

**S. (No. 2)**

**v.**

**WHO**

**138th Session**

**Judgment No. 4861**

THE ADMINISTRATIVE TRIBUNAL,

Considering the second complaint filed by Mr B. S. against the World Health Organization (WHO) on 9 April 2021 and corrected on 28 May 2021, WHO's reply of 6 September 2021, the complainant's rejoinder of 28 June 2022 and WHO's surrejoinder of 6 October 2022;

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

Having examined the written submissions;

Considering the decision of the President of the Tribunal to disallow the complainant's request for postponement of the adjudication of the case;

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

The complainant contests the alleged failure to investigate his harassment complaint.

The complainant is a former staff member of UNAIDS – a joint and co-sponsored United Nations (UN) programme on HIV/AIDS administered by WHO. He joined UNAIDS in July 2012.

On 22 February 2018, the complainant was placed on sick leave, and as of 24 August 2018, he was placed on sick leave under insurance cover (SLIC) until 23 August 2019 at which point he had exhausted his sick leave entitlements. He therefore used his remaining annual leave

entitlements until 7 November 2019, after which date he was placed on special leave without pay.

In the meantime, in early June 2018, he filed a complaint of harassment, mobbing and retaliation with WHO's Office of Internal Oversight Services (WHO/IOS) against the then Executive Director of UNAIDS, his direct supervisor. On 20 June 2018, the Director of WHO/IOS acknowledged receipt of his complaint and indicated that the matter would be referred to the United Nations Office of Internal Oversight Services (UN/OIOS) in due course for further consideration.

On 19 July 2018, the complainant's legal representative wrote to the Director of WHO/IOS asking that WHO/IOS extend its investigation to include further recent incidences of harassment and retaliation involving breaches of confidentiality and/or spreading of false rumours by the UNAIDS Executive Director regarding an alleged investigation conducted by UNAIDS against him but of which he was not aware. The Director replied on 27 July 2018 that the matter would be referred to UN/OIOS in due course for further consideration as part of the review of the matters previously raised by the complainant against the UNAIDS Executive Director.

On 9 August 2018, the UNAIDS Executive Director recused himself from all matters related to the allegations concerning the complainant that were to be referred to UN/OIOS, and from all decisions concerning him, delegating authority in this regard to the ad interim Deputy Executive Director for Management and Governance.

On 30 April 2019, the complainant's legal representative wrote again to the Director of WHO/IOS regarding the status of the investigation into his complaint of harassment of 5 June 2018. He stated that he had received no response or acknowledgment in relation to this complaint or the complainant's request for protection. The legal representative also alerted the Director to a breach of confidentiality as details of an alleged investigation against the complainant were leaked to members of the UNAIDS Programme Coordinating Board (PCB) and to the press. This breach of confidentiality was a further instance of harassment and retaliation. The legal representative indicated that the complainant was on sick leave and therefore unable to assist with the foregoing

investigations. The Director confirmed on 21 June 2019 that the complainant's harassment complaint and any additional allegations of harassment or retaliation he had made against the UNAIDS Executive Director had been referred to UN/OIOS for review. UN/OIOS had contacted the complainant several times, but the latter had refused to collaborate.

In August 2019, the complainant filed a request for review of the implied rejection of his requests of 2018 and April 2019 by which he had asked that WHO/OIOS extend its current investigation into his allegations of harassment and retaliation to include the complaint of harassment and retaliation he had filed on 5 June 2018. The request for review was rejected in October 2019 as irreceivable and, in any event, unfounded. In January 2020, the complainant lodged an appeal with the Global Board of Appeal (GBA) alleging that the Administration breached its duty of good governance by not investigating his complaint promptly and thoroughly, and did not adhere to due process. In addition, the failure to pursue the investigation demonstrated bias and prejudice against him.

In the meantime, on 13 December 2019, the complainant was summarily dismissed for serious misconduct based on the findings of an external investigation conducted into allegations of financial and other wrongdoings on his part.

In its recommendations of 30 October 2020, the GBA noted that the investigation had not been completed and that no final decision had been taken. It recommended that the appeal be dismissed as premature and therefore irreceivable as no final decision had been taken on his complaint and the investigation was ongoing. It also recommended concluding the investigation with all due speed in accordance with the applicable regulatory framework. It found that the inability to interview the complainant, who was on sick leave was a factor contributing to the protraction of the investigation, but stressed that there may be other means by which to interview the complainant which could accommodate his illness or, in light of the complainant's legal representative's indications, it may be possible to conclude the investigation.

By a decision of 11 January 2021, the UNAIDS Executive Director endorsed the GBA's recommendations. In particular, the Executive Director accepted the GBA's finding that there was no evidence suggesting that the complainant's complaint of harassment had been rejected, and that in the absence of a final decision, his appeal was irreceivable as premature. She also noted the GBA's finding that the complainant was informed on 20 June 2018, and again on 27 June 2018, that his harassment complaint would be referred to UN/OIOS in due course. The GBA considered that the referral of the complaint to UN/OIOS was within WHO/IOS authority and in line with the regulatory framework. The UNAIDS Executive Director stressed that the investigation was ongoing. She stated that it should be completed as soon as practicable while noting UN/OIOS' indication that it remained unable to advance the matter until such time as the complainant – the party advancing the allegations – was willing to make himself available for interview. That is the impugned decision.

The complainant asks the Tribunal to quash the impugned decision with all legal consequences flowing therefrom, to order UNAIDS to engage an external independent and qualified investigator (not IOS or OIOS) – acceptable to the complainant – and to conduct a proper and independent investigation into his “complaints of harassment and retaliation”. He also seeks moral damages for the delay in investigating his “complaints” of harassment, mobbing, and retaliation, as well as exemplary damages. He also asks that his complaint be joined with the one he has filed against his irregular summary dismissal. He further claims reimbursement of the legal fees incurred in pursuing his case and interest on all amounts awarded to him, at the rate of 5 per cent per annum, from September 2017 through the date all such amounts are paid in full. Lastly, he claims such other relief that the Tribunal deems just, equitable, and proper.

WHO asks the Tribunal to dismiss the complaint as irreceivable because it is premature. In any event, the complaint is devoid of merit.

## CONSIDERATIONS

1. The complainant requests joinder of the present complaint (his second) with his third complaint concerning his summary dismissal. Although the two complaints concern facts and decisions which, in his view, are interconnected, the legal issues raised are partially discrete and the decisions impugned concern different subject matter. Accordingly, the complaints will not be joined.

2. The complainant applies for oral proceedings. The parties have presented ample written submissions and documents to permit the Tribunal to reach an informed and just decision on the case. The request for oral proceedings is, therefore, rejected.

3. The complainant impugns the decision adopted by the UNAIDS Executive Director conveyed by letter of 11 January 2021, which, endorsing the Global Board of Appeal (GBA)'s 30 October 2020 recommendations, considered his internal appeal against the 18 October 2019 decision irreceivable as premature. It is useful to recall that the complainant contends that soon after his involvement as a witness in a misconduct case (February 2017), namely a case of alleged sexual assault against Ms B., involving the former UNAIDS Deputy Executive Director Mr L., his work environment drastically deteriorated. He alleges interferences limiting his ability to exercise his professional role at UNAIDS, which continued until his separation from service in December 2019. Therefore, on 1 March 2018, the complainant submitted to the WHO Ethics Office a request for protection from retaliation. Early June 2018, the complainant lodged with UNAIDS a formal complaint of harassment against his direct supervisor, the UNAIDS Executive Director, Mr S. He alleged that he was the victim of harassment and retaliation caused by his role as a witness and whistleblower, as already reported in his 1 March 2018 request. On 20 June 2018, the Director of WHO's Office of Internal Oversight Services (WHO/IOS) acknowledged receipt of this complaint adding that it would "be referred to [the United Nations Office of Internal Oversight Services (UN/OIOS)] in due course for further consideration,

as part of their review of the matters previously raised by [the complainant] against the UNAIDS Executive Director”. On 19 July and 14 August 2018, the complainant reported further alleged acts of harassment and retaliation and requested an extension of the investigation into his formal complaint. The Director of WHO/IOS, acknowledged receipt on 27 July 2018 of the 19 July 2018 report, reiterating that the matter would “be referred to UN OIOS in due course for further consideration, as part of their review of the matters previously raised by [the complainant] against the UNAIDS Executive Director”.

On 6 February 2019, UN/OIOS requested to interview the complainant in person in Geneva during the week commencing on 11 February 2019, both as a witness with respect to Ms B.’s complaint against the then Deputy Executive Director, Programme, and with respect to his 5 June 2018 complaint of harassment against the former Executive Director.

On 7 February 2019, the complainant’s legal representative wrote to UN/OIOS informing them that the complainant was “not in a position to be interviewed while ill”.

On 30 April 2019, the complainant’s legal representative solicited a decision on the 5 June 2018 complaint.

On 18 June 2019, UN/OIOS requested again to interview the complainant.

On 19 June 2019, the complainant’s legal representative informed UN/OIOS that the complainant was “still on service-incurred sick leave” and was “not [...] able to answer [its] questions”.

On 21 June 2019, UNAIDS replied to the 30 April 2019 request of the complainant’s legal representative that the complaint of harassment, as well as any additional allegation of harassment or retaliation made by the complainant against Mr S., had been referred to UN/OIOS for review. In the 21 June 2019 email, UNAIDS highlighted that the complainant had been contacted on several occasions by the UN/OIOS investigators but that he had chosen not to collaborate with the investigators, as also confirmed in the letter of 30 April 2019.

On 24 June 2019, the complainant's legal representative replied by email to the 21 June 2019 email, contending that the complainant's report of harassment had not been, to date, promptly and thoroughly investigated, and contesting that the complainant had "chosen not to collaborate with the said investigators", as the complainant had been on "certified, 100% service-incurred sick leave" since early 2018 and was therefore, so it was contended, legally unable to participate in an interview with the investigators.

On 2 July 2019, UN/OIOS wrote to the WHO Staff Physician requesting her advice on whether the complainant was fit to be interviewed. The Staff Physician replied on 10 July 2019, indicating that she had received a reply from the complainant saying that he did "not want to be interviewed at this stage because of his health issues". She confirmed that the complainant had "a lot of medical issues to fix".

On 10 July 2019, UN/OIOS informed the Director of WHO/IOS of its inability to proceed with the investigation into the complainant's allegations of harassment against the former Executive Director in view of his repeated refusal (as conveyed by his legal representative) to make himself available for interview. Specifically, UN/OIOS reported that its requests had been declined and maintained its opinion that a full, fair, and thorough investigation, and by extension the interests of justice, could only be served by the conduct of an interview with the complainant. UN/OIOS reiterated that it stood ready to investigate as soon as the complainant was willing to make himself available for interview.

On 20 August 2019, the complainant submitted a request for administrative review in which he contested the implied rejection of his former requests.

On 10 September 2019, the WHO Staff Physician noted that "[t]he reason of the [complainant's] extended SL/SLIC [sick leave/sick leave under insurance cover] [did not] give limitations to interviews".

On 18 October 2019, the UNAIDS Deputy Executive Director rejected the 20 August 2019 request for review, finding that there was no express or implied rejection of the complainant's complaint of harassment, which was still under investigation. She pointed out that the complainant had been contacted by the investigator from UN/OIOS

with a request for an interview and he had refused to be interviewed and, thus, had not cooperated with the investigation, which was a failure to comply with his obligations under the Organization's rules and procedures. This decision was appealed internally on 16 January 2020, and, on 30 October 2020, the GBA issued its recommendations in which it found that the appeal was premature and, thus, irreceivable, as no final decision had been taken yet on the harassment complaint and the investigation was still ongoing. These recommendations were endorsed by the impugned decision.

4. The complainant advances six pleas as follows.

- (i) The Organization failed to investigate his complaint of harassment promptly and thoroughly and this failure amounts to an implied and unlawful rejection of said complaint, which infringes the Organization's own policy. The complainant's formal harassment complaint of 5 June 2018, as well as his subsequent requests for an investigation into further episodes of harassment, were supported by eleven annexes evidencing acts of harassment and retaliation. The Organization was, therefore, in possession of "material to constitute prima facie evidence of harassment" requiring it to commence an investigation on, or very soon after, 5 June 2018. He was requested to be interviewed only on 6 February 2019, therefore up to that date there was no investigation. The complainant was not responsible for the delay in the investigation, as he had a serious health condition, which prevented him from being interviewed in February 2019.
- (ii) The failure to conclude an investigation between June 2018 and the complainant's dismissal in December 2019 amounts to an unreasonable delay. According to the Tribunal's case law, matters of harassment should be dealt with as quickly and efficiently as possible to protect staff members from unnecessary suffering. The complainant affirms that the conduct of Mr S. he reported "was subsequently confirmed and corroborated by the [Independent Expert Panel (IEP)] report, which [...] led to the premature and forced departure of the former Executive Director from UNAIDS".

The complainant adds that he was summarily dismissed without the Organization ever formally addressing his claims of harassment and retaliation. In both cases, he was unavailable for interview due to service-incurred illness, but this did not prevent the Organization from swiftly completing its investigation concerning allegations of misconduct.

- (iii) The failure to provide him with the evidence gathered in the course of any investigation so that he could challenge it or provide countervailing evidence amounts to a failure to adhere to the principle of due process. The Organization was under an obligation, at a minimum, to take the following steps as part of the investigation process: inform the complainant of any relevant and material evidence obtained in the course of the investigation which could be deemed to be adverse to his case; disclose this material to him to allow him to assess and refute such evidence; inform him of any adverse conclusions reached, thereby enabling him to contest such conclusions. The complainant submits that, although the UNAIDS Executive Director asserts in the impugned decision that an investigation was initiated as evidenced by the correspondence between WHO/IOS and the complainant's legal representative, such correspondence gives no indication that an investigation was actually initiated and carried out. It is not true, the complainant insists, that he "has chosen not to collaborate with the [...] investigators", as he was on certified sick leave when he was invited for an interview.
- (iv) The Organization's inaction amounts not only to a breach of its duty of care but also to a breach of its duty of good governance, as held by the Tribunal's case law (see Judgment 2654, consideration 7).
- (v) The failure to investigate his complaint of harassment demonstrates bias and prejudice against him, also considering that he was accused of misconduct after he had lodged his formal harassment complaint and the circumstance that the investigation into the accusation of misconduct against him was much more expeditious than the investigation into his complaint of harassment.

- (vi) By failing to provide information confirming that an investigation was in fact being conducted, the Organization breached its obligation to act in good faith. As indicated by the responses of the Director of WHO/IOS to the complainant's requests, the Organization did not immediately refer his complaint to UN/OIOS but only gave assurances that it would, at some time in the future. This apparent reticence to act in accordance with the law and the legitimate expectation of the complainant demonstrated that the Organization did not interpret the formal complaint of harassment in good faith. On the contrary, the Organization promptly investigated the allegations against the complainant, which led to his summary dismissal. The Organization refused to provide evidence that it had in fact formally transferred the complaint to UN/OIOS and that an investigation was being undertaken, relying on the confidentiality of this information, but the principle of due process implies that the Organization should have informed the complainant of the actions taken.

Since the complainant's six pleas are repetitive and overlapping, the Tribunal will examine them as a whole, in a logical order.

5. The complainant requests that the Tribunal order the Organization to produce all documentation related to the investigation that the Organization claims it carried out after the submission of the complaint of harassment on 5 June 2018. Any questions of confidentiality might be overcome by the production of redacted versions of these documents. The complainant adds that the Organization's failure to supply such documents should be regarded as an admission on the part of the Organization that it failed to conduct an investigation into the complaint of harassment, with all the legal consequences the case requires.

6. It is appropriate, at the outset, to note that the complainant's arguments based on the 7 December 2018 IEP report on prevention and response to harassment are outside the scope of the present complaint. The report contains general recommendations for pursuing harassment, focusing in particular on sexual harassment, but makes no specific

reference to the merits of any particular complaint. Therefore, it is immaterial to the present case.

7. The Tribunal notes that the scope of the present complaint is limited to assessing whether there was an express or implied rejection of the harassment complaint lodged by the complainant on 5 June 2018.

8. It is appropriate to recall the relevant rules governing the proceedings prompted by a report of harassment and/or retaliation. Reference is made to the WHO e-Manual, section III.12.5 (Policy on the Prevention of Harassment) and to the WHO/IOS document “The Investigation Process”. The Tribunal will also consider the WHO Policy and procedures issued in 2015 concerning whistleblowing and protection against retaliation.

9. The Tribunal notes that none of these documents provide for strict time limits for the investigation and finalization of the proceedings. Therefore, the mere effluxion of time cannot be construed as an express or implied rejection of a complaint of harassment and retaliation.

10. Moreover, the evidence in the file shows that the Organization had taken, until the filing of the request for administrative review, only preliminary steps of which it had duly informed the complainant, and that no express or implied decision had been adopted yet. The Tribunal will recall the internal steps, which cannot be considered a decision for the purpose of the internal remedies and of a complaint filed with the Tribunal.

(i) The emails of 20 June and 27 July 2018 of the Director of WHO/IOS, acknowledging receipt of the complainant’s requests, stated that the matter would “be referred to UN/OIOS in due course for further consideration, as part of their review of the matters previously raised by [the complainant] against the UNAIDS Executive Director”. The reference to the referral to UN/OIOS “in due course” is aligned with paragraph 5 of the document “The Investigation Process” which provides that “[i]n deciding whether to investigate a report of alleged irregular

activity, IOS considers whether the matter could be dealt with more appropriately by another entity [...]”.

- (ii) In addition, pursuant to the Memorandum of Understanding dated 15 August 2018, WHO requested UN/OIOS to investigate, *inter alia*, the complainant’s 5 June 2018 formal complaint of harassment and retaliation.
- (iii) Irrespective of the Memorandum, there is also further evidence in the file showing that the 5 June 2018 complaint of harassment and retaliation was referred to UN/OIOS. In particular, the Deputy Director of the UN/OIOS Investigations Division, wrote on 6 February 2019 to the complainant’s legal representative, to schedule a date to interview the complainant. This email demonstrates that in February 2019 the matter was under investigation by UN/OIOS. The Tribunal does not accept the complainant’s contention that the “primary purpose” of the interview requested by the 6 February 2019 email was not the complainant’s complaint of harassment. Indeed, the 6 February 2019 email clearly indicated that one of the subject matters of the interview would have been the complaint of harassment, and established no hierarchy between the two purposes of the interview.
- (iv) During the investigation, UN/OIOS took further steps to advance the process, namely, in June 2019, it invited the complainant for an interview.
- (v) UN/OIOS also requested advice from the WHO Staff Physician, in order to assess whether the complainant’s health condition prevented him from being interviewed.
- (vi) In July 2019, UN/OIOS reported that the complainant’s interview was necessary and that OIOS remained ready to interview him when he would be available.

This sequence shows that, at best for the complainant, only internal steps had been taken and that the process was never finalized with an express or implied rejection, but was still ongoing. Thus, the Organization lawfully rejected the request for administrative review and the internal

appeal, deeming them to be premature and, as a result, irreceivable. Requests for administrative reviews and internal appeals are provided for as remedies against decisions which negatively affect a staff member, whereas an internal step in a process is not a decision subject to appeal. It is well established in the Tribunal's case law that procedural steps taken in the course of a process leading to a final decision cannot be the subject of a complaint to the Tribunal, though they may be challenged in the context of a complaint directed against that final decision (see Judgments 4704, consideration 5, 4404, consideration 3, 3961, consideration 4, 3876, consideration 5, and 3700, consideration 14). This case law is applicable also in cases, such as the present, where a complainant challenges before the Tribunal a decision taken on an appeal filed against an act that is not a decision, but only an internal step. In the present case, the complainant did not challenge internally an administrative decision and therefore his internal appeal was found to be irreceivable. Indeed, according to the Tribunal's case law, a complainant must not only have exhausted all internal remedies within his organization but also have duly complied with the rules governing the internal appeal procedure. Thus, if the internal appeal was irreceivable under those rules, the complaint filed with the Tribunal will also be irreceivable under Article VII, paragraph 1, of the Statute of the Tribunal (see Judgment 4101, consideration 3).

11. The Tribunal does not accept the complainant's argument that the Organization has failed to investigate his complaint of harassment and retaliation of 5 June 2018 promptly and thereby delayed making an administrative decision. Indeed, the Tribunal does not accept the complainant's contention that his complaint of harassment and retaliation was a *prima facie* case, which could and should have been investigated and finalized without interviewing him. Having regard to the content of the harassment complaint, of its eleven annexes, and of the two subsequent requests for extension of the investigation, the UN/OIOS assessment, made on 10 July 2019, that an interview with the complainant was necessary to the investigation, fell within the discretionary power of the UN/OIOS, and was not unreasonable. The complainant cannot replace the UN/OIOS assessment with his personal

evaluation concerning how to conduct an investigation and gather and assess the evidence.

12. Furthermore, the Tribunal is satisfied with the conclusion of the Organization that the complainant's refusal to cooperate with the investigators was unjustified. There is no convincing evidence in the file that the complainant's health condition prevented him from being interviewed. He was offered a number of date options, by letters of 6 February and 18 June 2019, and he could have submitted a counterproposal indicating further dates, consistent with his condition, but he never did. His legal representative replied on 7 February and on 19 June 2019, by informing the Organization, respectively, that the complainant was "not in a position to be interviewed while ill", and that the complainant was "still on service-incurred sick leave" and was "not [...] able to answer [its] questions". Nor is there evidence that the complainant was on service-incurred sick leave, as, at the relevant time, he was on SLIC and his condition had not been recognized as service-incurred. On 10 September 2019, the WHO Staff Physician confirmed that "[t]he reason of the [complainant's] extended SL/SLIC [sick leave/sick leave under insurance cover] [did not] give limitations to interviews". In any case, even if the complainant's arguments regarding his health condition were to be accepted by the Tribunal (and they are not), they would be of no consequence, as they do not contradict the fact that the complainant's interview was necessary. If the interview had not been possible due to the complainant's health condition – as the complainant contends – the process would have been stalled for this reason, and therefore in no way could it have been finalized with an implied rejection.

13. The complainant's contention that the Organization was biased against him and did not act in good faith is unsubstantiated. Bias, prejudice, and bad faith cannot be assumed, they must be proven and the complainant bears the burden of proof (see Judgment 4688, consideration 10, and the case law cited therein). Although evidence of personal prejudice is often concealed and such prejudice must be inferred from surrounding circumstances, that does not relieve

complainants, who bear the burden of proving their allegations, from introducing evidence of sufficient quality and weight to persuade the Tribunal. Mere suspicion and unsupported allegations are clearly not enough, the less so where, as here, the actions of the Organization, which are alleged to have been tainted by personal prejudice, are shown to have a verifiable objective justification (see Judgment 4745, consideration 12).

To support his contention, the complainant alleges that he was accused of misconduct after he had lodged his formal harassment complaint, but the evidence in the file shows that the investigation into the complainant's reported misconduct initiated in February 2016 was suspended and then resumed in January 2018. The investigation into allegations of his misconduct preceded, and did not follow, the lodging of his formal complaints of harassment and retaliation. The complainant also tries to infer bias and prejudice from the circumstance that the disciplinary proceedings for misconduct against him took much less time than the harassment proceedings, and were finalized without him being interviewed. These elements do not establish bias and prejudice, as disciplinary proceedings and harassment processes are different in nature and, in the present case, they relied on different evidence. Therefore, the complainant's refusal to be interviewed could be dealt with differently in each situation. In conclusion, the complainant has not demonstrated the alleged bias, prejudice, and bad faith to the requisite standard.

14. Since, at the time of the request for review, there was no express or implied rejection of the harassment complaint lodged on 5 June 2018, any claim for moral damages alleging unreasonable delay is outside the scope of the present complaint, and it is not the role of the Tribunal, at this stage, to assess, for the purposes of determining whether moral damages should be awarded, whether the Organization handled the harassment complaint with unreasonable delay. Any alleged irregularities in the investigation have to be raised in the context of a complaint directed against the final decision (see Judgment 4814, consideration 7).

15. Based on the same reasons in consideration 14 above, it is outside the scope of the present complaint, and it is not the role of the Tribunal, at this stage, to assess whether the Organization was bound to inform the complainant about (i) the status of its case, (ii) the period of time deemed necessary for the investigation, and (iii) the evidence gathered to date.

16. The complainant's request for disclosure of "all documentation related to the investigation that the Organization claims it carried out after the submission of the complaint of harassment on 5 June 2018" is unfounded, as the Tribunal and the complainant have been provided with all the relevant documentation, which does not support the complainant's contention that the Organization expressly or implicitly rejected his complaint of harassment and retaliation.

17. As the complaint fails on his claims, the complainant is not entitled to costs of the present proceedings.

18. In conclusion, the complaint will be dismissed.

#### DECISION

For the above reasons,

The complaint is dismissed.

In witness of this judgment, adopted on 30 April 2024, Mr Michael F. Moore, Vice-President of the Tribunal, Ms Rosanna De Nictolis, Judge, and Ms Hongyu Shen, Judge, sign below, as do I, Mirka Dreger, Registrar.

Delivered on 8 July 2024 by video recording posted on the Tribunal's Internet page.

MICHAEL F. MOORE

ROSANNA DE NICTOLIS

HONGYU SHEN

MIRKA DREGER