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

K. (No. 10)
v.
UNESCO

139th Session **Judgment No. 4923**

THE ADMINISTRATIVE TRIBUNAL,

Considering the tenth complaint filed by Mr L. K. against the United Nations Educational, Scientific and Cultural Organization (UNESCO) on 17 June 2023, UNESCO's reply of 25 September 2023, the complainant's rejoinder of 30 December 2023, corrected on 5 January 2024, and UNESCO's surrejoinder of 24 May 2024;

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 challenges the decision to close his internal complaint of untrue statements.

Facts relevant to this case are set out in Judgment 4922, also delivered in public this day, concerning the complainant's sixth complaint. Suffice it to recall that the complainant joined UNESCO on 2 December 2002 as a grade G-3 security officer, assigned to the Security Unit within the Security and Safety Section, under a two-year fixed-term appointment that was renewed several times until 5 November 2021, when his appointment was terminated by the Organization on disciplinary grounds.

On 20 October 2016 Mr K., a security officer and the complainant's colleague, sent to the then Chief of the Security and Safety Section a detailed report concerning, inter alia, purported "[a]busive remarks [made concerning security] officers"* that had been addressed to him on the same day by Mr D., the Deputy Chief of Section. Four other security officers were present at the material time, but not the complainant.

On 31 October 2016 the complainant – who felt that the "insulting and abusive remarks"* reported by his colleague were directed at him – submitted an internal complaint of harassment against Mr D., alleging in particular an affront to his dignity and that of his profession.

On 5 December 2016 a meeting took place between the complainant, the then Ethics Adviser, Ms T., and the Ethics Officer, Mr Do. UNESCO asserts – but is vehemently contradicted by the complainant – that he was informed at this meeting that, since he was not present during the incident of 20 October, his internal complaint was "not receivable"* according to the Anti-harassment Policy applicable at the material time. Nevertheless, he was told that the information contained in his internal complaint, including in its annexes, would be forwarded for all purposes to the senior management of the Security and Safety Section.

The same day, the complainant sent an email to Ms T. to "share [his] impressions with [her]"* of what had been said at the meeting in question. He did not refer to his internal complaint being closed or forwarded to his superiors. He merely stated that, in his view, Ms T. had minimised the seriousness of Mr D.'s behaviour during the discussion, although "the way [Mr D. had] long treated and belittled"* security officers was "quite simply scandalous and totally unacceptable and unforgivable"*.

On 16 December 2016, during a meeting with the security officers, the Assistant Director-General for External Relations and Public Information explained that, after consulting the parties concerned by

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* Registry's translation.

the incident of 20 October and with the support of the Ethics Office, he had taken steps to end the dispute.

By an email of 19 December 2016, the complainant wrote to Ms T., enquiring about the "official status"* of his internal complaint against Mr D. He reiterated his enquiry on 10 January 2017.

On 31 May 2017 Mr D. retired. His successor officially took up his duties on 22 January 2018.

On 31 October 2018 Ms T. left UNESCO. She was replaced from 1 February 2019 by a new Ethics Adviser, Ms D. On 19 June 2019 the Organization introduced a new Anti-harassment Policy. In particular, it provided that formal internal complaints should henceforth be sent directly by the person concerned to the Internal Oversight Service (IOS). On 31 July 2019 the former Chief of the Security and Safety Section also left the Organization.

On 2 February 2020 the complainant – who explains his silence over several years by his fear of retaliation following what he describes as "threats"* made by the former Chief of Section on 6 December 2016 and who considers that those threats materialised during his biennial performance appraisal for 2016-2017 – sent an email to the Director IOS and Ms D. "to ascertain the official status"* of his internal complaint of 31 October 2016. He stated that, since the meeting of 5 December 2016, he had not received any official response regarding this matter, despite his numerous requests.

On 4 February 2020 the Ethics Office, drawing his attention to the fact that his email of 2 February referred to a period before the new Ethics Adviser took up her position, stated that it had reviewed the file, including the previous emails sent to Ms T. which had remained unanswered – a circumstance that was described as "regrettable"*. Noting that in 2016 Ms T. "had deemed it appropriate for [his] case to be managed administratively, rather than conducting an investigation"* and that she had therefore "raised the information of which [the complainant had] apprised her with [his] superiors"*, the Office concluded that it was impossible for it to reopen the file, especially in

* Registry's translation.

the light of the fact that, since the new Anti-harassment Policy had taken effect on 19 June 2019, it had not been responsible for formal internal complaints of harassment.

On 25 February 2020 the complainant sent the Director-General an "[i]nformal protest against the administrative decision of the Ethics Office [of 4 February] to close [his] complaint without taking action"*. On 28 March 2020 he submitted a notice of appeal against that decision, then on 30 March he sent a detailed appeal to the Appeals Board. The Organization submitted its reply on 26 March 2021, appending a witness testimony, signed by Mr Do. and dated 15 January 2021, stating that Ms T. had explained to the complainant, at the aforementioned meeting of 5 December 2016, that his internal complaint was irreceivable. The outcome of that internal appeal procedure is the subject of the complainant's sixth complaint.

On 12 April 2021 the complainant sent the Director IOS an internal complaint of "untrue statements"* against Mr Do. In support of the complaint, he submitted that the statements contained in the testimony of 15 January 2021 did not reflect the truth and insulted his honour and credibility since, at the meeting of 5 December 2016, Ms T. had not informed him of any decision. He principally requested that a thorough investigation be carried out to clarify the "grey areas"* of the case; subsidiarily, he asked Mr Do. to reconsider his statements.

By an email of the IOS Head of Investigations dated 19 April 2021, the complainant was informed that on 16 April the Director IOS had decided to close the screening of his internal complaint of untrue statements of 12 April for "lack of evidence calling into question the veracity of the contested statements"* made by Mr Do.

On 27 April 2021 the complainant sent the Deputy Director-General a request for the administrative review of the decision of 16 April 2021 to close the screening of his internal complaint of 12 April, which was rejected on 10 June. On 6 July 2021 the complainant submitted a notice of appeal, then on 14 September 2021 he sent a detailed appeal to the Appeals Board.

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* Registry's translation.

In the opinion it issued on 23 January 2023 having heard the parties, the Appeals Board considered, inter alia, that it was not competent to call into question IOS's assessment of the evidence and recommended that the appeal be dismissed as unfounded. By a letter of 20 March 2023, the complainant was informed that the Director-General had decided to follow the recommendation of the Appeals Board. This is the impugned decision.

The complainant asks the Tribunal to set aside the impugned decision and seeks the payment of 35,000 euros in compensation for the moral injury he considers he has suffered, as well as an award of costs in the amount of 6,000 euros.

UNESCO objects to the receivability of the complainant's claim for moral damages on the basis that he did not make that claim in the internal appeal procedure. It asks the Tribunal to dismiss the complaint as unfounded and, in respect of that particular claim, as irreceivable.

CONSIDERATIONS

1. The complainant impugns before the Tribunal the decision of 20 March 2023 by which the Director-General of UNESCO, in accordance with the recommendation of the Appeals Board, dismissed his internal appeal against the decision of the Director of the Internal Oversight Service (IOS) of 16 April 2021 to close an internal complaint of "untrue statements"* that he had made against Mr Do., the Ethics Officer.

The internal complaint, submitted on 12 April 2021, was based on the alleged falsity of a written testimony prepared by Mr Do. on 15 January 2021 that had been produced by UNESCO before the Appeals Board in the examination of the appeal challenging the closure of an internal complaint of moral harassment submitted by the complainant against Mr D., the former Deputy Chief of the Security and Safety Section. The rejection of that appeal is the subject of the complainant's sixth complaint to the Tribunal, on which it ruled by

* Registry's translation.

Judgment 4922, also delivered in public this day. Suffice it to recall here that, in the contested statement, Mr Do. testified that, at a meeting on 5 December 2016 at which he had been present, the then Ethics Adviser, Ms T., had "explained"* to the complainant that the Anti-harassment Policy in force at that time did not, in her view, apply to his internal complaint and that "the Ethics Office could not consider [that] complaint [...] receivable"*. The Appeals Board, whose opinion the Director-General endorsed in her decision of 22 June 2022 on the appeal in question, relied on that testimony in finding that the complainant had been duly informed at that meeting of the decision to close his internal complaint and that the protest lodged by him in this regard on 25 February 2020 was therefore irreceivable because it was time-barred.

2. In his eleventh complaint before the Tribunal, which seeks to challenge the termination of the complainant's appointment on 5 November 2021 mainly on account of what UNESCO considers to be the malicious nature of his internal complaint of untrue statements against Mr Do., the complainant proposes that the present complaint – his tenth – be joined with his eleventh. However, while they are interdependent, the two complaints are based only in part on the same facts and raise clearly distinct legal issues. It is therefore not appropriate to join them (see, for similar cases, Judgments 4753, consideration 7, and 4600, consideration 2).

3. The internal complaint of untrue statements submitted by the complainant to IOS against Mr Do. fell within the scope of the provisions of Item 11.3 of the Human Resources Manual, entitled "Disciplinary proceedings", and, more specifically, section A thereof concerning "[r]eporting suspected misconduct". The complainant appears to have intended to submit the internal complaint pursuant to paragraph 1 of this section, which provides that "[a]ll UNESCO employees have an obligation to report any observed instance of alleged or suspected misconduct".

* Registry's translation.

The applicable procedure for reporting suspected misconduct by an official is in part described in paragraphs 2 and 4 of the same section. Paragraph 2 provides that "[a]ll allegations of misconduct shall be reported to IOS for a preliminary assessment (screening)", while paragraph 4 prescribes that "[u]pon receipt of an allegation of misconduct, IOS initiates a screening in order to assess whether or not the allegation warrants the opening of a formal fact-finding investigation".

It was pursuant to the latter provisions that the Director IOS, by his decision of 16 April 2021, ended the screening of the complainant's internal complaint, thereby declaring it closed.

4. In support of his claims against the impugned decision of 20 March 2023 rejecting his appeal against the decision to close his internal complaint, the complainant submits, in particular, that the Appeals Board misconstrued the scope of its advisory role by wrongly considering that it was not competent to review IOS's assessment of the evidential value of documents and information provided in support of that complaint.

This plea is well founded.

In its opinion of 23 January 2023 on the complainant's appeal, the Appeals Board stated the following:

> "With regard to the consideration of the evidence produced by the complainant, IOS did take into account the evidence submitted to it in substantiation of the idea of untrue statements, but after examining it, IOS found that it was not sufficient [...] It does not fall within the competence of the Appeals Board to call into question the unfettered discretion of IOS in assessing evidence submitted to it by complainants. As in this case, the Board is confined to establishing whether the evidence was actually taken into account."

On reading this opinion, it is clear that this consideration was one of the main reasons for the Appeals Board's recommendation that the appeal be rejected.

However, by holding, as stated in the relevant passage of its opinion, that it was not part of its advisory role to determine whether IOS's assessment of the evidence was well founded, the Board erred in law.

5. It appears that, in the minds of the drafters of the opinion, this consideration was based on the Tribunal's settled case law according to which it is not the Tribunal's role to reweigh the evidence before an investigative body, and the findings of such a body are entitled to considerable deference by it, unless they have been improperly established or reveal a manifest error (see, for example, Judgments 4703, consideration 8, 4291, consideration 12, 4091, consideration 17, or 3593, consideration 12). However, this case law concerns the role of the Tribunal itself, not that of an appeal body such as the Appeals Board.

This case law is explained, inter alia, by the fact that it is not the Tribunal's role to conduct investigations similar to those conducted by an appeal body and by the idea that it is not best placed to assess the reliability of the statements of persons who may be heard in the course of an investigation. More generally, it refers to the particular feature and limits of the Tribunal's judicial role. However, these specificities do not apply to appeal bodies and, as the Tribunal has held on several occasions, such a body is wrong when, in defining its own role, it refers to restrictions that apply in certain cases to the judicial review of administrative decisions (see, for example, Judgments 3161, consideration 5, or 3077, consideration 3). While the Tribunal's sole function is to review the lawfulness of these decisions and, ordinarily, it rules only on points of law, it is for the appeal bodies, which are vested with a power of review extending to a complete re-examination, to determine whether the decision submitted to them was, in their view, the correct decision or whether, on the facts, some other decision should have been taken (see, for example, Judgments 3161, consideration 6, or 3032, consideration 10). The only exception to this is where the rules governing the appeal body restrict this power (see, for example, Judgments 3318, consideration 5, or 3077, consideration 3), which is not the case for UNESCO's Appeals Board in the area concerned.

6. Accordingly, the Appeals Board was wrong to consider that it was not competent to ascertain in its opinion whether the Director IOS had correctly assessed the probative value of the documents and information provided by the complainant in support of his internal complaint. Moreover, it should be pointed out that this error of law,

which resulted in the Board's refusal to fully review the decision to close the internal complaint in question, had the effect of denying the complainant his right to have the merits of his internal appeal duly considered by that body.

7. Since the impugned decision of 20 March 2023 rested on the opinion of the Appeals Board, which the Director-General endorsed, it is unlawful as a result of the flaws tainting that opinion.

It follows that the decision must be set aside, without there being any need to rule on the other arguments raised against it.

At this stage of its findings, the Tribunal should ordinarily refer the case back to UNESCO for the Appeals Board to properly examine the complainant's internal appeal. However, given the length of time since the events to which this case relates, and in accordance with the wishes expressed by the complainant in his complaint, the Tribunal will not do so in this case and will itself determine the lawfulness of the decision of 16 April 2021 to close the internal complaint against Mr Do.

8. In support of his claims for the setting aside of the decision to close his internal complaint, the complainant submits, firstly, that the decision was taken without authority as it was communicated to him by the IOS Head of Investigations, Mr B., whereas paragraph 6 of aforementioned Item 11.3 of the Human Resources Manual provides that "[t]he authority [...] to close a case [...] rests solely with Director IOS".

However, in the email of 19 April 2021 notifying the complainant of this decision, Mr B. stated that "[o]n 16 April 2021, [the Director IOS] decided to close the preliminary investigation into [his] report of 12 April 2021 on the grounds of a 'lack of evidence calling into question the veracity of the contested statements'"[*]. The email thus makes it plain that it was intended to convey a decision taken not by the Head of Investigations but by the Director IOS himself. The Tribunal's case law recognises that the decision of a competent senior official may

[*] Registry's translation.

in fact be notified to the official concerned in a message signed by another senior official, as is common practice in international organisations (see, for example, Judgments 4809, consideration 4, 4654, consideration 17, or 3352, consideration 7).

Although the complainant observes that UNESCO does not prove that Mr B. had been granted a delegation of power authorising him to close an internal complaint, that argument is irrelevant since, as has just been stated, he did not take the decision contested in this case. Lastly, although the complainant submits that the existence of the decision of the Director IOS of 16 April 2021 has not been established, the Tribunal sees no reason to doubt the veracity of the content of the email of 19 April 2021 referring to that decision. This argument will therefore also be dismissed (see, for similar precedents, Judgments 3527, consideration 4, 3352, consideration 7, and 2915, consideration 14).

9. Secondly, the complainant submits that the closure of his internal complaint was unlawful in that IOS did not conduct any of the "initial fact-finding activities required"* before so deciding.

However, although paragraph 1.4 of the Investigation Guidelines in force at UNESCO provides that the screening of an internal complaint must be accompanied by "initial fact-finding activities", paragraph 2.1.2 of the Guidelines, concerning the "[s]creening process" merely provides that "[i]nvestigators shall examine allegations and supporting information provided by the whistleblower" and that "[i]nvestigators may approach the whistleblower or any other individual to obtain relevant information about the facts concerning the allegations". Although the timeline of the case shows that the procedure conducted by IOS was very brief, since the complainant's internal complaint submitted on 12 April 2021 was closed, as stated, on 16 April, there is nothing to suggest that these provisions were breached. In the Tribunal's view, there is no doubt that the investigative body examined the evidence provided by the complainant before taking its decision and, although it is true that it did not deem it useful to hold

* Registry's translation.

hearings or seek further information, such activities are, according to the aforementioned provisions, optional and therefore subject to its discretion.

Referring to the Uniform Guidelines for Investigations, adopted by the Conference of International Investigators, which are applicable to UNESCO, the complainant also criticises IOS for not having undertaken all the "preparation for the conduct of an investigation" detailed in paragraph IV.A.7 of the Guidelines. However, the Tribunal considers that the paragraph is question must be construed as applying to the preparation for an investigation which it is decided to open at the end of the screening, and not to actions to be performed in the course of that screening itself. Consequently, the argument alleging non-compliance with its provisions is, in any case, misconceived.

10. Thirdly, the complainant submits that insufficient reasons were given for the decision of 16 April 2021.

According to the Tribunal's case law, the reasons for an administrative decision must be sufficiently explicit to enable the person concerned to take an informed decision accordingly as to the exercise of her or his right of appeal; they must also enable the competent review bodies to determine whether the decision is lawful and, in particular, the Tribunal to exercise its power of review. However, this case law adds that how extensive the reasons need to be will depend on the circumstances of each case (see, for example, Judgments 4081, consideration 5, 3617, consideration 5, or 1817, consideration 6).

In this case, the reason – already quoted above – for the decision of 16 April 2021, that the complainant's internal complaint had to be closed on account of the "the lack of evidence calling into question the veracity of the contested statements"[*], is admittedly very succinct.

However, the Tribunal considers that this reason, which sufficed by itself to indicate that none of the evidence provided by the complainant in support of the internal complaint was considered by IOS

[*] Registry's translation.

to be conclusive, did enable him to understand and, if appropriate, challenge the reasons for the impugned decision, as the content of his written submissions in the internal appeal procedure and these proceedings shows. This reason also fulfils the requirements necessary to enable the Tribunal to exercise its power of review.

Moreover, the Tribunal considers that, in view of the purpose of screening an internal complaint, which is simply to ascertain whether the allegations made by the person who submitted it are *prima facie* sufficiently serious to warrant the opening of an investigation, where that condition is clearly not met – which, as the considerations set out below will show, was the case here – it is acceptable for the reasons for the decision to close the complaint to be given in a relatively cursory manner. In such a situation, the competent body cannot be required to provide a detailed response to the complainant's submissions.

11. These various pleas relating to procedural lawfulness will therefore be dismissed in their entirety.

12. On the merits, the complainant's criticisms of the decision to close his internal complaint of untruthful statements must also be rejected.

First of all, the Tribunal notes that the complainant commits an obvious error of law in submitting that the burden of proof in this case lies with Mr Do. and it is therefore for the latter to prove that the contested testimony is true, rather than for the complainant himself to provide evidence capable of establishing that it is false. The request for the reversal of the burden of proof is based on the rules governing defamation actions which, apart from the fact that they derive from provisions of the national law of UNESCO's host State which do not apply to the Organization, are irrelevant in the present case. In fact, Mr Do.'s testimony was plainly not defamatory, given that the fact that his account of events contradicted the complainant's version was not sufficient to make it so.

Moreover, in view of the evidence on file, the Tribunal has no doubt as to the honesty of Mr Do.'s written testimony of 15 January 2021 and the truth of its account of the facts. The complainant observes

that, as Mr Do. himself pointed out in the testimony, it referred to a meeting that had taken place more than four years earlier, certain points of which he could only vaguely recall. However, in the Tribunal's view, the precautions taken to carefully define the limits of the testimony only serve to underscore the author's desire to adhere to the truth and thus to strengthen the credibility of his assertions of the facts which he recollected clearly.

Furthermore, it should be noted that, although the inference can be drawn from the written testimony of 15 January 2021 that Ms T. had intended at the meeting on 5 December 2016 to inform the complainant of a decision to close his internal complaint of moral harassment, Mr Do. did not assert in that document that such a decision had actually been notified to the complainant on that occasion. As already stated above, he merely stated that Ms T. had "explained"* to the complainant that the Anti-harassment Policy in force at that time did not, in her view, apply to his complaint and that "the Ethics Office could not consider [that] complaint [...] receivable"*. Moreover, in aforementioned Judgment 4922 relating to the complainant's sixth complaint, the Tribunal, without calling into question the veracity of the testimony, considered that it did not establish that the decision in question had been properly notified to the complainant at the meeting. Thus, the complainant's internal complaint against Mr Do., insofar as it sought to accuse him of having falsely stated that a decision had been notified to the complainant on that occasion, related to an assertion that did not even appear in the contested testimony.

13. The complainant believes that he has identified a contradiction, which in his view proves that Mr Do.'s testimony was untrue, between the content of that testimony and the content of the email of the Ethics Office of 4 February 2020 – sent in response to his message enquiring about the outcome of his internal complaint of moral harassment – which stated that the Office "note[d] that in 2016, Ms [T.] had deemed it appropriate for the case to be managed administratively,

* Registry's translation.

rather than conducting an investigation”*. However, the Tribunal does not see how the wording of this email, which indicated that the internal complaint had been closed by Ms T. in 2016, is inconsistent with Mr Do.’s assertion that Ms T. had explained to the complainant at the meeting of 5 December 2016 that the complaint was irreceivable – which was the very reason it was closed. The two documents are in complete agreement. Although it is true that the Appeals Board committed a factual error in stating in its opinion that the email of the Ethics Office “confirm[ed] that the file was irreceivable”* although it did not mention the reason for closing the internal complaint, the fact remains that the alleged contradiction between the two documents in question does not exist.

14. The complainant also submits that the contested decision is tainted by a “flagrant failure to take essential facts into account”*, in that the evidence he considers he produced in support of his internal complaint was not taken into account by the Director IOS. However, the Tribunal finds that, as already stated above, it is not apparent from the file that the documents and information provided by the complainant were not duly examined during the screening.

15. Furthermore, pursuant to the case law recalled in consideration 5 above, it is not the Tribunal’s role to reweigh the evidence submitted to IOS. As that evidence was taken into consideration by the investigative body, the Tribunal could not set aside the contested decision unless it was tainted by an obvious error. However, there is nothing to suggest that the decision in question is tainted by such a flaw.

16. It ensues from the foregoing that the claims against the decision of the Director IOS of 16 April 2021, as well as those directed against the decision of 10 June 2021 rejecting the request for an administrative review of that decision, must be dismissed.

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* Registry’s translation.

17. However, the error of law – criticised above – committed by the Appeals Board in respect of the scope of its competence led, as has been stated, to the complainant being denied his right to have the merits of his internal appeal duly examined by that body. Consequently, the complainant's right to an effective appeal was breached, which caused him moral injury warranting redress.

18. The complainant also claims an award of moral damages on account of the length of the internal appeal procedure, which he considers excessive.

It is settled case law that officials are entitled to have their appeals examined with the necessary speed, in particular in view of the nature of the decision which they wish to contest (see, for example, Judgments 4660, consideration 24, 4457, consideration 29, and 4063, consideration 14).

In this case, 20 and a half months passed between the lodging of the complainant's notice of appeal on 6 July 2021 and the notification of the Director-General's decision of 20 March 2023 on his appeal. Although more than two months of this period is explained by the fact that the detailed appeal setting out the claims and pleas submitted to the Appeals Board was not lodged until 14 September 2021, the Tribunal considers that such a delay is excessive. Although the contested decision – the closure of an internal complaint alleging misconduct by another staff member – is not inherently one that requires particularly expeditious appeal proceedings, the particular circumstances of the case required, in this instance, that consideration of the appeal in question be accorded relatively high priority. Indeed, the outcome of the appeal was linked to the termination of the complainant's appointment on disciplinary grounds, which had occurred in the meantime and was based on the submission of that very internal complaint.

The delay in the conduct of the procedure, for which the Organization does not provide any relevant justification, has thus caused the complainant a certain moral injury which – although very limited – should be compensated.

19. In all, the Tribunal considers that the two heads of moral injury recognised above, taken together, will be fairly redressed by awarding the complainant compensation of 5,000 euros.

It should be observed on this point that UNESCO, in its reply, enters a plea of irreceivability on the grounds that the complainant did not submit any claims for moral damages in the internal appeal procedure. However, this plea of irreceivability appears to have been dropped by the Organization in its surrejoinder. Moreover, in any event, there is nothing to prevent the above-mentioned order from being made since it relates, in this case, to injury that arose during the internal appeal procedure itself and for which compensation could not, by definition, be claimed until the stage of the proceedings before the Tribunal (see, for example, Judgment 4074, consideration 17).

20. Since he partly succeeds, the complainant is entitled to costs which – in view of the fact that he was not represented by counsel before the Tribunal – will be set at 1,000 euros.

DECISION

For the above reasons,

1. The decision of the Director-General of UNESCO of 20 March 2023 is set aside.
2. UNESCO shall pay the complainant moral damages in the amount of 5,000 euros.
3. The Organization shall pay the complainant 1,000 euros in costs.
4. All other claims are dismissed.

In witness of this judgment, adopted on 14 November 2024, Mr Patrick Frydman, President of the Tribunal, Mr Jacques Jaumotte, Judge, and Mr Clément Gascon, Judge, sign below, as do I, Mirka Dreger, Registrar.

Delivered on 6 February 2025 by video recording posted on the Tribunal's Internet page.

(Signed)

PATRICK FRYDMAN JACQUES JAUMOTTE CLEMENT GASCON

MIRKA DREGER