Organisation internationale du Travail
Tribunal administratif

International Labour Organization
Administrative Tribunal

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

P.

v.

UNESCO

122nd Session **Judgment No. 3640**

THE ADMINISTRATIVE TRIBUNAL,

Considering the complaint filed by Mr G. A. G. J. P. against the United Nations Educational, Scientific and Cultural Organization (UNESCO) on 4 December 2013 and corrected on 28 February 2014, UNESCO's reply of 25 June, the complainant's rejoinder of 22 September and UNESCO's surrejoinder of 15 December 2014;

Considering Article II, paragraph 5, of the Statute of the Tribunal;

Having examined the written submissions;

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

The complainant challenges the disciplinary measure of his summary dismissal in the wake of a sexual harassment complaint filed against him by one of his colleagues.

On 5 July 2011, Ms M. submitted to the Director-General a sexual harassment complaint against the complainant. On the recommendation of the Ethics Adviser, the Director-General decided to refer the case for investigation to the Internal Oversight Service (IOS), which heard the complainant, Ms M. and several witnesses. In its report issued in October 2011, IOS found that, between 2001 and 2011, the complainant had subjected at least 21 of his colleagues, most of whom were young women holding non-permanent appointments, to physical contact and verbal

remarks which they regarded as undesirable or offensive. Of these 21 cases, five (including that of Ms M.) were particularly serious in that they concerned explicit sexual gestures, attempts or advances. IOS noted that, since 2002, the complainant had been repeatedly warned about the potential consequences of his behaviour, but had failed to correct his attitude. IOS therefore concluded that the complainant had engaged in sexual harassment and recommended that disciplinary action be initiated against him.

By a memorandum of 3 November 2011, to which a copy of the IOS investigation report was appended, the Director of the Bureau of Human Resources Management notified the complainant of the charges which the Director-General had decided to bring against him, namely "ambiguous physical contacts", "use of inappropriate language" and "sexually oriented approaches and gestures". She informed him that she viewed his conduct as amounting to sexual harassment within the meaning of item 18.2 of UNESCO's Human Resources Manual, on anti-harassment policy, and invited him to comment and to present any exonerating evidence by 18 November. The complainant was also notified that the Director-General had decided to suspend him from his functions, with pay, as from 5 November. In his detailed comments, he denied all the allegations against him and said that he had agreed to consult a psychiatrist.

By a memorandum of 16 December 2011, which was handed to him on 20 December, the complainant was informed that the Director-General had decided to dismiss him summarily for serious misconduct.

On 19 January 2012 the complainant submitted a protest against this decision under paragraph 7(a) of the Statutes of the Appeals Board. He requested the cancellation of the decision, his reinstatement with the retroactive payment of his salary and allowances, as well as compensation for the moral and material injury suffered. Should these requests not be granted, he asked the Director-General to submit his case to a Joint Disciplinary Committee, in accordance with item 11.5, paragraph 9, of the Human Resources Manual. The complainant was informed by a letter of 15 February that the Director-General had decided to confirm his summary dismissal, that his case would be referred to a Joint Disciplinary Committee, that once that body had given its opinion the

Director-General would take a further decision on his case and that he could lodge an appeal against her decision with the Appeals Board. He was, however, advised that he could already submit a notice of appeal to the Appeals Board, which he did on 12 March. On 12 May 2012 he submitted his detailed appeal in which, amongst other relief, he requested the setting aside of the decision of 16 December 2011, an award of damages and the removal from his personal file of any document concerning the alleged complaints of sexual harassment made against him.

After hearing the complainant, the Appeals Board delivered its opinion on 28 June 2013. It stated that it could not set aside the disciplinary measure and was therefore not in a position to accede to the complainant's requests. However, noting that Ms M.'s allegations had been dealt with together with those of several other persons, it recommended that, in future, allegations of harassment should be investigated on a case-by-case basis. The complainant was notified by a memorandum of 9 September 2013, which constitutes the impugned decision, that in accordance with the opinion of the Appeals Board, the Director-General had decided to confirm her decision to dismiss him summarily for serious misconduct.

In the complaint which he filed on 4 December 2013 the complainant asks the Tribunal to declare that his complaint is receivable, that the impugned decision is unlawful because it is tainted with errors of fact and of law and with substantial formal and procedural flaws and that his summary dismissal in fact constitutes wrongful dismissal callously imposed on him 32 months before his retirement. He therefore seeks the setting aside of the impugned decision, the withdrawal from his personal file of all documents related to the alleged complaints of sexual harassment made against him and an award of damages.

UNESCO asks the Tribunal to find that the complaint is unfounded in both fact and law and therefore to dismiss it in its entirety.

CONSIDERATIONS

1. The complainant impugns before the Tribunal the decision of 9 September 2013 by which the Director-General of UNESCO,

endorsing the opinion of the Appeals Board, confirmed his summary dismissal on 16 December 2011 for serious misconduct in the form of sexual harassment. He requests not only the setting aside of this decision but also an award of damages in compensation for the material and moral injury resulting from the disciplinary measure thus imposed on him.

2. The complainant has requested an oral hearing. In view of the abundant and sufficiently clear submissions and evidence produced by the parties, the Tribunal considers that it is fully informed about the case and does not therefore deem it necessary to grant this request.

3. The complainant's claims that the Tribunal should declare that "[his] complaint […] is receivable in all respects", "that the impugned decision is unlawful because it is tainted with errors of fact and of law and with substantial formal and procedural flaws" and that "[his] summary dismissal for serious misconduct in fact constitutes wrongful dismissal callously imposed" shortly before the expiry of his employment contract and the end of his career, may be dismissed at the outset as irreceivable. Indeed, they can only be regarded as mere pleas in support of the complainant's claims for the setting aside of the impugned decision and for damages. A long line of precedent has it that such claims seeking declarations in law are irreceivable where, as in this case, they have no legal effect per se (see, for example, Judgments 1546, under 3, 2299, under 5, or 3206, under 8).

4. Apart from his contentions challenging the lawfulness of the administrative procedure as a whole, which will be examined later, the complainant first enters various pleas specifically related to each phase of the procedure.

5. Regarding the preliminary assessment of the harassment complaint by the Ethics Adviser, the complainant submits that the latter could not lawfully recommend the opening of an investigation, because the allegations of the sole complainant, Ms M., were unsupported by any material evidence. However, apart from the fact that the nature of

the acts in question, namely kissing her on the mouth against her will when no witness was present, made it impossible to produce any evidence of this kind, the Ethics Adviser was in receipt of documents formally establishing the existence of three instances of similar behaviour by the complainant towards at least nine other women, which rendered the complaint all the more credible. The sole purpose of the preliminary assessment of such a complaint is to determine whether there are grounds for opening an investigation. Item 18.2, paragraph 37, of the Human Resources Manual, on the anti-harassment policy, states that in order to justify the opening of an investigation, it is sufficient for the Ethics Adviser to find "that there are reasons to believe that the complaint is founded". All that is therefore required at this stage is a *prima facie* finding that the complaint is genuine, since it is in the course of the investigation itself, if opened, that the comprehensive search for evidence must be made. In the instant case, there is no doubt that the compelling evidence gathered during the preliminary assessment was sufficient to warrant the recommendation to the Director-General that she should open the investigation which was then held.

6. The complainant also objects to the fact that the Ethics Adviser did not organise a face-to-face meeting between the parties. In fact, it appears from the submissions in the file that the Ethics Adviser did contemplate the holding of such a meeting, but that Ms M. had announced that she would not participate. Since the applicable rules do not require the holding of a meeting between the parties, the Ethics Adviser could not override this objection and the procedure followed was by no means flawed in this respect.

7. The complainant submits that, contrary to the requirements of the above-mentioned item 18.2, paragraph 34, *in fine*, the Ethics Adviser failed to inform him of his right to be assisted or represented by a third person for the purpose of his defence during the preliminary assessment of the complaint. However, the defendant organisation contends, without this being contradicted by the complainant in his rejoinder, that the Ethics Adviser had explicitly drawn his attention to the provisions of item 18.2 expressly mentioning this right. The Tribunal

considers that, in the instant case, this manner of proceeding satisfied the duty to inform, especially as the complainant is highly qualified and was thus plainly quite capable of understanding the content of these provisions.

8. Lastly, the complainant's contention that his interview with the Ethics Adviser should have been recorded in minutes and submitted for his approval is likewise unfounded. The complainant does not point to any text providing for this formality and, contrary to his submissions, the fact that the Ethics Adviser referred to this interview in his memorandum of 19 July 2011 recommending the opening of an investigation is not sufficient to create any such obligation.

9. As far as the IOS investigation is concerned, the complainant's main contention is that this service lacks the requisite expertise, because it has little experience in dealing with sexual harassment cases. But the mere fact that the annual number of investigations which IOS has to conduct in this field is indeed very low does not justify such criticism. In this case, pursuant to the aforementioned item 18.2, paragraph 56(a), the investigation was entrusted to an investigator who was specialised in harassment cases, and there are no grounds for doubting that person's competence in this field. In addition, although the complainant is apparently dissatisfied with the appointment of only one investigator, this does not breach the provisions of the above-mentioned subparagraph, which refers to the "services of an investigator(s)".

10. Having examined the investigation report included in the file, the Tribunal finds that the allegation that the investigative work done by the IOS investigator was mediocre is completely without foundation. In particular, the complainant is quite wrong in thinking that he detects inconsistencies in the conclusions of the report because they reveal both certain personality traits which were appreciated by his colleagues, such as his widely recognised affability, and his underhand tendency to subject women to acts of sexual harassment. On the contrary, these differing appraisals simply reflect the thoroughness and objectivity with which the investigation was conducted.

11. Similarly, the complainant is not justified in contending that the procedure was unlawful because the IOS investigator did not submit the draft report to him for comment before forwarding it to the Director-General. Indeed, as the investigator had interviewed the complainant twice in the course of the investigation and had informed him of the evidence gathered during it, he had been given a genuine opportunity to challenge the accusations levelled at him.

12. With regard to the appeal proceedings before the Appeals Board, the complainant considers that this body committed errors of law and of judgement by not recommending the cancellation of the disputed disciplinary measure, despite its finding that the Organization should not have dealt with Ms M.'s complaint and the harassment allegations made by other officials in the same investigation. However, while it recommended investigating such cases separately in the future, the Appeals Board considered that, in the instant case, the procedure followed had nonetheless been correct since "the necessary steps were taken to investigate the allegations against the appellant and […] he had the opportunity to counteract them". Although the Board's opinion may be clumsily drafted in places, it is not tainted with any of the serious inconsistencies which the complainant seeks to demonstrate. In addition, it must be emphasised that by no means will a mistake in the opinion of a joint appeal body necessarily render unlawful the administrative decision taken in the light of that opinion.

13. In addition to this first series of pleas, the complainant challenges, more generally, the lawfulness of the entire administrative procedure followed from the outset of the case, arguing that it breached the principles of the presumption of innocence and due process.

14. First, the complainant submits that the facts considered in these proceedings should have been confined to those directly concerning Ms M. and that it was therefore wrong also to take account of allegations related to his behaviour towards other persons. However, contrary to what the Appeals Board seems to believe, in the context of an inquiry into a sexual harassment complaint, it is by no means abnormal that the

investigations conducted with a view to ascertaining the truth of the statements contained in the complaint should be widened to encompass other similar behaviour on the part of the alleged harasser. In fact, that is often the best means of corroborating the allegations of the complainant in an area where, as noted above, it may be impossible to produce material evidence. More generally, it should be recalled that the question of whether or not harassment has occurred must be determined in the light of a careful examination of all the objective circumstances surrounding the events complained of by the alleged victim (see Judgments 2553, under 6, *in fine*, 3166, under 16, *in fine*, or 3233, under 6). Moreover, the Tribunal notes that Ms M.'s complaint itself referred to the fact that "other women [had] been faced with similar behaviour" by the complainant, which immediately placed the complaint in the context of recurrent conduct.

15. In addition, although the other acts taken into consideration had not led to the lodging of harassment complaints – in many cases this may be explained by the inherent risks of making an accusation against a supervisor – this did not pose a legal obstacle to their being taken into account. All that mattered here was that these acts had actually occurred, irrespective of the action which might have been taken on them at an earlier stage. The fact that they did not lead to the lodging of a complaint does not make them any less relevant as evidence corroborating the allegations of Ms M. (see, in respect of this latter point, Judgment 2521, under 10, *in fine*). The reprehensible conduct of an international civil servant may well give rise to a disciplinary measure taken by the employing organisation on its own initiative, regardless of whether one of his or her colleagues files a complaint. Item 11.3 of the Human Resources Manual, on disciplinary procedure, expressly provides for such a step, and in this connection the defendant organisation rightly points out that item 18.2, paragraph 5(d), of the Manual makes the management of UNESCO responsible for "resolving all instances of harassment as soon as it becomes aware of them, even if there are no formal complaints". Since, in the instant case, acts of harassment concerning persons other than Ms M. had been expressly mentioned in the memorandum of the Director of the Bureau of Human Resources

Management of 3 November 2011 notifying the complainant of the charges against him, in this respect the procedure followed bears no criticism.

16. Secondly, the complainant maintains that the impugned decision, and indeed the Appeals Board's opinion, are based solely on the findings of the investigation, which were not reconsidered or supplemented by efforts to gather new evidence in the course of the subsequent proceedings. However, while an international organization cannot rely only on an internal investigative report in taking disciplinary measure against a staff member, such a report may nevertheless serve as a basis for initiating disciplinary proceedings if the indications of misconduct that it contains justify that course (see, for example, Judgment 2365, under 5(e)). When an organisation initiates proceedings in the light of such a report, it is not obliged to repeat all the investigations recorded in the report, but must simply ensure that the person concerned is given the opportunity to reply to the findings it contains so as to respect the rights of defence (see Judgment 2773, under 9). This was certainly the case here, since the complainant was invited in the aforementioned memorandum of 3 November 2011 to respond to the charges brought against him on the basis of the investigation report and he did in fact avail himself of this opportunity by presenting rebuttal comments on 18 November.

17. Thirdly, the complainant contends with greater cogency that he was never provided with the full content of the witness statements forming the basis of the accusations against him, nor was he informed of the witnesses' names. It is true that the witness statements were not appended to the report drawn up at the end of the investigation and, as mentioned in a footnote in that document, the identity of the witnesses was deliberately not disclosed. By a letter sent to the Director-General on 11 August 2014, in other words during the proceedings before the Tribunal, the complainant again asked, without success, to be sent "the validated transcriptions or minutes of the interviews carried out during the investigation and any incriminating or exculpatory written testimony received by UNESCO since the opening of the internal investigation concerning [him]". This request also concerned an exchange

of e-mails related to one of the prior incidents involving the complainant, which was attached to the Ethics Adviser's above-mentioned memorandum of 19 July 2011 and to which the complainant has constantly requested access.

18. The Organization justifies this deliberate withholding of documents and information by the application of the provisions of item 18.3 of the Human Resources Manual on whistleblower protection policy and of the aforementioned item 18.2. Item 18.3, which introduces a mechanism to protect whistleblowers against possible retaliation, extends this protection under paragraph 6 to "any person having a direct contractual link with UNESCO, who, in good faith […] cooperates with, or participates in, a duly authorized audit, investigation or inquiry, or any other administrative process", thus covering witnesses who are heard during an internal investigation. Item 18.2, paragraph 52, states that "[t]he harassment complaint procedure, including written and oral communications related to it, shall be strictly confidential at all stages. […] Breach of confidentiality shall not be tolerated and shall be sanctioned severely. All information and documentation concerning the complaint will be treated as strictly confidential and kept by the Ethics Adviser and [the Bureau of Human Resources Management] without prejudice to the due process right of the parties in disciplinary proceedings".

19. The Tribunal notes that these provisions conflict in part with those of item 11.3, paragraph 5, of the Human Resources Manual, on which the complainant relies, which provide that "[t]he investigation report shall contain all relevant facts, as well as documents and testimonies of witnesses". Nor do they appear to be fully compatible with those of item 18.2, paragraph 41, which are also cited by the complainant and which state that "the written confidential report [on the investigation] […] will include […] signed testimony of the parties". Furthermore, this strict observance of confidentiality by UNESCO might be seen as departing from the Tribunal's established case law according to which "a staff member must, as a general rule, have access to all evidence on which the authority bases (or intends to base) its decision against him" and, "under normal circumstances, such evidence cannot be withheld [by

this authority] on the grounds of confidentiality" (see Judgment 2229, under 3(b)), to which Judgment 3295, under 13, refers).

20. However, as is expressly indicated by the use of the terms "as a general rule" and "under normal circumstances" in the above excerpts of judgments, the case law in question does allow some exceptions to the principle which it establishes. The Tribunal considers it both necessary and possible to achieve a reasonable balance between the various provisions mentioned in considerations 18 and 19 above and, more fundamentally, between the contradictory requirements underpinning them, as suggested by item 18.2, paragraph 52, according to which the strictly confidential nature of information and documentation pertaining to the investigation of a harassment complaint must be safeguarded "without prejudice to the due process right of the parties in disciplinary proceedings". This balance consists in considering that, where disciplinary proceedings are brought against an official who has been accused of harassment, testimonies and other materials which are deemed to be confidential pursuant to provisions aimed at protecting third parties need not be forwarded to the accused official, but she or he must nevertheless be informed of the content of these documents in order to have all the information which she or he needs to defend herself or himself fully in these proceedings. As the Tribunal has already had occasion to state, in order to respect the rights of defence, it is sufficient for the official to have been informed precisely of the allegations made against her or him and of the content of testimony taken in the course of the investigation, in order that she or he may effectively challenge the probative value thereof (see Judgment 2771, under 18).

21. In the instant case, the investigation report contained an extremely detailed description of all the instances of unwelcome behaviour by the complainant towards the 21 women identified as victims of his conduct, and their names were given in almost all cases. The complainant was therefore plainly apprised of the content of all the testimony taken during the investigation and of the e-mails which he had not been allowed to see. Furthermore, although, as stated above, the identity of the witnesses was not revealed to him, it is obvious that most of the

information recorded in the report could only have come from the 21 persons concerned themselves. The complainant was therefore given a real opportunity to dispute the various items of evidence gathered in the course of proceedings against him. Moreover, it is clear from the above-mentioned comments which he submitted to the Organization on 18 November 2011 to rebut the charges of which he had been notified, that he had in fact been able to prepare them without any particular difficulty. Indeed, he himself described these comments as "clarifications and objections to the accusations of sexual harassment against [him], based on the whole file, and in particular on the IOS investigation report".

22. The Tribunal notes that, in his above-mentioned letter of 11 August 2014, the complainant had asked to be sent the transcriptions or minutes of his two interviews with the IOS investigator. Although UNESCO did eventually forward the audio recording of these two interviews to the complainant, it is regrettable that the disclosure of this material, which was in no way prevented by the requirement of confidentiality discussed above, did not occur until 9 December 2014, by which time it could hardly serve any purpose, especially with regard to the proceedings before the Tribunal. Nevertheless, since the complainant could not, by definition, have been unaware of the content of this material, this flaw had no material impact on the complainant's rights.

23. Fourthly, the complainant submits that, during both the IOS investigation and the subsequent disciplinary proceedings, he was the victim of bias and discrimination, in breach of the principle of the presumption of innocence. There is no evidence in the file to substantiate this criticism. On the contrary, as already noted under 10, above, the investigation report displays rigorous objectivity and the plea that its author was biased is therefore misplaced. Most of the complainant's remaining contentions consist of comments to the effect that none of his numerous denials of the allegations made against him led the Organization to doubt their veracity. However, the fact that these denials were not deemed convincing does not in any way imply that they were not duly taken into consideration, and the existence of the alleged bias

or discrimination obviously cannot be established by simply observing that these denials were of no avail.

24. In addition to challenging the lawfulness of the procedure followed, the complainant submits that the disciplinary measure applied to him was unjustified as it was based on unestablished facts. However, in view of the documentation in the file and the content of the numerous concurring witness statements recorded in the investigation report, the Tribunal considers that it cannot seriously be disputed that the various instances of unwelcome behaviour by the complainant towards women who had to work with him at the Organization actually occurred. This applies not only to the ambiguous physical contacts and inappropriate remarks to which, as has already been stated, at least 21 women were subjected, but also, in the most serious cases, to the sexual gestures and attempts to molest five of them, which together form the basis of the disciplinary measure adopted on 16 December 2011.

25. The Tribunal is unconvinced by the complainant's repeated assertions that the allegations of many of the persons who complained about his behaviour were only "individual viewpoints" or stemmed from simple "misunderstandings". Some of the complainant's contentions in this respect are nothing short of astonishing. This applies, for example, to his disputing of the probative value of the memorandums of 20 December 2002 and 10 October 2009, which appear in the file, in which various colleagues thanked their supervisors for having instructed the complainant to stop importuning them with inappropriate gestures and remarks. To submit, as the complainant does in his rejoinder, that these documents are "merely statements expressing thanks [which] cannot corroborate any allegation of harassment" betokens patent bad faith. In addition, other submissions by the complainant, such as the statement that he had tried to heed the warnings he had received at the time of these incidents, or the reference in his pleadings to the statement in the investigation report that "it was commonly expressed that Mr P. stops when told to do so", cannot really be regarded as anything other than partial confessions. Indeed, it is hard to see what the purpose of such warnings or requests to "stop" could be if not to invite the complaint to refrain

from inappropriate behaviour, the occurrence of which is thus indirectly confirmed.

26. Although the complainant tries to suggest that the accusations against him were made at the instigation of his former Director of Division, Ms S., who had "woven a plot" and "machinated from start to finish" against him out of personal animosity, this submission is utterly devoid of credibility. Not only is it hard to imagine that officials would agree, on instruction, to make such serious allegations, which would have been deliberate falsehoods, but the behaviour in question had already given rise to incidents long before any conflict between the complainant and this Director, since they go back to 2001. Moreover, the investigation report shows that, with regard to the five identified cases of sexual gestures or attempts at molestation, the actions in question were spread over a ten-year period and that the persons concerned, most of whom did not know one another, harboured no other grievance against the complainant, which makes it inconceivable that they could have conspired for the sole purpose of harming him. The only document produced by the complainant in support of his contention, namely a statement from Ms R., a former Assistant Director-General, is manifestly insufficient in this respect, especially as its author says that she "was aware of […] his reputation" and that, when the above-mentioned incidents had occurred, she herself had had to call him into her office to inform him that she would not "tolerate any misbehaviour" from him.

27. In the result, the Tribunal considers that the acts of which the complainant was accused are established by sufficiently strong evidence that, in accordance with the requirements of the case law on the subject, it has been proved "beyond reasonable doubt" that they actually took place (see Judgment 2786, under 9, and the reference to this requirement made in Judgment 969, under 16).

28. Lastly, the complainant submits that the disciplinary measure applied to him is "excessively harsh" having regard to the seriousness of the acts in question.

29. The disciplinary authority within an international organisation has a discretion to choose the disciplinary measure imposed on an official for misconduct. However, its decision must always respect the principle of proportionality which applies in this area.

30. In the present case, the Tribunal considers that the acts of sexual harassment of which the complainant was accused are undeniably serious on account of their nature and their repetition. Moreover, it is clear from the evidence in the file that their gravity is exacerbated by two particular circumstances which must be emphasised here. First, it appears from the investigation report, inter alia, that many of the persons subjected by the complainant to the unwelcome behaviour in question were young women who did not hold a permanent appointment and who were therefore in a precarious situation which made it difficult for them to protest, let alone report it, especially as the complainant often had the power to influence the progress of their career. Secondly, it is plain from the file that, as from 2002, after protests from several of his colleagues, the complainant had received various warnings about the inappropriate nature of his conduct. Thus, even assuming that the complainant had not instinctively realised it, he could not thereafter have been unaware that his behaviour towards the women who had to work alongside him was perceived by them to be improper, offensive and extremely unpleasant. This did not, however, prevent him from repeating his reprehensible conduct on many occasions, since further incidents occurred in 2005, 2009, 2010 and 2011.

31. Having regard to these various considerations, and even though the complainant's record of service with the Organization was otherwise excellent, the Tribunal finds that, in this case, the Director-General did not adopt a disproportionate disciplinary measure when she decided on the complainant's summary dismissal for serious misconduct.

32. It may be concluded from the above that the impugned decision is not unlawful in any way and that the complaint must therefore be dismissed in its entirety.

DECISION

For the above reasons,

The complaint is dismissed.

In witness of this judgment, adopted on 4 May 2016, Mr Claude Rouiller, President of the Tribunal, Mr Giuseppe Barbagallo, Vice-President, Ms Dolores M. Hansen, Judge, Mr Patrick Frydman, Judge, Mr Michael F. Moore, Judge, Sir Hugh A. Rawlins, Judge, and Ms Fatoumata Diakité, Judge, sign below, as do I, Dražen Petrović, Registrar.

Delivered in public in Geneva on 6 July 2016.

(Signed)

CLAUDE ROUILLER GIUSEPPE BARBAGALLO DOLORES M. HANSEN

PATRICK FRYDMAN MICHAEL F. MOORE

HUGH A. RAWLINS FATOUMATA DIAKITÉ

DRAŽEN PETROVIĆ