due to circumstances affecting her personal situation after her husband's move to another country and the impact on their family life, it placed her under pressure to resign voluntarily.

As the Organization correctly notes in its submissions, in asserting that her resignation must therefore be regarded as a dismissal, the complainant refers to the concept of constructive dismissal. In Judgment 4383, consideration 15, the Tribunal addressed this issue in the following terms:

> "In Judgment 4231, [consideration 10], citing Judgment 2745, [consideration] 13, for example, the Tribunal stated that constructive dismissal signifies that an organisation has breached the terms of a staff member's contract in such a way as to indicate that it will no longer be bound by that contract. A staff member may treat that as constituting constructive dismissal with all the legal consequences that flow from an unlawful termination of the contract, even if she or he has resigned. In Judgment 2435, [consideration] 17, the Tribunal stated that the notion of constructive dismissal is a convenient expression to indicate that an employer has acted in a manner inconsistent with the further maintenance of the employment relationship entitling the employee, if she or he so elects, to treat the employer's actions as terminating the employment. In the event that the employee so elects – usually by tendering her or his resignation – consequential rights and obligations are determined on the basis that it was the employer, not the employee, who terminated the employment."

In the present case, the Tribunal first observes that it is incorrect to submit that, by refusing the complainant's application to participate in the voluntary departure programme, the Organization acted in a manner inconsistent with the further maintenance of the employment relationship. Indeed, the reasons why the Organization refused the request – which, as stated above, mainly related to the need to await the imminent arrival of a new executive director to determine the staffing needs of the unit in which the complainant was employed – show that, on the contrary, the Organization did not intend to end the employment relationship.

As regards the complainant's allegation that the Organization acted maliciously, under false pretences and with the aim of taking advantage of the situation to her detriment, it is settled case law that the complainant bears the burden of proving malice and bad faith. While the complainant's disappointment at the response received is understandable, allegations of this nature nevertheless require proof that goes beyond mere conjecture or speculation. In the absence of any evidence, this allegation must be dismissed.

19. Lastly, the complainant's submission that the impugned decision is unlawful because the Organization refused to grant her the compensation for loss of employment under the Internal Scheme for the Compensation of Involuntary Loss of Employment (ISCILE) to which she is entitled is based on what she describes as her "legitimate resignation". In her view, Rule A.3.3(1)(c) of Appendix 3 to the Staff Manual, in the version in force at the time she joined Interpol, entitled her to compensation in the event of a legitimate resignation, including in a situation where she needed to follow her husband who had to change his place of residence for professional reasons. As the Tribunal noted in consideration 5, above, until 2008 at the latest, Rule A.3.3(1)(c) granted an entitlement to compensation in the event of a legitimate resignation for that purpose, but that provision was no longer in force at the material time. Although Staff Rule 11.3.1(5) continues to refer to "resignation [that is] legitimate, within the meaning of Rule A.3.3 (1,c)", it must be regarded as having lost all effect owing to the removal of Rule A.3.3(1)(c).

20. The complainant maintains that, despite the removal of the provisions in question from the legal system, she could exercise an acquired right to have them applied because they were in force when she was recruited.

In Judgment 4593, consideration 10, the Tribunal recalled that, under its case law on acquired rights:

> "[...] the amendment of a rule governing an official's situation to her or his detriment constitutes a breach of an acquired right only when the structure of the contract of appointment is disturbed or there is impairment of a fundamental and essential term of appointment in consideration of which the official accepted appointment, or which subsequently induced her or him to stay on. In order for there to be a breach of an acquired right, the amendment made must therefore relate to a fundamental and essential term of employment (see, for example, Judgments 4398, consideration 11, 4381, consideration 13 and 14, and 3074, consideration 16, and the case law cited in those judgments)."

The Tribunal further stated the following in Judgment 4580, consideration 11:

> "It is recalled that the staff members of international organisations are not entitled to have all the conditions of employment laid down in the provisions of the staff rules and regulations in force at the time of their recruitment applied to them throughout their career. Most of those conditions can be altered during an employment relationship as a result of amendments to those provisions (see, for example, Judgments 4465, consideration 8, 3876, consideration 7, and 3074, consideration 15)."

However, in her submissions, apart from asserting that she had an acquired right, the complainant does not state how the removal of Rule A.3.3(1)(c) from Appendix 3 to the Staff Manual has upset the balance of contractual obligations or altered an essential and fundamental condition of employment in consideration of which she accepted her appointment or which induced her to stay on.

In light of the case law referred to above and the evidence in the file, the Tribunal finds that the conditions that would allow the existence of an acquired right to be established are clearly not satisfied in this case.

21. Moreover, the Tribunal notes that, if the complainant had an acquired right, as she submits, to the application of the provisions previously in force, she should have complied with the procedure set out in Staff Rule 11.3.1(5), which she did not. In fact, in her letter of 20 July 2018 informing the Organization of her resignation, she did not expressly state the reason for legitimate resignation to which she refers, nor did she provide at that time the necessary elements to support it, as explicitly required by the provision. That provision clearly states that "[o]nly this such express invocation shall allow for the initiation of the procedure established under Rule A.3.3". This text is clear and unambiguous and should be applied where appropriate. It is not for the Tribunal to re-write it or ignore its content.

22. The complainant may well regret the fact that she was not able to participate in the Organization's voluntary departure programme but, as Interpol's bad faith or malice has not been proven, she was not entitled to do so. It is clear from the complainant's application that she was keen to leave the Organization for personal and family-related reasons and therefore to terminate her appointment. Although she had taken that decision, she was not entitled to a voluntary resignation under the favourable terms of the programme. The Organization's refusal is not sufficient to categorise her voluntary resignation as a constructive dismissal and does not allow her to refer to the provisions of the Staff Manual concerning legitimate resignation, which have in any case been repealed, when she did not rely on them at the prescribed time and on the prescribed terms.

23. It follows that the complainant's fourth plea must also be dismissed as unfounded.

24. It follows from all the foregoing that the complaint must be dismissed in its entirety.

DECISION

For the above reasons,

The complaint is dismissed.

In witness of this judgment, adopted on 10 May 2023, Mr Patrick Frydman, Vice-President of the Tribunal, Mr Jacques Jaumotte, Judge, and Mr Clément Gascon, Judge, sign below, as do I, Dražen Petrović, Registrar.

Delivered on 7 July 2023 by video recording posted on the Tribunal's Internet page.

(Signed)

PATRICK FRYDMAN JACQUES JAUMOTTE CLÉMENT GASCON

DRAŽEN PETROVIĆ