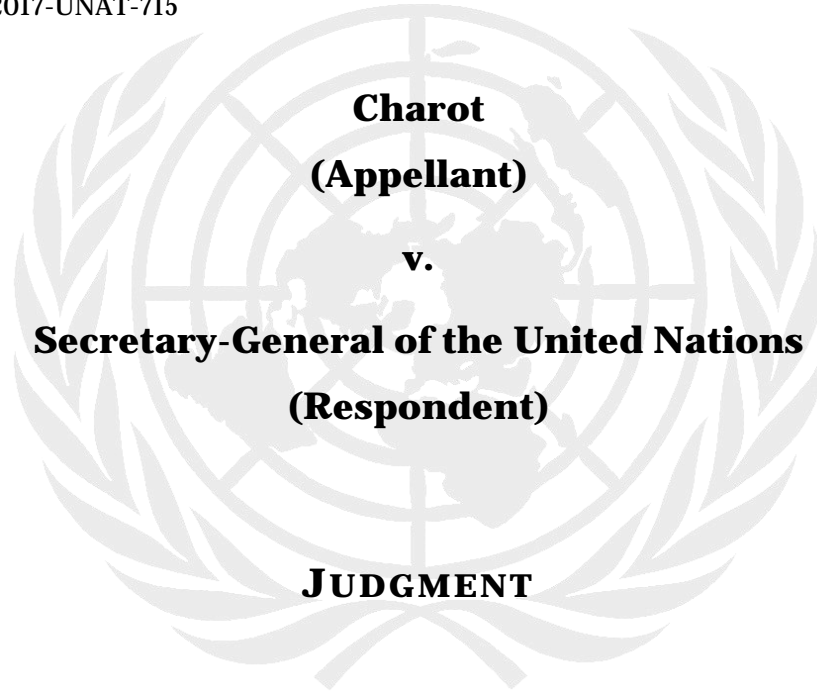




**UNITED NATIONS APPEALS TRIBUNAL
TRIBUNAL D'APPEL DES NATIONS UNIES**

Judgment No. 2017-UNAT-715



**Charot
(Appellant)**

v.

**Secretary-General of the United Nations
(Respondent)**

JUDGMENT

Before:	Judge Rosalyn Chapman, Presiding Judge Dimitrios Raikos Judge Sabine Knierim
Case No.:	2016-950
Date:	31 March 2017
Registrar:	Weicheng Lin

Counsel for Ms. Charot:	Maria Teresa Cirelli
Counsel for Secretary-General:	Stéphanie Cartier

JUDGE ROSALYN CHAPMAN, PRESIDING.

1. The United Nations Appeals Tribunal (Appeals Tribunal) has before it an appeal of Judgment No. UNDT/2016/060, issued by the United Nations Dispute Tribunal (UNDT or Dispute Tribunal) in Geneva on 13 May 2016, in the case of *Charot v. Secretary-General of the United Nations*. Ms. Cécile Charot filed her appeal on 11 July 2016, and on 13 September 2016, the Secretary-General filed his answer.

Facts and Procedure

2. Ms. Charot is a former staff member of the Organization, who was separated from service due to poor performance on 3 July 2015.

3. On 15 March 2009, Ms. Charot began service with the United Nations Population Fund (UNFPA) as a Gender Based Violence (GBV) Policy Adviser in the Democratic Republic of the Congo, based in Kinshasa, on a fixed-term contract of one year. Her contract was renewed yearly. In November 2011, she was appointed as Program Coordinator at the P-5 level, based in Goma.

4. On 12 August 2013, Ms. Charot was appointed as Coordinator for the GBV Area of Responsibility (AofR) at the P-5 level at UNFPA's Liaison Office in Geneva.

5. On 27 June 2014, Ms. Charot's 2013 Performance Appraisal and Development Report (PAD) was finalized by her former supervisor in Goma, with contributions by her current supervisor in Geneva. The 2013 PAD reflected the following ratings: work plan outputs – "partially achieved outputs"; core competencies – "fully proficient"; functional competencies – "fully proficient"; and development outputs – "partially achieved outputs".

6. On 18 September 2014, Ms. Charot was reassigned to work as GBV Adviser, with new terms of reference and deliverables or outputs. She participated in defining the new terms of reference and outputs.

7. On 27 February 2015, Ms. Charot's 2014 PAD was finalized by Ms. Charot and her supervisor. The 2014 PAD reflected the following ratings: work plan outputs – "partially achieved outputs"; core competencies – "developing proficiency"; functional competencies – "developing proficiency"; and development outputs – "partially achieved outputs".

8. On 4 March 2015, UNFPA's Director, Division of Human Resources, notified Ms. Charot by letter that her fixed-term "appointment will not be renewed ... because of documented performance reasons", but would be extended to 30 April 2015 to give her at least 30 days notice.

9. On 27 March 2015, Ms. Charot submitted a rebuttal to her 2014 PAD, which was submitted to the Rebuttal Panel. Ms. Charot's appointment was extended while the Rebuttal Panel prepared its report.

10. On 1 May 2015, Ms. Charot filed a request for management evaluation of the decision not to renew her fixed-term appointment. In response, the Executive Director of UNFPA sent a letter on 22 May 2015, advising Ms. Charot that the decision depended on the outcome of the Rebuttal Panel's report.

11. On 25 June 2015, the Rebuttal Panel issued its report regarding the 2014 PAD, retaining the ratings of "partially achieved" for the Work Plan Outputs and the Development Outputs and "developing proficiency" for the Core Competencies and the Functional Competencies. The Rebuttal Panel retained the foregoing overall ratings "based on the panel's finding that, while some activities were undertaken by [Ms. Charot], most indicators were not met to the extent required in accordance with the requirements of the post and the strategic direction of the organization". Further, the Rebuttal Panel found that "the documents submitted by [Ms. Charot] did not support her rebuttal case".

12. On 1 July 2015, UNFPA's Director, Division of Human Resources, notified Ms. Charot by letter that her contract would not be extended beyond 3 July 2015.

13. On 24/25 August 2015, Ms. Charot filed an application with the UNDT challenging the "non-renewal of appointment". On 25 September 2015, the Secretary-General filed his reply to the application.

14. On 8 September 2015, Ms. Charot submitted a complaint to UNFPA's Office of Audit Investigations Services (OAIS) alleging harassment and abuse of authority against several persons in the Geneva Liaison office, including her former supervisor.

15. On 9 December 2015, the UNDT issued Order No. 250 (GVA/2015) on Case Management, which *inter alia* denied Ms. Charot's request for confidentiality.

16. On 27 January 2016, OAS made a preliminary assessment to close Ms. Charot's complaint and proceed no further.

17. On 13 May 2016, the UNDT issued Judgment No. UNDT/2016/060 denying Ms. Charot's application challenging the non-renewal of her fixed-term appointment. The UNDT found that Ms. Charot had no legitimate expectation that her contract would be renewed beyond the date of its expiration. It further held that, in accordance with the applicable rules at UNFPA, proper procedures were followed to evaluate her performance for the year 2014, and to give her notice of the non-renewal of her appointment. Moreover, the Dispute Tribunal considered that there was no evidence supporting the allegation that the contested decision was motivated by ulterior considerations.

18. On 11 July 2016, Ms. Charot filed an appeal of the impugned Judgment, and on 13 September 2016, the Secretary-General filed his answer.

Submissions

Ms. Charot's Appeal

19. The Appellant contends that the UNDT failed to fully exercise its jurisdiction and failed to properly interpret case law. More specifically, the Appellant asserts that the UNDT erroneously applied *Said*¹ to conclude that she had no legitimate expectation of contract renewal due to the ratings in her performance evaluation.

20. Rather, the Appellant argues, the Appeals Tribunal should determine from the circumstances of the case whether she had a legitimate expectation that her contract would be renewed, especially in light of the fact that she was never warned that her employment was at risk (even when she was reassigned in September 2014).

21. The Appellant also contends that the UNDT erred on questions of law when it found that Administrative Instruction ST/AI/2010/5 (Performance Management and Development System) did not apply to UNFPA. This ruling creates a "disparity of treatment among UN staff", which is not acceptable under international principles of equality. Applying the Administrative Instruction to Ms. Charot's circumstances would have required the Administration to adopt remedial measures, such as the adoption of an improvement plan,

¹ *Said v. Secretary-General of the United Nations*, Judgment No. 2015-UNAT-500.

which would have afforded her an opportunity to improve. Ms. Charot “was led to believe that the provisions of ST/AI/2010/5 were in fact applicable to her case”.

22. Moreover, UNFPA’s policies pertaining to the rebuttal process “are not in line with the adversarial principle, as they do not foresee any transparent adversarial process. ... There was in fact no genuine exchange of views between the parties and the rebuttal panel” Thus, the rebuttal procedures were flawed.

23. Further, it was procedurally incorrect for the Administration to respond to Ms. Charot’s request for management evaluation with a referral to the rebuttal process. Thus, the management evaluation process was flawed, which vitiates the whole process.

24. The Appellant also claims that it was a procedural error for the UNDT to disregard the importance of her harassment complaint, and to refuse to consider whether OAIS dealt with the complaint dismissively. “Even though [the] UNDT was not in a position to rule on the adequacy of the process carried out by OAIS, it should not have intentionally ignored it”

25. The Appellant further claims there were numerous errors on questions of fact. Without saying it, the implication is that these errors led to a manifestly unreasonable judgment. Noting that although “the 2013 PAD is not directly contested before the UNDT”, the Appellant lists at least six erroneous determinations of fact which pertain to the 2013 and 2014 PADs, including her claim that there is a striking discrepancy between the 2013 and 2014 PADs and the earlier PADs which should have been considered in determining the lawfulness of the non-renewal decision.

26. The Appellant claims that the UNDT’s ruling denying her request for confidentiality has resulted in damage to her professional reputation.

27. The Appellant seeks to reverse the Dispute Tribunal Judgment, to rescind the decision not to renew her appointment, “reinstatement within UNFPA or in any other position within the UN system as may be appropriate for her qualifications and experience”, compensation for salaries and allowances due from separation until reinstatement, moral damages for prejudicial conduct, and Euros 10,000 for legal fees and costs.

The Secretary-General's Answer

28. The Dispute Tribunal correctly concluded that the decision not to renew Ms. Charot's appointment was "taken in accordance with the applicable legal framework".² A fixed-term appointment does not carry any expectation of renewal. Apart from that, Section 5.8 of UNFPA's Policies and Procedures Manual, Separation from Service (Separation Policy), dated 1 January 2014, provides that a reason for non-renewal should be given at the time of notice, at least 30 days prior to the expiration of the fixed-term appointment. Additionally, Section 5.13 of the Separation Policy requires that when the non-renewal of a fixed-term appointment is based on unsatisfactory performance, departures from the required standards of performance should be reflected in the PAD.

29. The UNDT correctly found that the facts supported UNFPA's conclusion that the Appellant's performance was substandard, as reflected in the 2014 PAD and the Rebuttal Panel's report. Whether the Appellant had performed competently prior to 2013 is irrelevant.

30. The UNDT also correctly found that the Administration had no legal obligation to take remedial measures prior to deciding not to renew Ms. Charot's appointment. The Separation Policy does not mandate that the Administration afford UNFPA staff an opportunity to improve performance. And ST/AI/2010/5 does not apply to UNFPA, as the UNDT correctly determined. ST/AI/2010/5 has not been adopted by UNFPA, which is a separately administered subsidiary agency. The fact that staff in UNFPA are not covered by the same administrative issuances as Organization staff does not violate equality of treatment as there is no unlawful reason for treating them differently. Staff members have an obligation to know the laws that affect them. Thus, there is no merit to Ms. Charot's claim that she thought ST/AI/2010/5 applied to her.

31. Nevertheless, the Administration gave Ms. Charot notice, as of 27 June 2014 when her 2013 PAD was finalized, that there were shortcomings in her performance, reassigned her and gave her new terms of reference and deliverables as of 18 September 2014, and set up weekly meetings between her and her supervisors to afford support in her new role. Such measures to improve Ms. Charot's performance were unsuccessful.

² Emphasis omitted.

32. The UNDT correctly concluded that Ms. Charot had not shown that the decision not to renew her appointment was motivated by ulterior considerations; Ms. Charot did not present any credible evidence showing bias or other improper factors influenced the decision. Rather, the decision was based solely on Ms. Charot's poor performance. In this regard, the UNDT correctly found that the OAIS complaint was not directly at issue.

33. The UNDT correctly found that Ms. Charot could not have had any legitimate or reasonable expectation that her appointment would be renewed, based on the 2013 and 2014 PADs. Further, Ms. Charot produced no evidence that the Administration had made an express written promise to her to renew her appointment. Some positive comments in PADs or form letters of appreciation do not automatically give rise to an expectation of renewal.

34. On appeal, Ms. Charot merely repeats arguments that she raised before the UNDT – without explaining any statutory basis for appeal – and attempts to raise matters that she has not exhausted before the Management Evaluation Unit (MEU). None of these matters should be considered by the Appeals Tribunal.

35. The Appellant's complaint that the UNDT should not have refused to grant her request for confidentiality is without legal basis or explanation as to how the UNDT's ruling is erroneous under the law. Rather, the Appellant's complaint focuses solely on damage to her professional reputation.

36. Lastly, the Appellant's attempt to introduce new evidence on appeal should be rejected. The Appellant does not provide any justification for the late submission of any evidence nor show exceptional circumstances warranting the admission of annexes 2-4 attached to her appeal. Accordingly, the Appellant's request should be denied. If it is granted, the Secretary-General "requests to be given an opportunity to respond to any such additional evidence".

Considerations

Preliminary Matters

(i) Confidentiality

37. In Order No. 250 on Case Management (GVA/2015), the UNDT denied Ms. Charot's request for confidentiality, stating that:

... the [Dispute] Tribunal is not persuaded that [Ms. Charot] "displays a greater need than any litigant for confidentiality".... [She] does not demonstrate that her case is of such a nature as to overcome the guiding principle of transparency in judicial proceedings and public rulings before this [Dispute] Tribunal. ...

38. The Appellant asserts that the Dispute Tribunal failed to make any analysis of the level of sensitivity of her case, resulting in severe damage to her professional reputation. We disagree. Ms. Charot's case does not involve a level of sensitivity requiring confidentiality. As we have noted,³

[s]taff members challenge many types of employment-related decisions before the internal justice system. Some of these decisions pertain to personal matters, such as disability or illness, and others pertain to the staff member's performance - and even to claims of serious misconduct. If confidentiality attached to the staff member's identity in each case, there would be no transparency regarding the operations of the Organization, which would be contrary to one of the General Assembly's purposes and goals for the internal justice system.

Thus, we determine that the Dispute Tribunal did not err in law or fact in denying Ms. Charot's request for confidentiality.

(ii) Additional Documentary Evidence

39. Without filing a motion to augment the record on appeal, Ms. Charot has attached to her appeals brief three one-page annexes (annexes 2 through 4), which were not part of the record before the Dispute Tribunal. These three annexes are described by her as "testimonials". The Secretary-General objects to the admission of these documents, arguing

³ *Pirnea v. Secretary-General of the United Nations*, Judgment No. 2014-UNAT-456, para. 20; see also *Abu Jarbou v. Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, Judgment No. 2013-UNAT-292.

that the Appellant has not provided any justification for their late submission nor shown exceptional circumstances warranting their admission.

40. Article 2(5) of the Appeals Tribunal Statute provides that the Appeals Tribunal may receive additional evidence “[i]n exceptional circumstances, and where the Appeals Tribunal determines that the facts are likely to be established with documentary evidence, ... if that is in the interest of justice and the efficient and expeditious resolution of the proceedings”.

41. Generally, the documents Ms. Charot attempts to admit into evidence are akin to letters of recommendation from persons with whom she had business dealings in her former position with UNFPA. They are not documents related to her 2013 PAD or 2014 PAD or documents that would assist this Tribunal in reaching “the efficient and expeditious resolution” of the appeal. Nor can it be said that “exceptional circumstances” exist to receive these documents or that their admission into evidence is required in “the interest of justice”. Thus, annexes 2 through 4 attached to Ms. Charot’s appeals brief are stricken from the record and will not be considered on appeal.

Did the UNDT err in concluding the non-renewal decision was lawful?

42. “It is an axiom that the appellant has the burden on appeal to establish that the UNDT judgment is defective within the meaning of Article 2(1) of the Appeals Tribunal Statute.”⁴ This means that:⁵

[w]hen the Appeals Tribunal hears an appeal, it does not simply re-try the case. ... It follows that the appellant must identify the alleged defects in the judgment and state the grounds relied upon in asserting that the judgment is defective. It is not sufficient for an appellant to state that he or she disagrees with the outcome of the case or repeat the arguments submitted before the Dispute Tribunal.

43. As she did regarding the issue of confidentiality, Ms. Charot merely gives passing reference to the Appeals Tribunal Statute’s grounds for appeal and offers no legal authority to support her claims. Throughout her appeals brief, Ms. Charot reargues the claims she presented to the UNDT, which dismissed them for lack of merit. On this basis alone, the Appeals Tribunal may dismiss the appeal.

⁴ *Aliko v. Secretary-General of the United Nations*, Judgment No. 2015-UNAT-540, para. 28.

⁵ *Ilic v. Secretary-General of the United Nations*, Judgment No. 2010-UNAT-051, para. 29.

44. The issue before the Dispute Tribunal was the lawfulness of “the decision of 3 March 2015 not to renew [Ms. Charot’s] fixed-term appointment”.⁶ The Appeals Tribunal agrees with this characterization of the issue by the Dispute Tribunal.⁷ Accordingly, we will not consider on appeal Ms. Charot’s complaints against the MEU or OAIS, which were not raised before the UNDT.

45. Initially, the Appellant argues that the UNDT erred in holding that she did not have a reasonable or legitimate expectation that her appointment would be renewed. That is not so. It is “well-established jurisprudence that a fixed-term appointment has no expectation of renewal ...”.⁸

46. Nevertheless, we have held that when the Administration “has made an express promise” in writing⁹ or “a firm commitment to renewal revealed by the circumstances of the case”,¹⁰ the staff member may be able to show a reasonable or legitimate expectation of renewal. However, the Appellant’s reliance on performance appraisals that pre-date 2013 and a form letter of appreciation – or the fact that she did not get “unsatisfactory” (the lowest) ratings – is misplaced. These documents do not show a commitment by the Administration to renew her appointment.

47. Rather, as we clearly stated in *Said*, “a staff member whose performance was rated as ‘partially meeting performance expectations’ ha[s] no legitimate expectancy of renewal of his [or her] contract”.¹¹ Thus, the UNDT did not err in law or fact when it held that Ms. Charot did not have a reasonable or legitimate expectation of renewal of her contract. Ms. Charot’s attempts to distinguish *Said* are unavailing.

⁶ Impugned Judgment, para. 25.

⁷ *Chaaban v. Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, Judgment No. 2016-UNAT-611; *Gakumba v. Secretary-General of the United Nations*, Judgment No. 2015-UNAT-591.

⁸ *Badawi v. Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, Judgment No. 2012-UNAT-261, para. 33, citing *Ahmed v. Secretary-General of the United Nations*, Judgment No. 2011-UNAT-153.

⁹ *Igbinedion v. Secretary-General of the United Nations*, Judgment No. 2014-UNAT-411, para. 26.

¹⁰ *Munir v. Secretary-General of the United Nations*, Judgment No. 2015-UNAT-522, para. 24.

¹¹ *Said v. Secretary-General of the United Nations*, Judgment No. 2015-UNAT-500, para. 41 (and cases cited therein),

48. Second, the Appellant contends that the UNDT erred when it found that ST/AI/2010/5 did not apply and that the Administration was not required to give her an opportunity to improve her poor performance before deciding not to renew her contract. We find the Dispute Tribunal did not make an error of law in reaching this conclusion.

49. The Appeals Tribunal stated the obvious in 2015: “UNFPA is a separately administered fund of the United Nations.”¹² We then noted that, as a separately administered fund, administrative issuances do not apply to UNFPA “unless their applicability is expressly provided for in the administrative issuance or expressly accepted by UNFPA ...”.¹³ We further noted that UNFPA has its own Separation Policy.¹⁴

50. These conclusions continued to be true in 2016, and Ms. Charot has cited no contrary legal authority. Thus, the UNDT correctly held that ST/AI/2010/5 did not apply to UNFPA’s decision not to renew Ms. Charot’s appointment, as UNFPA had not accepted that administrative instruction. And the UNDT also correctly held that under UNFPA’s Separation Policy, there is no provision for an improvement plan; thus, UNFPA had “no legal obligation to afford [Ms. Charot] an opportunity to improve over the course of another appointment or to otherwise take remedial measures before deciding not to renew [her] contract due to poor performance”.¹⁵

51. The Appellant argues that the Organization’s policy allowing separately funded agencies, such as UNFPA, to have their own policies on performance and separation, for example, creates a “disparity of treatment among UN staff” that is not acceptable under international principles of equality. Once again, Ms. Charot cites no legal authority for her claim. And more importantly, principles of equality are not affected by reasonable differences in agencies’ policies. One expects staff members to know what policies, rules and regulations apply to them.¹⁶

¹² *Weerasooriya v. Secretary-General of the United Nations*, Judgment No. 2015-UNAT-571, para. 19.

¹³ *Ibid.*, para. 20; see also *Mashour v. Secretary-General of the United Nations*, Judgment No. 2014-UNAT-483.

¹⁴ *Weerasooriya v. Secretary-General of the United Nations*, Judgment No. 2015-UNAT-571.

¹⁵ Impugned Judgment, para. 50.

¹⁶ *Servas v. Secretary-General of the United Nations*, Judgment No. 2013-UNAT-349, para. 22, citing *Jennings v. Secretary-General of the United Nations*, Judgment No. 2011-UNAT-184, para. 26 and *Diagne et al. v. Secretary-General of the United Nations*, Judgment No. 2010-UNAT-067, para. 22.

52. Moreover, Ms. Charot does not contend that the Administration failed to comply with the provisions of the Separation Policy regarding separation for poor performance. Rather, she acknowledges that, under the Separation Policy, the Dispute Tribunal was “bound to examine the legality of the contested decision in light of th[e] 2014] performance appraisal”.¹⁷

53. Although a staff member may challenge a performance evaluation on the grounds it was procedurally defective or subject to bias or other improper motivations,¹⁸ the Dispute Tribunal found that Ms. Charot had shown neither a procedural irregularity nor improper motives. Among other things, the Dispute Tribunal held that there was “no material irregularity in the procedure followed” in the 2014 PAD that had any “significant impact on the [Appellant’s] appraisal”.¹⁹ Additionally, the Dispute Tribunal found that there was no credible evidence that the non-renewal decision was motivated by bias or “ulterior considerations”, noting that the Appellant’s supervisors may have on occasion “expressed their dissatisfaction with her work output and overall performance” but those “comments were legitimate and justified ... and are fully within the ambit of a supervisor’s role”.²⁰

54. Accordingly, the Dispute Tribunal found that the Appellant’s performance was a “departure from the required standards of performance [and] was fully and properly documented in her 2014 PAD ...”.²¹ As to the 2014 PAD, the UNDT found that the Appellant’s performance:²²

was rated by her former supervisor as ‘partially achieved’ in respect of her work plan and development outputs, and as ‘developing proficiency’ in respect of core and functional competencies. The ratings provided to [Ms. Charot] are substantiated by detailed comments provided by her supervisor, which identified several shortcomings in the delivery of outputs and in her level of competence.

¹⁷ Impugned Judgment, para. 43.

¹⁸ *Said v. Secretary-General of the United Nations*, Judgment No. 2015-UNAT-500, para. 34 citing *Ahmed v. Secretary-General of the United Nations*, Judgment No. 2011-UNAT-153 and *Obdeijn v. Secretary-General of the United Nations*, Judgment No. 2012-UNAT-201.

¹⁹ Impugned Judgment, para. 42.

²⁰ *Ibid.*, paras. 53-56.

²¹ *Ibid.*, para. 44.

²² *Ibid.*, para. 37.

55. Such ratings support the conclusion that Ms. Charot's performance was poor.²³ As such, the UNDT found that grounds existed for the Administration to not renew the Appellant's appointment.²⁴

56. Additionally, the UNDT found, as reflected in the Rebuttal Panel's report, that the Appellant's performance was poor or substandard based on interviews with and comments by supervisors and others who were interviewed (including those interviewed at Ms. Charot's request). Nevertheless, Ms. Charot challenges the Rebuttal Panel, as she did before the UNDT.

57. The UNFPA Policies and Procedures Manual: Human Resources - Rebuttal and Related Remedies Regarding Performance Appraisal and Development (PAD), sections 4.2 through 4.4 requires that the Rebuttal Panel be composed of eight members who are UNFPA staff members or retired staff members, chosen jointly by the Director, Division for Human Resources, and the Chair of the Staff Council for UNDP/UNFPA/UNOPS, and who represent a cross-section of the staff in terms of grade, gender and substantive assignment, "and who have demonstrated fairness, impartiality and integrity in the past" (Section 4.3).

58. The Appellant does not contest the membership of the Rebuttal Panel or how it acted in reviewing her 2014 PAD. Rather, she baldly asserts that UNFPA's policies pertaining to the rebuttal process are flawed and "are not in line with the adversarial principle, as they do not foresee any transparent adversarial process ...". Once again, the Appellant cites no legal authority to support her claim that the Rebuttal Panel should be "adversarial". Thus, there is no merit to the Appellant's challenge to the Rebuttal Panel and we find that the UNDT properly relied on the Rebuttal Panel's report to support the Administration's determination that the Appellant's performance was poor or substandard.

59. None of Ms. Charot's other claims has merit or would affect the outcome of the appeal. Thus, the Appeals Tribunal need not address those claims.²⁵

²³ *Assale v. Secretary-General of the United Nations*, Judgment No. 2015-UNAT-534, para. 30.

²⁴ Impugned Judgment, paras. 44-46.

²⁵ *Badawi v. Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, Judgment No. 2012-UNAT-261, para. 38; *Abdullah v. Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, Judgment No. 2016-UNAT-623, para. 24, citing *Mizyed v. Secretary-General of the United Nations*, Judgment No. 2015-UNAT-550, para. 35 (and citations therein).

Judgment

60. The appeal is denied; Judgment No. UNDT/2016/060 is affirmed.

Original and Authoritative Version: English

Dated this 31st day of March 2017 in Nairobi, Kenya.

(Signed)

Judge Chapman, Presiding

(Signed)

Judge Raikos

(Signed)

Judge Knierim

Entered in the Register on this 26th day of May 2017 in New York, United States.

(Signed)

Weicheng Lin, Registrar