

Organisation internationale du Travail
Tribunal administratif

International Labour Organization
Administrative Tribunal

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

115th Session

Judgment No. 3239

THE ADMINISTRATIVE TRIBUNAL,

Considering the complaint filed by Ms B. G. G. against the Centre for the Development of Enterprise (CDE) on 17 January 2011 and corrected on 23 May, the CDE's reply of 29 August, the complainant's rejoinder of 4 October 2011 and the Centre's surrejoinder of 12 January 2012;

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. The complainant, a Kenyan national born in 1960, entered the service of the Centre for the Development of Industry, which later became the CDE, in 1994. Working under contracts for a fixed period of time, from 1 March 2006 she held the post of Principal Assistant at level 3.A. As from 1 July 2006 she was assigned to provide administrative support to the Officer-in-charge of the Communications and Public Relations of the CDE and she was also the Secretary of the Project Committee. On 20 December 2006 the Director informed her that, considering in particular her evaluation

for 2005, which showed that she was meeting the requirements of her function in a satisfactory way, the Centre was offering her a contract for an indefinite period of time which would take effect on 1 March 2007.

In the autumn of 2006, in the exercise of her duties as Secretary of the Project Committee, the complainant became privy to information indicative of a possible conflict of interest on the part of the Centre's Director and Deputy Director and, as the CDE is an institution jointly administered by the African, Caribbean and Pacific Group of States and the European Union and financed by the European Development Fund (EDF), she brought this information to the attention of the European Commission and a Member of the European Parliament. On 26 March 2007 the Chairman of the CDE's Executive Board warned all the staff that the European Anti-Fraud Office (OLAF) had decided to proceed without further delay with a verification of supporting documents and material related to EDF funds, at the Centre's premises.

In her assessment report for 2006 the complainant obtained a global appreciation of 64 per cent, giving her a score of 4, which meant that certain areas of her work needed improvement. Having submitted her comments on 5 July 2007, she informed the Director in a memorandum of 24 July that she considered that that evaluation had not been undertaken in accordance with the proper procedure and she therefore returned it unsigned. On 18 October she received the final version of this report and, in an e-mail of 15 November, she complained to the Head of the Administration Department that her comments and memorandum had not been taken into account. On 17 December 2007 the Director ad interim, who had previously been the Deputy Director, informed the complainant that all her comments had been taken into consideration and recorded in her assessment report. On 26 February 2008 the complainant asked the Director ad interim to review this report, to which he replied on 28 April that her request constituted a complaint within the meaning of Article 66(2) of the Staff Regulations, which was manifestly irreceivable, since it had been submitted out of time. He added that, even if her e-mail of

15 November 2007 were to be regarded as a complaint, it would have been dismissed by the decision of 17 December 2007, which she could not challenge either.

On 16 May 2008 OLAF issued a non-confidential summary of the final report on the CDE inquiry in which it concluded that the inquiry had facilitated the discovery of proof of a conflict of interest, passive corruption and fraud on the part of a senior official, who had since resigned. It stated that it had submitted the file to the French criminal courts.

On 30 July 2008 the Director ad interim and the new Officer-in-charge of the Communications and Public Relations of the CDE met with the complainant to discuss her assessment report for 2007. This report showed a global appreciation of 56 per cent, which once again gave her a score of 4. On 27 September she submitted a complaint to the Director ad interim in which she stated that she had not had an opportunity to provide any comments prior to the finalisation of the report. On 16 January 2009 the Director ad interim informed her that her complaint was well founded and that, as a result, several parts of the report had been withdrawn and the assessment procedure would be restarted at the stage at which it had become flawed. The complainant was then called on several occasions to a meeting in connection with her performance appraisal for 2007. On 23 March 2009 the new Director, who had taken office on 3 March, pointed out that such a meeting would provide an opportunity for her to state her views on the comments contained in her new assessment report for 2007. The complainant replied on 24 March that she refused to attend such a meeting.

In the meantime, on 14 November 2008, OLAF had recommended the holding of an external investigation into new allegations of fraud or irregularities at the Centre. In its final report of 26 November 2009 OLAF concluded that these allegations were unfounded.

On 25 May 2009 the Executive Board approved the Director's proposal to terminate the complainant's contract if her global appreciation for 2008 was below 50 per cent. On 27 May she received her assessment report for 2008 containing a global appreciation of

49.5 per cent and on 7 September she informed the Head of the Administration Department that she refused to sign this report. By a letter dated 2 December 2009 the Director informed the complainant that, in the light of the Executive Board's decision of 25 May and as her global appreciations for 2006, 2007 and 2008 had been lower than 65 per cent, her contract would be terminated as of 4 December 2009. As she was exempted from having to serve her period of notice, she received compensation for redundancy equivalent to nine months' salary.

On 2 February 2010 the complainant lodged an internal complaint against the decision of 2 December 2009 and her assessment reports for 2006, 2007 and 2008. By a letter of 31 March 2010, to which a finalised version of her assessment report for 2007 was appended, she was informed that her complaint had been dismissed. On 29 April she requested the opening of a conciliation procedure in accordance with Article 67(1) of the Staff Regulations and Annex IV thereto. In his report of 13 October 2010, which constitutes the impugned decision, the conciliator concluded that the decision of 2 December 2009 was well founded and that he was unable to propose to the parties any arrangements for settling the dispute.

B. The complainant submits that in breach of Article 24(2) of the Staff Regulations, which stipulates that any decision relating to a specific individual which is taken under the Regulations shall be at once communicated in writing to the staff member, she was apprised of the Executive Board's decision of 25 May 2009 only on 12 August 2010 and of her assessment reports for 2007 and 2008, which had been finalised in April and September 2009, on 31 March 2010 and 4 December 2009 respectively. She explains that the late notification of these reports made it impossible for her to lodge an internal complaint challenging them.

In her opinion, a staff member's contract may be terminated for incompetence or unsatisfactory service under Article 34(4) of the Staff Regulations only if that person's assessment report gives her or him a score of 5 or 6, in other words if she or he obtains a global

appreciation of less than 50 per cent. She contends that, in terminating her contract on the grounds that her global appreciations for 2006, 2007 and 2008 were lower than 65 per cent, the Centre did not comply with that provision. In addition, she considers that the criticism contained in her performance appraisal for 2007 is not objective and, in her opinion, the rating she obtained in her appraisal for 2008 for her professional abilities is not consistent with that given to her for her performance, which proves that the evaluation of her performance was subjective and groundless. She emphasises that in her assessment reports for 2006, 2007 and 2008 the sections related to the setting of objectives for the following year were always left blank and she says that “as from her 2006 assessment report” she asked to be set work objectives, but that this request was “systematically” ignored. She also contends that her honour and her professional reputation have been tarnished by the grounds given for her dismissal and by these assessment reports.

The complainant points out that she supplied information forming the basis of OLAF’s investigation of both the Director and the Deputy Director who were in office in 2006, and she denounces two conflicts of interest inasmuch as the Director adopted her assessment report for 2006 knowing that she had been the source of that information and the Deputy Director completed some sections of her assessment report for 2007 while he was acting as Director ad interim. She adds that the fact that that report was signed by the Director who took office in March 2009 is not enough to make it valid, since at that point he did not really scrutinise her appraisal. She also endeavours to demonstrate that the decision to terminate her contract constitutes a measure of retaliation against her for supplying the information which gave rise to the inquiry. In addition, she alleges that she suffered harassment by the aforementioned Director and Deputy Director, particularly on account of the working conditions she endured.

The complainant asks the Tribunal to set aside the decisions of 2 December 2009 and 31 March 2010, as well as her assessment reports for 2006, 2007 and 2008. She claims a sum equivalent to five years of her last salary in compensation for “damage to her career”,

50,000 euros in compensation for moral injury and a further 50,000 euros in compensation for the harassment which she considers she suffered. She also claims costs.

C. In its reply the Centre first submits that the complainant's assessment report for 2006 has become final, because she did not impugn it before the Tribunal. For this reason, it may no longer be challenged. It asserts that the report for 2007 is likewise final and beyond challenge.

The Centre then explains that, as the measure adopted by the Executive Board on 25 May 2009 merely consisted in an approval, in other words in a purely preparatory internal measure, it was under no obligation to communicate it to the complainant. It acknowledges that, on account of an "unfortunate oversight", she was not notified of her assessment report for 2007 until 31 March 2010, but it contends that she knew that her performance appraisals for 2007 and 2008 had been placed in her personal file as soon as they had been finalised. It was therefore up to her to consult this file in order to see these appraisals.

The Centre states that the complainant is wrong in submitting that a staff member's contract may be terminated for unsatisfactory service only if she or he is given a score of 5 or 6. In its opinion, the fact that the complainant was given a score of 4 in 2007 and 2008 proves that she only "fairly" satisfied the requirements of her post. Furthermore, the drop in her global appreciation between those two years shows that she had not improved her performance despite the criticism she had received. In addition, the Centre contends that it is the CDE's practice to terminate a staff member's contract when three consecutive assessment reports record that that person's service has been unsatisfactory, as was the case here.

The defendant explains that, in accordance with Article 30 of the Staff Regulations, a staff member's ability, efficiency and conduct are assessed every year. It is therefore conceivable that the ratings given for each of these criteria may diverge. The CDE points out that the Officer-in-charge of the Communications and Public Relations did

send the complainant plans of action for 2007 and for 2008-2009 showing the objectives set in the field of communications.

Lastly, the Centre objects to the receivability of the pleas regarding a conflict of interest because the Director and Deputy Director had participated in the drawing up of the complainant's assessment reports for 2006 and 2007. It contends that these reports have become final and, for this reason, they may not be challenged.

Subsidiarily, the CDE submits that the fact that the complainant denounced allegedly fraudulent practices did not have the effect of suspending the assessment of her performance by her supervisors. This meant that the Director ad interim was necessarily involved in drawing up her assessment report for 2007. Furthermore, it asserts that there is no causal link between the termination of the complainant's contract and the fact that she provided information forming the basis of OLAF's inquiry.

The Centre asks the Tribunal to order the complainant to bear its costs.

D. In her rejoinder the complainant asserts that there is a close link between the reason behind the decision to terminate her contract and her assessment reports for 2006 and 2007. In her opinion, it is therefore possible to impugn the latter in the context of her challenge to that decision. She accuses the Centre of having failed in its duty of care since, throughout her career at the CDE, she never received any response to the comments she made on her assessment reports. Moreover, she considers that a work plan is no substitute for precise, individual objectives and she emphasises that, although he countersigned her assessment report for 2007, the Director never discussed it with her.

E. In its surrejoinder the Centre contends that the complainant's argument that she may impugn her assessment reports for 2006 and 2007 in the context of her challenge to the decision to terminate her contract is contrary to the principle of legal certainty. It states that the

complainant's comments on her assessment reports were taken into account and added to her personal file. In addition, it explains that the Director plays a validating role in the assessment procedure, which means that once he signs an assessment report it becomes final.

CONSIDERATIONS

1. The complainant was recruited as a secretary in 1994 by the Centre for the Development of Industry, which later became the Centre for the Development of Enterprise (CDE). On 1 March 2006 she was appointed Principal Assistant at level 3.A. She was given a contract for an indefinite period of time with effect from 1 March 2007. At the time of the facts giving rise to this dispute she was working for the Officer-in-charge of the Communications and Public Relations of the CDE and as Secretary of the Project Committee.

2. In the autumn of 2006, in her latter capacity and in the exercise of her duties as a member of the Staff Committee in whom colleagues confided, the complainant became privy to information suggesting that Mr S., the then Director of the CDE, and Mr C., the Deputy Director, had possibly engaged in fraudulent practices. Together with another staff member of the Centre, Mr B., whose own complaint gave rise to Judgment 3148, the complainant forwarded this information to the services of the European Commission.

A subsequent inquiry conducted by the European Anti-Fraud Office (OLAF) culminated in a report, part of which was made public on 16 May 2008, concluding that there was proof of a conflict of interest, passive corruption and fraud on the part of Mr S., who in the meantime had had to resign from his post as Director on 25 June 2007. After a further inquiry triggered by the submission of additional documents, OLAF issued a second report on 26 November 2009, in which it found that there was no evidence of fraud or irregularity on the part of Mr C., although this conclusion was accompanied by the recommendation that the CDE should adopt more rigorous practices with regard to ethics and tender procedures.

3. From 2006 onwards the complainant's performance, which until then had been deemed satisfactory as a whole, as is attested by the fact that she was given a contract for an indefinite period of time, deteriorated considerably in the opinion of the CDE. Thus, for example, in her assessment reports for 2006, 2007 and 2008, where she obtained global appreciations of 64, 56 and 49.5 per cent, respectively, on the appreciation grid of the form prescribed by the internal rules, it was noted in the section on professional abilities that she was far from punctual, had a tendency to absenteeism, showed little motivation in her work and displayed a regrettably aggressive attitude in human relations.

4. The complainant strenuously denied the validity of this criticism in the comments she made during the process of drawing up these various assessment reports, arguing that it constituted retaliation against her because she had passed on the above-mentioned information to OLAF. In this connection, she considered it inadmissible that her 2006 performance appraisal had been conducted by Mr S. and that Mr C. had played an essential role in drawing up her performance appraisals for 2007 and 2008 because communications and public relations were placed under his immediate supervision whereas, in her view, both of these persons were in a situation giving rise to a conflict of interest.

These reports were thus drawn up in an extremely tense atmosphere, the complainant having refused to attend the assessment interview for 2007 to which she had been called on 26 March 2009 – after a first draft report had been partially withdrawn in response to her internal complaint – and having announced at the assessment interview for 2008 that she would only submit written comments. Moreover, the finalisation of these reports was considerably delayed, because the 2006 report was not signed by the Director until 25 July 2007, the 2007 report was signed on 7 April 2009 and the 2008 report on 19 September 2009.

5. On 25 May 2009 the CDE Executive Board, acting on a proposal of the Director, adopted a decision whereby, in view of the

global appreciations obtained by the complainant in her assessment reports for 2006 and 2007, she would be dismissed for unsatisfactory performance if she obtained a global appreciation of less than 50 per cent in her 2008 report, which was then being processed.

6. By a letter of 2 December 2009, after a meeting at which the Board had also approved the decisions to make 16 staff members redundant as a result of a plan to restructure the Centre, the Director informed the complainant that her contract would be terminated as of 4 December on the grounds of unsatisfactory service. As mentioned earlier, the complainant had in fact obtained a global appreciation of 49.5 per cent for 2008, so that this decision was justified in light of the condition set at the above-mentioned Board meeting of 25 May.

7. On 2 February 2010 the complainant challenged her dismissal under Article 66(2) of the CDE Staff Regulations. The Director decided to reject her internal complaint on 31 March, and that is the decision which must now be deemed to be impugned in the complaint which the complainant filed after the conciliation procedure provided for in Article 67(1) of the said Regulations had failed. In addition to the setting aside of the decision of 2 December 2009 and consequently that of 31 March 2010, the complainant requests the setting aside of her assessment reports for 2006, 2007 and 2008 and an award of damages and costs.

8. The CDE objects to the receivability of the claims concerning the reports for 2006 and 2007 because, in its opinion, these reports have become final.

9. This contention is correct in respect of the 2006 report. As the Tribunal has often stated in its case law, an assessment report constitutes a decision adversely affecting the person concerned and, as such, it may be contested by means of an internal complaint lodged within the prescribed time limits. It may even be impugned in proceedings before the Tribunal after internal means of redress have

been exhausted (see, in particular, with regard to cases concerning CDE staff members, Judgments 2991, under 11, or 3148, under 22).

In the instant case, it is clear from the evidence on file that, having been notified of the final version of her assessment report for 2006 on 18 October 2007, the complainant filed an internal complaint against it on 15 November 2007 in accordance with Article 66(2) of the aforementioned Regulations. On 17 December 2007 the Deputy Director, who at that point was the Director ad interim of the Centre, replied to that complaint in a letter which, in view of its wording, could only be regarded as a dismissal of the complaint. Although on 26 February 2008 the complainant had asked the Director ad interim in a letter from her former counsel “to reconsider [her] assessment report”, this new internal complaint was not receivable, and even supposing that this letter could have been regarded as a request for the opening of the conciliation procedure on the basis of Article 67(1), it would at all events have been out of time, given the time limit laid down in Article 4 of Annex IV to the Regulations.

For this reason, the report in question has become final and the claims pertaining to it are irreceivable, because internal means of redress have not been exhausted as required by Article VII, paragraph 1, of the Statute of the Tribunal, and none of the arguments to the contrary put forward by the complainant can be accepted.

10. However, the CDE is wrong to submit that the assessment report for 2007 has become final. It is clear from the evidence on file that, owing to an “unfortunate oversight” to which it admits in its written submissions, the Centre failed to notify the complainant of this report when it was finalised, and it was only on 31 March 2010 that it was forwarded to her as an annex to the decision rejecting her internal complaint against the disputed decision to dismiss her. The Centre asserts that the complainant could nonetheless have seen this report by asking to consult her administrative file, but this argument is irrelevant. Placing a document in a staff member’s file is not the same as its notification in due and proper form. This is especially true in the

instant case since, assuming that this document was indeed placed in her file, the complainant was not informed of this.

11. On the merits, the Tribunal finds that the complainant's assessment reports for 2007 and 2008, the only ones over which it may exercise its power of review, are unlawful for two reasons.

12. First, the complainant is correct in saying that, as she pointed out, each year in the comments to her assessment reports, the CDE did not set her any clear work objectives.

In fact, the submissions show that, contrary to the provisions of Internal Rule No. R3/CA/05, entitled "Periodic assessment", the complainant was assigned no such objectives in 2007 or 2008, because the part of the assessment form for the preceding year where they should normally have been listed was blank for each of the periods in question. This constitutes a substantive flaw because a proper assessment of a staff member's professional merit – particularly where the organisation intends to rely on that assessment in order to take measures adversely affecting that person – presupposes that she or he has been duly informed of the objectives forming the yardstick by which his or her performance will be judged (see Judgments 2414, under 23, 2990, under 3, or 3148, under 25).

13. The Centre maintains that the Officer-in-charge of the Communications and Public Relations had established action plans for his unit for 2007 and for 2008-2009 defining collective objectives and assigning tasks to each of the members of this unit, including the complainant. However, the collective objectives for an administrative service cannot be equated with individual objectives which must be set for a staff member in light of that person's own capabilities or difficulties and which may comprise, for example, an improvement in certain areas of their performance or the remedying of a specific shortcoming. In addition, it is obvious from the evidence in the file that the action plans in question had been unilaterally adopted by the head of unit, whereas the above-mentioned Internal Rule stipulates

that individual objectives must be established “in consultation with each staff member”. Moreover, these action plans were not issued at the regular intervals laid down in the applicable rules. Indeed, the plan relating to 2008-2009, for example, was not sent to the complainant until 4 August 2008, whereas a staff member must obviously be informed of the objectives set for her or him at the beginning of the year covered by the performance appraisal.

14. Secondly, the Tribunal considers that the requisite guarantees of objectivity were not respected when the complainant’s assessment reports for 2007 and 2008 were drawn up.

Contrary to the view put forward by the complainant, the fact that Mr C. was targeted by OLAF investigations based on information she had provided did not, in itself, bar him from taking part in her assessment. Since the complainant’s main duties in the field of communications and public relations were, as stated earlier, under the supervision of the Deputy Director, and as the procedure in force required him to sign all staff members’ assessment reports, his participation was simply the consequence of the practical logic and legal rules which would normally apply in this area.

However, the unusual situation which thus arose was bound to cast doubt on the objectivity of Mr C.’s assessment of the complainant. For that reason, the Director, to whom assessment reports are forwarded “for decision” in accordance with the aforementioned Rule, ought to have undertaken a proper review of the assessment of the complainant’s merits.

15. The Tribunal’s case law has it that if the rules of an international organisation require that an appraisal form must be signed not only by the direct supervisor of the staff member concerned (in this case the Deputy Director, to whom the complainant reported) but also by his or her second-level supervisor (in this case the Director), this is designed to guarantee oversight, at least *prima facie*, of the objectivity of the report. The purpose of such a rule is to ensure that responsibilities are shared between these two authorities and that

the staff member who is being appraised is shielded from a biased assessment by a supervisor, who should not be the only person issuing an opinion on the staff member's skills and performance. It is therefore of the utmost importance that the competent second-level supervisor should take care to ascertain that the assessment submitted for his or her approval does not require modification (see Judgment 320, under 12, 13 and 17, or more recently, Judgments 2917, under 9, and 3171, under 22). Of course, this check must be carried out with particular vigilance when the assessment occurs in a context where it is especially to be feared that the supervisor making it might lack objectivity and, *a fortiori*, when it takes place, as it did in the instant case, in a situation of overt antagonism (see Judgment 3171, under 23).

16. Far from satisfying these requirements, as the complainant rightly comments, the new Director of the CDE appointed in March 2009 simply signed the two reports in question as a mere formality and added that the complainant's assessment had thus become "final". It is plain from this that he did not genuinely review the draft report submitted to him. This finding is borne out by the wording of a letter sent to the Director on 23 April 2009 by two Members of the European Parliament in which, referring to a meeting which they had had with him on 14 April of that year, they take him to task for having indicated that he did not see fit to interfere with his subordinates' assessment of the staff members who had played a role in bringing fraudulent acts to the attention of OLAF.

17. It follows from these considerations that the complainant's assessment reports for 2007 and 2008 must be set aside, without there being any need to examine the other pleas contesting their validity.

18. In addition, since these assessment reports were tainted with irregularity, the decision to dismiss the complainant for unsatisfactory performance, which is based on them, is unlawful.

As the Tribunal has consistently held, an international organisation cannot base an adverse decision on a staff member's unsatisfactory performance if it has not complied with the rules established to evaluate that performance (see, for example, Judgments 2414, under 24, 2991, under 13, or 3148, under 25). This case law, which is general in scope, must be applied with particular rigour when the case concerns, as it does here, the cancellation for this reason of a contract for an indefinite period of time, which in principle should secure its holder against any risk of job loss or insecurity (see Judgment 2468, under 16).

Contrary to the complainant's submissions in her rejoinder, she cannot rely on the unlawfulness of her assessment report for 2006, even though it has become final, in challenging the decision to dismiss her. However, the fact that this decision was also based on the reports for 2007 and 2008, which were not drawn up in accordance with the rules and which, being the most recent, were the crucial grounds for it, is plainly sufficient to render it unlawful.

19. It follows from the foregoing that the above-mentioned decision of the Director of the CDE of 31 March 2010 and that of 2 December 2009 dismissing the complainant must be set aside, without there being any need to consider the other pleas directed against them.

20. The complainant does not request reinstatement at the Centre, but she does seek an award of damages equivalent to five years of her last salary in compensation for the material injury which she suffered on account of her unlawful removal from her post. As at the time of her dismissal the complainant held a contract for an indefinite period of time, the Tribunal will accede to this request in full. It will therefore award the complainant a sum equivalent to the total amount of the salary, allowances and other financial benefits of all kinds which she would have received if the execution of her contract had continued, at the same level of emoluments, for five years as from 4 December 2009.

21. In addition, the complainant's contention that the unlawful termination of her contract and the unlawful manner in which her assessment reports for 2007 and 2008 were drawn up caused her moral injury is well founded. Having regard in particular to the damage to the complainant's professional reputation occasioned by the very reason for her dismissal, and to the unnecessarily humiliating manner in which she was notified of it, which she rightly underscores in her complaint, the Tribunal considers that it is fair to award the complainant compensation in the amount of 10,000 euros under this head.

22. Conversely, there is nothing in the file to support the complainant's submission that the CDE's treatment of her may be regarded as harassment. Even assuming that the threats which the complainant says she received from Mr S. at the interview to which she was called on 17 April 2007 were actually made, neither the irregularities referred to above, nor the other factors on which she relies in this regard, can be said to constitute harassment. The complainant's claim for additional compensation on these grounds will therefore be dismissed.

23. As the complainant succeeds for the most part, she is entitled to costs, which the Tribunal sets at 5,000 euros.

24. The CDE has entered the counterclaim that the complainant should be ordered to pay its costs. It follows from the foregoing that this claim must obviously be dismissed.

DECISION

For the above reasons,

1. The decisions of the Director of the CDE of 31 March 2010 and 2 December 2009 and the complainant's assessment reports for 2007 and 2008 are set aside.
2. The CDE shall pay the complainant material damages calculated in the manner stated in consideration 20, above.
3. The Centre shall pay the complainant compensation for moral injury in the amount of 10,000 euros.
4. It shall also pay her 5,000 euros in costs.
5. The complainant's remaining claims are dismissed, as is the Centre's counterclaim.

In witness of this judgment, adopted on 26 April 2013, Mr Seydou Ba, President of the Tribunal, Mr Claude Rouiller, Judge, and Mr Patrick Frydman, Judge, sign below, as do I, Catherine Comtet, Registrar.

Delivered in public in Geneva on 4 July 2013.

Seydou Ba
Claude Rouiller
Patrick Frydman
Catherine Comtet