Before: Judge Eleanor Donaldson-Honeywell

Registry: Nairobi

Registrar: Abena Kwakye-Berko

NIMUSIIMA

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

JUDGMENT

Counsel for the Applicant:
Charles Nsubuga
Pearl Maria Bekunda

Counsel for the Respondent:
Rebecca Britnell, UNHCR
Francisco Navarro, UNHCR

Introduction and procedural history

1. By an application dated 18 January 2022, the Applicant is contesting the disciplinary measure imposed on her of dismissal from service pursuant to staff rule 10.2(a)(ix).

2. The Respondent filed a reply on 2 March 2022 urging the Tribunal to find that the disciplinary measure is proportionate to the gravity of the misconduct, due process was respected and accordingly, the contested decision should stand.

3. The Tribunal held a case management discussion on 26 September 2022 and hearings on the merits on 31 October, 1, 7 and 8 November 2022.

4. During the hearings on the merits, the Tribunal received testimony from: the Applicant; AM, then United Nations High Commissioner for Refugees ("UNHCR") Resettlement Assistant; JM, the complainant; TD, Resettlement Officer; JW, Investigation Specialist, Inspector General's Office ("IGO"); and GM, Legal Officer.

5. The parties filed their closing submissions on 24 November 2022.

Facts

6. The Applicant joined UNHCR on 2 December 2008 as Data Entry Clerk (G-3) in Mbarara, Uganda. After serving in various positions in Uganda, she was appointed as Senior Community Services Assistant (G-5) in Nakivale Refugee Camp on 1 January 2014. On 1 January 2017, the Applicant was appointed as Assistant Protection Officer in Kyaka Refugee Camp.[1]

7. On 30 July 2020, the IGO received an allegation of corruption in the Resettlement process ("RST"). It was reported that the Applicant and AM, a former Resettlement Assistant at the UNHCR Kampala Branch Office, requested money

[1] Reply, para. 7.

from a refugee in exchange for RST assistance. Specifically, JM, a refugee, reported that, in January 2017, AG, another refugee, introduced him to the Applicant and AM. JM reported that he paid the Applicant and AM USD5,000 in exchange for RST assistance and that he allegedly never received such assistance. The IGO opened an investigation on 22 September 2020.[2]

8. On 17 March 2021, the IGO shared the draft findings of the investigation with the Applicant and invited her to comment, which she did on 24 March 2021.[3]

9. The IGO transmitted the final version of the investigation report with its annexes to the Division of Human Resources ("DHR") on 6 April 2021. The IGO concluded that the Applicant had received money from JM in exchange for assistance with resettlement, that she had fabricated a refugee story for him and that she had created a fraudulent pre-screening assessment form.

10. By letter dated 5 May 2021 from the DHR, the Applicant was charged with engaging in corruption by receiving money from JM in exchange for assistance with his resettlement case, engaging in resettlement fraud by fabricating a claim for JM's family and by creating and sharing a fraudulent pre-screening form. The Applicant was invited to provide her comments and observations within 30 days. The Applicant was placed on administrative leave with full pay ("ALWFP") on the same day.[4] The ALWFP was subsequently extended to 28 June 2021, 26 August and 29 September 2021.[5]

11. Following additional queries from the DHR, the Applicant filed her final response to the allegations on 18 August 2021.[6]

12. Following a review of the evidence, on 1 November 2021, the High Commissioner concluded that the charges were substantiated. On 8 January 2019, the

[2] Reply, annex R-1, IGO Investigation report, at paras. 1-3.
[3] Annex 4 to the IGO Investigation report (reply, Annex R-1).
[4] Application, annex 3; reply, annex R-3.
[5] Application, annexes 5(a) – 5(c).
[6] Application, annex 8; reply, annex R-8.

sanction of dismissal pursuant to staff rule 10.2(a)(ix) was imposed on the Applicant.[7]

Submissions

The Applicant's case

13. The Applicant's case is summarized as follows:

a. The facts on which the disciplinary measure was based have not been established.

i. The investigation report fell short of providing and/or indicating cogent evidence to support the findings stated therein.

ii. The investigator failed and/or refused to interview key witnesses whose evidential value was of great importance in this matter despite repeated requests from the Applicant. Interviews and interaction with AM, AT, AG and BK was of paramount importance for purposes of corroborating JM's evidence. The Investigator did not interview the above-mentioned persons for fear of learning the truth which would have been contrary to the conclusion he already wanted to make.

iii. The investigator failed to ascertain the existence of the alleged meeting where money was paid. JM claims that he paid USD5,000 to the Applicant on 28 January 2017 at a building next to Java Coffee in Nankulabye, Kampala. The investigator did not ascertain whether the place called Java Coffee exists in Nankulabye. There is no Java Coffee in Nankulabye. Without ascertaining the existence of the place where the alleged meeting took place and whether the meeting itself took place, the investigation failed to prove that the Applicant received any

[7] Application, annex 9; reply, annex R-9.

money from JM. There is no clear and convincing evidence to prove that the said meeting took place.

iv. The investigator failed to question and further investigate how JM managed to raise USD5,000 in three days as alleged considering the circumstances in which he was living at the time. JM stated that to raise the money, he asked his uncle to sell the family property which his father had left for him and his siblings in Goma. However, there was no sale agreement or payment receipt or any other document whatsoever to prove the sale of property. There was no documentation showing proof of ownership of the property either in JM's name or his father's name.

v. Contrary to JM's claims during his cross examination, it is not true that property in the Democratic Republic of Congo ("DRC") is transferred without documentation. It is therefore highly improbable that JM's uncle, who was not the owner of the alleged family property sold, could obtain the relevant consent, execute the relevant sale documents and sell the property in Goma, which was unstable at the time, and bring the money to JM in Kampala all in the space of three days. There was not even evidence to show that JM and his family-owned property in Congo to begin with.

vi. The investigator failed to assess JM's credibility. JM provided contradictory information about his nationality, date of birth and the dates when JM left Rwanda to go to Congo and then to Uganda. Considering these credibility issues, the investigator had a duty to seek out evidence that would corroborate JM's version of events. The investigator failed to satisfy this duty because he did not interview any of the crucial witnesses mentioned in the allegations.

vii. There is no policy barring staff from working hand in hand

where need be. By innocently sharing a pre-screening form, she did not violate any existing UNHCR procedure and/or regulation. The Resettlement case management Standard Operating Procedures ("SOPs") encourage staff to assist each other where need be and therefore sharing of documents and information could not have been an inference of connivance to commit a crime. The key and principal witness in this matter was AM who was unfortunately never interviewed by the IGO. The explanation presented by the IGO for its failure to interview and/or secure the testimony of the principal witness is untenable and ought to be disregarded by the Tribunal. There are established procedures on how the relevant organs of UNHCR can coordinate with the local enforcement agencies in Uganda to track and secure the presence of any person required by the United Nations. Such a procedure was never invoked in this instance to secure the testimony of the principal witness on this matter.

viii. Among the only three witnesses interviewed in this matter was TD who was a resettlement expert in UNHCR Uganda at the time. TD was not working in Uganda at the time the alleged events took place and was also not working in the Protection Department. It is not clear what criteria the investigator used to identify TD as the most relevant witness to interview in this case. During her cross examination, TD admitted that she does not know all facets of the Applicant's day to day work. This indicates that someone else who was more conversant with the Applicant's line of work should have been interviewed. The investigator opted to interview TD because he already had rapport with her, having interviewed her in other cases instead of treating the Applicant's case as an independent case with independent facts that needed specific evidence to prove the allegations.

ix. There is no evidence to show that the letter of resettlement to

Canada was given to JM by AM. The letter was not found in her possession or email trail and is unsigned. The Respondent's witnesses all admitted that they had no evidence to prove that it is AM who gave the said letter to JM. Considering JM's credibility issues, his uncorroborated evidence cannot be relied upon. Even if the said letter was given to JM by AM, this has nothing to do with the Applicant and there is no evidence that the Applicant knew about or issued the said letter.

b. The alleged facts were not established by the investigation, therefore, there was no misconduct by the Applicant.

c. The disciplinary measures imposed were excessive, too severe, and therefore illegal since the allegations on which the said measures were premised were never established by the investigation. The dismissal of the Applicant was done in bad faith for reasons best known to the decision makers.

d. Due process was not followed as the investigation was tainted with bias from the investigator who did his best to build JM's case while unjustifiably disregarding the Applicant's defence. The investigation fell short of the requirements of partiality and fairness required in any legal process.

14. The Applicant prays for rescission of the contested decision, for the record of the contested decision to be expunged from her personnel records and compensation for unlawful dismissal.

The Respondent's case

15. The Respondent submits that the Applicant was dismissed for: acting in concert with AM, receiving money from JM in exchange for assistance with resettlement, for fabricating a refugee claim for JM's family, and for creating and sharing with AM a fraudulent pre-screening assessment form, which AM sent to JM.

16. An analysis of: (i) the Applicant and AM's actions concerning the pre-screening assessment form sent to JM; (ii) JM's credible inculpatory testimony; (iii) the evidence corroborating JM's testimony; (iv) AM's failure to provide a credible explanation for her actions; and (v) the Applicant's failure to provide a credible explanation for her actions, each piece of evidence considered individually and in totality, leads to the conclusion that it is highly probable that the Applicant engaged in the alleged misconduct.

17. A pre-screening assessment form is an internal UNHCR document. It is used to bring a potential candidate for resettlement to the attention of the Protection or Community Services Officer and to refer the case to the Resettlement Officer. This document is never shared with the concerned refugee. TD confirmed during the hearing that AM's sharing of the pre-screening assessment form with JM was highly irregular and shows that something improper took place.

18. There is clear and convincing evidence that on 1 February 2017, AM sent the email with the document "[AT].doc" to the Applicant; that on 8 February 2017, the Applicant sent AM an email containing the pre-screening assessment form for [AT]'s case; and that on 14 February 2017, AM forwarded an edited version of the Applicant's email and the same pre-screening assessment form to JM.

19. Given that the Applicant sent the pre-screening form to AM had contacted her about the case on 1 February 2017, there are only two possible explanations for the Applicant's actions. Either the Applicant shared information with AM innocently, as she contends, or the Applicant acted in concert with AM to engage in corruption and resettlement fraud. The evidence is clear and convincing that the latter is true.

20. JM provided credible testimony that he paid a bribe.

a. JM's account of the events was suitably detailed, specific, clear, and coherent, and therefore inherently believable. JM recounted how he came to know that he might obtain assistance with resettlement in exchange for money and how he got in touch with AM. JM also recounted his meetings with the

Applicant and AM in Kampala, including when and where they took place, who attended, and what was discussed.

b. JM recounted the events that ensued, including that he received the email with the pre-screening assessment form from AM and that later, realizing that his case was not going anywhere, he followed up with AM to have his money returned.

c. Despite the significant time elapsed since the facts took place, JM repeated the same version of events in his emails to the IGO between July 2020 and January 2021, during his interview with the IGO in November 2020, and during the hearing in November 2022.

d. JM's statements did not appear contrived, and he did not come across as giving rehearsed testimony. His reactions under cross-examination, upon suggestions that he had fabricated evidence, were uninhibited and natural; his response to such suggestion was to gasp, exasperated: "Don't play with me. For what intention?"

e. JM had no reason to fabricate allegations against the Applicant or AM, particularly considering that by his testimony, he incriminated himself in a fraud and corruption scheme. This was not in his interest. As TD confirmed at the hearing, refugees found to have engaged in resettlement fraud can expect to have their cases closed.

21. The onus is on the Applicant to substantiate her allegations of improper motives, an onus which she has failed to discharge. The Applicant's contention that JM was seeking assistance or a reprieve from UNHCR is unsupported and contradicted by JM's testimony that JM never asked for anything. The Applicant's contentions that JM wanted to be famous or that he wanted to tarnish their reputations are similarly far-fetched and unsubstantiated. Rather, JM convincingly explained during the hearing that, after trying and failing to get his money back to move on with

his family, he grew upset, did not want other refugees to be taken advantage of, and decided to report the misconduct.

22. The fact that JM travelled to the UNHCR Office in Kigali to provide testimony before this Tribunal, without being under a legal obligation to do so or having anything to gain from it, in full knowledge that he would be subject to cross-examination, is revealing of his state of mind, namely, that he is telling the truth and wants it to prevail.

23. JM's testimony accords with other evidence and known facts. It is highly unlikely to be a coincidence that AM contacted the Applicant about his sister on 1 February 2017, four days after JM paid the bribe. Moreover, JM did not know that AM had sent the [AT].doc document to the Applicant on 1 February 2017, because he never saw that email. JM independently gave the date of 28 January 2017 for the meeting only knowing that the Applicant had written to AM on 8 February 2017.

24. JM's statement that the Applicant and AM would bolster his case and asked him to memorize the new story is consistent with the facts that AM first sent an initial draft to the Applicant, that the Applicant then sent AM a pre-screening assessment form that significantly expanded and elaborated on AM's document, and that AM then forwarded the document with the expanded and further elaborated case to JM.

25. Creating a false resettlement referral for AT was the most effective means to obtain resettlement for JM. UNHCR applies the principle of family unity, which means that members of the same household are submitted for resettlement together provided that a dependency relationship is proven. This was the case made for JM and AT, his half-sister in the pre-screening assessment form, which states that they lived in and fled DRC together and that AT took care of her siblings in the country of asylum.

26. JM's testimony that the Applicant's role was to help move his case through Protection so that it reached AM in Resettlement is consistent with how the resettlement process worked, as described by TD and provided in the SOPs that

governed the resettlement process in Sub-Office Mbarara at the time as well as with the Applicant and AM's respective responsibilities. In addition, JM's statement to the IGO that AM and the Applicant advised him to move his case to Kampala is consistent with the geographical division of resettlement work. In this respect, TD testified during the investigation and the hearing that AM only worked on resettlement cases from Kampala's area of responsibility which did not include Nakivale. These two aspects concern UNHCR internal processes, to which JM would not normally be privy, and the fact that his testimony is consistent with them indicates that he is telling the truth.

27. JM accurately described the Applicant's appearance. He noted that she was taller and bigger than AM and that she wore her hair in cornrows, which the Tribunal confirmed during the hearing. JM also knew about the Applicant's move from Nakivale to Kyaka in January 2017. His knowledge of personal aspects related to the Applicant corroborates, despite the Applicant's assertion to the contrary, that they met and interacted.

28. Contrary to the Applicant's contentions that the location of the meetings could not be established, a simple search on Google Maps shows that there are at least 17 coffeeshops in Kampala called "Café Javas", "Java House", and other names including "Java". JM consistently referred to Java "coffee", which the investigator, a native English speaker, unconsciously translated into "café".

29. There is no merit either to the Applicant's submission that it was impossible to sell real estate and other property in DRC for USD5,000 and travel to Kampala in three days. Eastern DRC's instability and the weakness of government and legal institutions explain why, unlike in the United Kingdom, it would be possible to sell real estate for cash in a short time. JM's explanation that his uncle sold the property on the cheap side through the chief of the village is fully consistent with existing literature about the role of customary chiefs and land management in DRC It is similarly apparent from open sources that one can travel from Goma to Kampala by bus in under 12 hours.

30. There is no merit to the Applicant's submissions that JM's testimony is not reliable because it was inconsistent. JM testified on events that had taken place years earlier. The fact that there are inconsistencies on tangential issues, such as who took notes about his flight history or from whom he obtained a telephone number, indicates that JM relied on his imperfect memory and is not repeating a fabricated or rehearsed story. On its central and substantive aspects, JM's testimony has been coherent and consistent throughout time.

31. There is also no merit to the Applicant's contention that JM has no credibility because he is not a Congolese refugee but a Rwandan national. During the hearing, JM showed his "Carte d'électeur" issued by the DRC, stating Masisi in North Kivu as his place of birth, which is proof of his nationality. Furthermore, if the Applicant had herself doubted that JM was a Congolese refugee, she would need to explain why she wrote a pre-screening assessment form explicitly stating that AT and JM were refugees from DRC, with a history of being affected by violence and persecution there.

32. There is no merit either to the Applicant's contention that JM is not a credible witness because he crossed borders illegally, had different IDs, or lied about his nationality and upbringing during an interview with The New Times. JM was candid about his travel, the documents, and the news article when questioned during his second interview with the IGO and during the hearing. Rather than attempting to conceal or deny his acts, JM owned up to them and explained that he wanted to survive, fit in, and have a better life.

33. JM paid a bribe in the hope of having a better life. JM's actions were consistent with his own life trajectory and that of other refugees who try to improve their lot in dire circumstances. Paying a bribe and using false identity cards are dishonest, and JM is not without flaws. However, this does not automatically invalidate his testimony. If it did, the testimony of a refugee who pays a bribe could never be used against the corrupt staff member who received it. Rather, as stated in

the sanction letter, the High Commissioner assessed JM's testimony critically, based on all the evidence, and found him credible.

34. JM provided additional evidence to the IGO, including a letter purportedly issued by the Resettlement Unit in Kampala as well as copies of his WhatsApp and email communications with AM, which corroborate his testimony. While the Applicant is not directly concerned by this evidence, the evidence supports that JM paid a bribe in exchange for assistance with resettlement and is relevant to assess the Applicant's contribution to the facts.

35. The Applicant's contention that JM could have manipulated the WhatsApp exchanges to make them appear as taking place with AM while he communicated with someone else, is far-fetched and unsupported. The Applicant has not discharged her burden to prove that JM falsified the messages. There is similarly no merit to the Applicant's contention that, had she been involved in the corruption and fraud, JM would have followed up with the Applicant. It was clear from JM's testimony during the hearing that he had not realized that the Applicant's phone number was in the email forwarded by AM on 14 February 2017.

36. A finding that JM paid a bribe to AM and the Applicant in exchange for assistance with resettlement is supported by the fact that AM was separated from UNHCR following a disciplinary process for resettlement fraud. This is relevant similar-fact evidence demonstrating AM's propensity to engage in resettlement fraud.

37. AM has failed to provide a credible explanation for her interaction with the Applicant and JM.

a. AM is not a reliable witness but a fraudster. In March 2020, the High Commissioner found that there was clear and convincing evidence that she had fraudulently altered the place of birth of multiple Congolese refugees on *proGres* to increase their chances of resettlement. By effecting those changes, the concerned refugees became eligible for resettlement under the durable solutions project. AM was therefore dismissed for resettlement fraud, a

decision she did not challenge. Despite AM's assertion during the hearing that she filed an application with the Dispute Tribunal, she did not.

b. No longer a UNHCR staff member, AM is not legally obliged to tell the truth under the United Nations Staff Regulations and Rules and can provide false testimony without fearing any consequences. AM's clear motive is to help the Applicant, with whom she has a longstanding and close friendship, as evidenced by the fact that they travelled together to Nairobi.

c. The crucial element in AM's statement is squarely contradicted by the testimonies of her supervisors, GW and TD. AM's allegation that JM was a Rwandese agent and threatened to "finish her off" to coerce her into disclosing information about Rwandese refugees is extraordinary. It would be a serious security incident for AM and have grave implications for the protection of refugees. Besides considerations of common sense, AM was legally obliged to report the incident under Chapter V, Section B of the United Nations Security Policy Manual "Safety and Security Incident Reporting System".

d. AM's statement is inconsistent with other reliable evidence. One inconsistency involves timing. The narration of events concerning her correspondence with the Applicant about AT's case and her sharing of the pre-screening assessment form with JM strongly suggests that events took place on the same day.

e. Another inconsistency concerns AM's explanation that AT was part of the durable solutions caseload. This was not the case, as the SOPs provide and TD testified, the eligibility criteria for the durable solutions project required that a refugee arrived in Uganda between 1994 and 2008. That was years before AT and JM's arrival, as the [AT].doc document and the pre-screening assessment form make clear. There was no basis to think that AT was part of the durable solutions caseload.

f. AM's written statement and her oral testimony are inconsistent. In her written statement, AM described one single instance in which JM and R went to her office together. At the beginning of cross-examination, AM confirmed that it was certainly the only time that they turned up together. However, she later stated that JM and R had gone to her office together twice, which she repeated during re-examination.

g. AM's statement is unsupported. The social media posts are not evidence that JM threatened or blackmailed AM. There is no indication that JM is related to them. One of the posts was published on 16 May 2022, and another of the posts originally appeared on 30 July 2022, over two years after AM's separation from UNHCR. AM admitted that the posts were recent ones.

h. AM's statement is implausible. According to AM, JM both asked for information about AT's case and provided AM with the same information he had requested. This does not make sense. Furthermore, if JM had gone to the lengths described in AM's statement to test her, it is not credible that, in the end, he never requested information about any specific Rwandese refugee.

i. AM made other statements that are incompatible with reliable evidence. AM's allegation that she never exchanged with JM over WhatsApp is inconsistent with the screenshots provided. AM's statement that she did not receive an email from JM prior to her separation from UNHCR is contradicted by JM's email to her on 16 March 2020. It is highly unlikely that AM could have missed or forgotten about JM's email asking for a refund.

38. The Applicant also failed to provide a credible explanation for her role in the misconduct.

a. The Applicant's version that she did not collude with AM but merely shared information with her is premised on the fact that the Applicant only shared her own notes.

b. However, the Applicant's contentions are disproven by the fact that the Applicant used AM's document to prepare the pre-screening assessment form. The unusual and identical mistakes cannot be explained away by the Applicant's English skills. Rather, their equal existence in the two documents is evidence that the Applicant copied and pasted the text from AM's document [AT].doc into her pre-screening assessment form.

c. There is no merit to the Applicant's contention, advanced under oath during cross examination, that she had shared the pre-screening assessment form as a Word document, which the investigators could have modified before converting it to the PDF in the investigation report.

d. The fact that the Applicant worked on AM's document is incompatible with her version, fatally undermines the credibility of her testimony, and reinforces the finding that she colluded with AM to assist JM with resettlement in exchange for money by improving JM's family's case for resettlement.

e. The interaction between AM and the Applicant was inconsistent with the SOPs and highly irregular.

f. Apart from AM's contention that JM coerced her, the Applicant has tried to address the irregular nature of their interaction by claiming that AT's case was identified under the durable solutions project, that AM was supposed to do the resettlement assessment, and that she tried to help her with that. There is no merit to this submission. AT arrived in Uganda in 2015 and, as the Applicant admitted during cross-examination, she was not eligible for the durable solutions project. The Applicant was a senior and experienced Assistant Protection Officer. Her explanation that she did not keep the eligibility criteria in her head is therefore not credible.

g. There is similarly no merit to the Applicant's contention that she shared the pre-screening form with AM to avoid having to re-interview and

re-traumatize AT. As TD testified, refugees are always re-interviewed about their refugee claim and resettlement needs during the resettlement process; it is an integrity measure. In any event, it was not AM's job to conduct that type of interview.

h. The interaction between the Applicant and AM was inconsistent with the processes and functions prescribed in the SOPs with the purpose of preventing fraud. The onus is on the Applicant to explain why, despite her knowledge and experience, her actions blatantly deviated from the SOPs put in place to prevent fraud. The Applicant has failed to discharge that burden.

i. The sparse, unspecific, and disjointed wording of the Applicant and AM's emails as they corresponded about a specific case indicates that they were trying to conceal precisely that they corresponded about a specific case, and they had previously communicated and agreed on what to do about the case. As such, the emails betray their collusion and corrupt intent.

j. The evidence is that the Applicant never interviewed AT and the facts described by the Applicant in the pre-screening assessment form are false.

39. Due process was respected.

a. The investigation and disciplinary process fully complied with all formal requirements set out in UNHCR/AI/2019/15 (Administrative Instruction on Conducting Investigations in UNHCR) and UNHCR/AI/2018/18 (Misconduct and the Disciplinary Process).

b. The Applicant's contention that the investigator was biased is unsupported and has no merit. The onus to show improper motive is on the party asserting it and the Applicant has not discharged it. The facts that the investigator did not interview some witnesses, did not conduct interviews in person, or drew inferences from the available evidence that were adverse to

the Applicant's interests are neither evidence of bias or improper motives nor procedural flaws.

c. There is no merit or substance either to the Applicant's contention that TD was biased or co-conducted the investigation with the investigator. In accordance with her obligations as a UNHCR staff member, TD testified on matters related to her expertise and assisted the investigator with verifying information related to UNHCR's resettlement work in Uganda to which she had access by virtue of her position. During the investigation and at the hearing, TD provided expert, impartial and reliable testimony informed by her resettlement experience in Uganda.

d. The investigator's decision not to interview AM was a reasonable and lawful exercise of his discretion, based on a critical assessment of the evidence produced, to decide what is relevant or not for the purposes of the investigation. AM was the Applicant's friend, she was implicated in the misconduct, she had been separated from UNHCR for resettlement fraud, and she was not under a legal obligation to cooperate with the investigation or tell the truth. The investigator's determination that AM was not a reliable witness and would not provide credible evidence was warranted, and it is supported by the fact that AM's testimony during these proceedings lacks credibility. In any event, even if not interviewing AM were considered a violation of due process, it would have been cured during the proceedings before this Tribunal, which heard AM as a witness.

e. With respect to AT, the record shows that the investigator contacted her on 17 December 2020, introduced himself as an IGO investigator, mentioned that he had interviewed JM and that JM had provided her number, and asked to interview her. AT's response implied that she did not want to be interviewed, which was confirmed by the fact that she did not reply to the investigator's follow-up messages on Monday, 4 January 2021 and Friday, 8

January 2021. In this respect, JM testified that AT had said that she did not want to take part in the investigation but move on.

f. As regards JM's uncle, the record shows that the investigator contacted the number provided by JM on 17 December 2020. He followed up on 4 January 2021, and the recipient responded that he had recently obtained the number and had no nephew called [complainant].

g. With respect to AG, the record shows that the IGO attempted to contact AG, but first a woman responded at the available number, and then the phone number was off. A, with whom the investigator in this case corresponded, is also an IGO investigator who was based in Kampala at the time. There is no merit to the Applicant's contention that the investigator should have travelled to Nakivale to find AG. Nakivale Refugee Camp hosted 136,399 people in January 2021. It is unreasonable to expect that the investigator could find the witness in a timely and cost-efficient manner.

h. There is also no merit to the Applicant's contention that the investigator should have interviewed witnesses in person. Doing so is not required under UNHCR/AI/2019/15. Interviewing witnesses via Microsoft Teams or on the phone was appropriate and sensible during the COVID-19 pandemic before vaccines were widely available. In this respect, the UNDT has also heard and still hears witnesses remotely.

i. The Applicant's contention that the IGO could have solicited the assistance of Ugandan law-enforcement authorities to secure the attendance of witness is similarly unsupported and unfounded. IGO investigations into allegations of misconduct by UNHCR staff members are a UNHCR internal administrative matter. No arrangements exist for the intervention of Ugandan police.

j. There is no merit either to the Applicant's contention that the investigation was biased because the investigator did not ascertain the exact

location of the meeting between the Applicant, AM and JM, because the investigator did not obtain proof of sale of JM's property, or because he wrote to TD that he "wanted to cross the last t". An investigator has a margin of discretion to decide what is relevant for the purposes of the investigation, and a staff member's due process rights are not violated if minor details are not reflected to their liking in an investigation report. During the disciplinary process, the Applicant was assisted by the Office of Staff Legal Assistance and could raise any objections to the inferences and findings of the investigation report.

k. The record shows that the investigator considered the Applicant's submissions and pursued all lines of inquiry as he searched for inculpatory and exculpatory evidence.

40. In view of the foregoing, the Respondent submits that the application has no merit and should be dismissed in its entirety.

Considerations

Standard of review and burden of proof.

41. The role of the Tribunal in judicial review of disciplinary decisions is "to ascertain whether the facts on which the sanction is based have been established, whether the established facts qualify as misconduct, and whether the sanction is proportionate to the offence".[8]

42. The Administration bears the burden of establishing that the misconduct has occurred,[9] and in cases where termination of employment is a possible outcome the misconduct must be established by clear and convincing evidence. In explaining this

[8] *Mahdi* 2010-UNAT-018, para. 27; *Haniya* 2010-UNAT-024, para. 31; *Sanwidi op. cit.*, para. 43; *Masri* 2010-UNAT-098, para. 30; *Portillo Moya* 2015-UNAT-523, paras. 17, 19-21; *Ibrahim* 2017-UNAT-776, para. 48; see also *Mbaigolmem* 2018-UNAT-890, paras. 15 and 16.
[9] *Diabagate* 2014-UNAT-403.

standard of proof, the Appeals Tribunal stated in *Molari*[10] that:

> 30. Disciplinary cases are not criminal. Liberty is not at stake. But when termination might be the result, we should require sufficient proof. We hold that, when termination is a possible outcome, misconduct must be established by clear and convincing evidence. Clear and convincing proof requires more than a preponderance of the evidence but less than proof beyond a reasonable doubt—it means that the truth of the facts asserted is highly probable.

43. The clear and convincing standard of proof is codified by section 8.1(a) of UNHCR/AI/2018/18. The Appeals Tribunal further explained in *Negussie*[11] that

> 45 … Evidence, which is required to be clear and convincing, can be direct evidence of events, or may be of evidential inferences that can be properly drawn from other direct evidence.
>
> 46. In determining whether these evidential standards have been established in any case, the UNDT must consider and weigh not only the evidence put forward by witnesses produced for the Secretary-General, but also any countervailing evidence adduced for the staff member, and any relevant and probative documentary evidence which may either corroborate or cast doubt on the recollections of witnesses.
>
> 47. Finally, not only must such an analysis be applied by the UNDT to each individual piece of disputed evidence, but it must then be applied likewise to the totality of the evidence in support of the allegation of misconduct.

Whether the facts on which the disciplinary measure was based were established by clear and convincing evidence.

44. The factual basis for the findings of misconduct of corruption and fraud against the Applicant resulting in her dismissal comprises five elements. These will be addressed in turn as to whether on the totality of the evidence the facts were clearly and convincingly established.

[10] *Molari* 2011-UNAT-164.
[11] 2020-UNAT-1033, at para. 45.

Acted in concert with AM

45. The conduct in relation to which the Applicant is alleged to have been acting in concert with AM is set out in the dismissal letter as follows:

> (i) On 14 February 2017, Ms. AM sent an email to Mr. JM with the pre-screening assessment form. There was no legitimate reason for Ms. AM's action.
>
> (ii) Mr. JM produced a letter dated 23 June 2018 from UNHCR's Resettlement Unit to Ms. T (who was registered as his sister), notifying that her resettlement application had been submitted to Canada by UNHCR's Regional Hub in Nairobi. The letter is undoubtedly false. There is no record that Ms. T's case was submitted to any resettlement country.
>
> (iii) Mr. JM and Ms. AM engaged in exchanges about the return of the money.
>
> (iv) There is evidence that Ms. AM had previously engaged in similar conduct.

46. The Tribunal notes that to be acting in concert the Applicant had to have knowledge of AM's suspicious activities listed above. Nothing in the foregoing sequence of activities between AM and JM connects directly with the Applicant in the sense that it can be said she had such knowledge.

47. The main documentary evidence that is cited in the dismissal letter as having established that the Applicant acted in concert with AM is two emails. Firstly, the email dated 1 February 2017 from AM to the Applicant, with a draft of a refugee claim for AT attached. Secondly, the email from the Applicant to AM with a pre-screening assessment form attached.

48. On a careful review of the said documents, nothing in the contents shows that the Applicant acted in concert with AM for the purposes listed above. The reasons for sending each of the two emails cannot clearly and convincingly be gleaned from the contents. Rather the contents are equivocal in the sense that inferences other than of illegal action by the Applicant can be drawn from the contents. Such inferences include that the explanation given by the Applicant is truthful. As contended by

Counsel for the Applicant, this documentary evidence is purely circumstantial with little or no weight to prove the case against the Applicant, that she acted in concert with AM for corrupt purposes.

49. Other documents relied on by the Respondent as supporting and corroborating JM's story are a letter purportedly issued by the Resettlement Unit in Kampala as well as copies of his WhatsApp and email communications with AM demanding USD5,000. There was no credible evidence however, as to how JM obtained the re-settlement letter. It was not signed and during the investigation AM was never interviewed as to whether she gave it to JM. At the hearing she denied any knowledge of it or of the WhatsApp messages which were not proven by any technical or other means to be genuine.

50. The only eyewitness evidence relied on to establish that the Applicant acted in concert with AM in relation to, as a precursor to or pursuant to the listed activities, is the testimony of JM. He claims to have encountered the Applicant at a meeting with AM which was expressly organised for him by AM to fast track re-settlement based on his payment of a bribe.

51. However, the testimony of JM is completely without credibility. There are glaring inconsistencies, both immaterial and material, between JM's various statements during the IGO investigation, and between his testimony during the investigation and his testimony at the hearing. Additionally, there is published information unearthed by the Applicant which contradicts critical aspects of JM's story, his identity and his claim to be a refugee. All these factors, proven to be untrue, are integrally material to what led to JM's alleged meeting with the Applicant. The Tribunal's finding is that his untruthfulness on those matters ought to have led to a conclusion by the Respondent that his account of the meeting with the Applicant and her subsequent misconduct was a total fabrication.

52. Some highlights of the proven untruthfulness of the sole eyewitness JM are set out for the Applicant at page 11 of closing submissions under the heading "Failure

to assess JM's credibility." The instances of obvious untruthfulness by JM include details of his birthplace, birth date, nationality and whether he was ever in Congo at the time he says he fled from there in 2014. On the latter point there is evidence that he was really living in Rwanda studying at university and working as a comedian. That information was found in an article featuring JM and in JM's social media posts. There are many other instances of his untruthfulness that were on record before the investigator and the High Commissioner.

53. The decision letter admits the lack of credibility of the sole eyewitness JM but states that the material parts of his story are believable. The reasons for accepting that the material parts are true are not however, adequate reasons to support a clear and convincing case.

54. The first reason, according to the decision letter, is that JM had no motive to lie. This is highly incredible. There are many possible motives for JM fabricating a story about the Applicant. These include that he and his family may have been infuriated by her lapse in follow up of his sister AT's case.

55. On the version of events presented by the Applicant and corroborated by AM at the trial, it was the Applicant's said lapse in follow-up on AT's case that led her brother JM to AM. He was trying to follow-up on AT's case from which he hoped to benefit from re-settlement as well. On his own account, he tried fast-tracking it by paying a bribe, but this is completely uncorroborated by either eyewitness testimony from persons alleged to be present or any verification of the location or source of the bribe payment.

56. Alternately, or additionally, JM may have simply seen the Applicant's name in the document given to him by AM. In seeking retribution against AM, he may have felt his report to the IGO would be more believable if he added the Applicant as party to the illegal re-resettlement goal he sought to achieve with AM's help but which apparently failed to materialise.

57. Further, the decision letter states that JM could not have had any motive to lie

about the Applicant's involvement because he had nothing to gain from reporting the story to the UNHCR. Rather, by doing so he implicated himself in fraud and lost any opportunity for re-settlement. However, there is nothing from the evidence on record to establish in a clear or convincing manner that JM knew that this personal loss to himself and no gain would be the result of his report.

58. In the face of this lack of credibility of JM in proving that the Applicant acted in concert with any improper actions of AM, the Respondent failed to take due account that the Applicant had a completely reasonable explanation for her emails with AM.

59. The explanation[12] was that AM called her about a lady refugee, AT, who visited her office in Kampala and said the Applicant had interviewed her in Nakivale. AM said the case was identified for "durable solutions". The Applicant needed information to help her find her records of the interview, so she asked AM to send her some details which AM did under cover email stating "FYA".

60. The Applicant used what was sent and found her record of the interview which she had conducted but "had never submitted the case for further processing". She updated it with a few details including the level of priority, which she assessed as not high and emailed it to AM. In so doing, she told her she had a pre-screening form which she could use to complete whatever screening she was doing on the case.

61. Further in her 24 March 2021 response to the IGO findings [13]the Applicant said:

> As I explained clearly to the IGO, the word document shared by Ms. [AM] was meant to trigger my memory about a case I had interviewed back in Nakivale who had approached her in Kampala. … it's not uncommon for refugees in Uganda to move from one location to another seeking for protection. And it's not prohibited for colleagues to reach out to each other regarding cases especially if the refugee

[12] Reply, annex R/1 – IGO Investigation report, annex 013, Applicant's IGO Interview at page 20.
[13] *Ibid.*, at annex 004, page 6.

mentions that they have spoken to someone before.

62. This version of events put forward by the Applicant was corroborated in all material respects by the evidence of AM. This added to the fact that her version was at least more credible than that of JM. This is so despite the arguments made by the Respondent in closing submissions about AM not being consistent on certain details and that she should not be believed because she was a fraudster having been dismissed for another instance of resettlement fraud.

63. Considering the length of time that elapsed since the alleged incident without any evidence being taken from AM, it is expected that her memory would fail regarding minor details. Furthermore, the fact that she herself may have been found to have engaged in an act of misconduct involving falsified information does not mean that her account that the Applicant was not acting in concert with her ought not to be believed. Importantly, unlike JM who admitted under oath to being untruthful and to using forged documents for activities such as border crossings, AM made no such admission under cross-examination. She remained true to supporting the Applicant's version of events.

64. The evidence of TD was further relied on by the Respondent in determining that the Applicant was acting in concert with AM for the improper reasons. However, TD was not involved with the work of either AM or the Applicant at the material time. Her evidence about what should and should not normally have happened with pre-screening assessment forms at that time is entirely based on speculation.

65. There is no documentary evidence of any policy or regulation preventing sharing of information between staff members on cases handled previously when it is not being done with a view to progressing a case to re-settlement. Moreover, the use of the pre-screening form to record information from interviewing refugees is not disputed to be a normal practice for protection officers such as the Applicant. Thus, there is nothing unusual *per se* in the fact that the mode the Applicant used to share the information she had was from one of her original records, namely her soft copy of the said form.

66. The documentary evidence of the cover email accompanying the sending of the information in the form is consistent with the reason the Applicant gave for sending it. The cover email said "…please find attached a sample of the screening sheet we use here. Hope it is helpful. Just edit for your use."

67. It is entirely plausible that, as explained during her testimony at the hearing, the Applicant was simply letting AM know that her method of recording facts from an interview in a formless manner could be improved by using the same form the Applicant had used in her interview with AT. Accordingly, while the Applicant was sending the information on AT's prior interview using the said form, she also wanted AM to know she could use that form.

68. The other documentary evidence relied on to prove acting in concert is that the email from AM to the Applicant said "FYA". This the investigator interpreted as meaning "for your action", but it could also mean "for your attention". Nothing about it signifies that the Applicant would know that the purpose of the communication was an illegal act. The wording is equally consistent with the Applicant's story. FYA could simply mean that the information in the attached document was intended for her "attention" to try to find information on the refugee claim she had dealt with some time ago, but apparently failed to follow through on before being transferred.

Received money paid by JM

69. The sole evidence of any receipt of money by the Applicant is the testimony of JM. That evidence is exceptionally weak due to his lack of credibility mentioned above. Additionally, there are factual aspects of his contentions regarding the source, speed in acquisition, handover, and pursuit of recovery of the money that are so inherently lacking in logic that they fail to meet the clear and convincing standard of proof.

70. Although there were these patent deficiencies in credibility, the IGO failed to conduct appropriate investigations to verify, support or corroborate JM's contention that he paid this bribe. There was no onsite visit or photographs to try to identify the

Java Coffee near where there was supposed to have been another building where the money hand over, took place. There was a failure to exhaust all avenues to interview persons said to have been eyewitnesses at the meeting, namely AT, BH, AG and AM. The Applicant's denial that she had ever met JM or attended the meeting was not fully investigated by interviewing persons she says she was with at her alibi location.

71. As to the payment of the bribe, the evidence of the source and the short time for JM to get his uncle to sell Congolese real estate and cows to obtain USD5,000 from the place he was fleeing was neither clear nor convincing. Under cross-examination the investigator failed to give any basis for his view that it is possible to quickly sell land in Congo without any documentation of prior ownership, sale agreement or conveyance. There was no evidence that he investigated JM's story in this regard. For instance, in the email to the IGO dated 30 July 2020,[14] JM had indicated that it was he himself who travelled to DRC to sell his father's land to obtain the USD5,000.

> [H]ello am [JM] I was a refugee from [C]ongo in NAKIVALE camp since 2015 until 2018 when I ran away due to realised that I was not safe at enough because I was convinced by the UNHCR agents who asked me 5000 $ so that they could help me to get the third country so fast , *that made me go back to [C]ongo to sell my family's land just to get those money they asked* , so after giving them the money they sent to me the pre-screening sh[eet] (fraud paper) via email … (Emphasis added).

72. Counsel for the Respondent sought to fill this lacuna in the evidence by providing research material on paperless tribal land transactions in the DRC and speed of travel from there to Uganda. However, the said research cannot be accepted as evidence that was considered either as part of the investigation or by the decision-maker. It formed no part of the investigation report. It did not come from JM or any other witness. The Applicant had no opportunity to respond to it. The theories, belatedly put forward after the fact in closing submissions, are therefore not accepted as strengthening the evidential basis for the Respondent accepting JM's account as

[14] *Ibid.*, at annex 016, page 322.

credible.

Money paid by JM was in exchange for assistance with re- settlement

73. The evidence as to handing over money comes only from JM. As to its alleged purpose, his story that it was for re-settlement is not credible. If JM had paid it for re-settlement fast tracking, which did not materialise, after he alleges he saw the Applicant put the money in her purse, there is no logical reason on record as to why he only pursued AM for money and not the Applicant.

74. On the record, JM had the Applicant's email address since he received the forwarded email from AM with the pre-screening form. His indications under cross-examination that he did not see it was not convincing. He could not explain under cross-examination why if he believed she had taken the bribe he did not try to contact the Applicant.

Fabricated a refugee claim for JM's family

75. The findings reflected in the dismissal letter as to fabrication of a refugee claim point to the content of the pre-screening form that was emailed to AM by the Applicant. That content, like the content of the word document emailed to the Applicant by AM before she sent back the pre-screening form, concerns a refugee claim by AT.

76. The significant missing evidence for considering how the Respondent determined that the claim was fabricated is the testimony of AT. Only she can say whether the information in the pre-screening form sent by the Applicant to JM is consistent with the story she related when she was interviewed by the Applicant. That story may have included the unusual parts highlighted in the investigation, such as the reference to the father dying on two different dates. It need not have been a fabrication by the Applicant.

77. The reasons given in the dismissal letter for finding that the Applicant

fabricated the information by elaborating on information provided in the document sent to her by JM include reference to a comparison of the two documents as showing that this was done. The finding is that a review of the said documents clearly shows that Applicant did not merely share interview notes with AM as she alleges.

78. Instead, the review shows, according to the Respondent, that the Applicant revised the text sent by AM. This the Respondent says, is apparent because "the two documents contain sentences that are identical and include the same spelling, grammar and punctuation mistakes." The conclusion is drawn that the Applicant revised AM's document and forgot to correct or delete parts of it. However, this was never put to the Applicant during the investigation. She had no opportunity to comment on it before she was dismissed.

79. On a review of the documents it is indeed strange that there are six lines that are identical to those in Ms. AM's document. However, there are alternate possible reasons for this including that the Applicant added those six lines to the pre-assessment form she prepared months before. She may have done so at the same time that she made another admitted change to her own document, namely, to add the priority level.

80. The level she indicated was "normal priority". This is not consistent with the actions of a person trying to embellish the refugee story to make it more likely to result in re-settlement. Rather it fits in with the Applicant trying to cover her tracks for lapses in following-up on the refugee interview she did months ago. She was trying to slip in some missing information. This in essence is what she explained in her IGO interview.

81. There is in fact no new exaggerated information in the pre-screening form that was emailed by the Applicant. The Respondent's case, based on the testimony of Mr. JM, is that the main embellishment was addition of a story about his mother being raped in the presence of her children. However, that was not added by the Applicant. It was already included in the document AM sent to her. Accordingly, even the

content of the pre-screening assessment form does not support that the Applicant fabricated any part of the story.

Created a fraudulent pre-screening assessment form which was then sent to JM

82. TD, in her testimony at the hearing appeared to accept that the Applicant genuinely interviewed AT some time ago but failed to follow up on it. She, however, stated that it would be unusual to get the information gathered in the case and do nothing while in Nakivale. In those circumstances it is entirely credible that what was in the pre-screening form was from her original notes and not any embellishment to assist JM as alleged.

83. There was no evidence on record before the dismissal decision was made, to establish that the Applicant knew that the form she emailed to AM would be shared with JM. On the contrary, the evidence on record is that her written reason for sharing it in the pre-screening form format was so that AM would have a sample of a better way to record information from refugees.

84. That documented evidence was deleted from the email at some point before JM forwarded it to the investigator. The only inference that ought to have been drawn from that is an adverse one against JM of seeking to hide that the Applicant may have had an innocent reason for sharing the form and was not party to any decision to send it to him.

85. The Applicant's reason for sharing the form has been consistent and credibly articulated from the time of her first interview to her testimony at the hearing. It was in response to an inquiry from AM who said a refugee came to her and claimed the Applicant had interviewed her at Nakivale, the case was now for "durable solutions" and she wanted to verify it was the same one. This is fully explained in her IGO

interview at pages 32 to 39[15]:

86. The evidence of TD seeks to shed doubt on the Applicant's story by suggesting that it is not credible that she would not follow up on such a harrowing account. However, the Applicant clearly explains that she did not consider it that urgent. While it was serious there are many similar accounts from refugees and she had not yet completed her due diligence.

87. It is apparent that the Applicant let the ball drop regarding the AT case and failed to attend to it before her unexpected transfer to another duty station. That is all that is apparent from the record and the evidence that was before the Respondent prior to her dismissal. There was no evidence of misconduct on her part, only of a lapse in due care in following up on a case. That lapse was brought to her attention when AM called her and sent her the emailed information.

88. In all the circumstances, the Respondent has failed to prove by clear and convincing evidence the basis for the finding of misconduct that led to the Applicant's dismissal.

Whether the established facts qualify as misconduct.

89. The Applicant does not contest that had there been evidence to support the allegations against her it would qualify as the alleged misconduct of corruption or fraud. However, her application to have the decision rescinded is based on her submission that there was no clear and convincing evidence of any factual basis for a finding that she committed the actions as alleged.

Whether there were any due process violations in the investigation and the disciplinary process leading up to the disciplinary sanction against the Applicant.

90. The main factors alleged to be due process deficiencies complained of by the

[15] *Ibid.*, at annex 013, pages 32 to 39.

Applicant related to the failure of the IGO to interview persons who she identified during the investigation as those who should be interviewed. These include her alleged fellow offender AM, several persons who JM alleges were present when the Applicant allegedly put the money in her purse and colleagues who worked with or supervised her work during the material time. The Applicant further questions the basis for reliance on the testimony of TD who was not a fellow protection officer during the material time.

91. Additionally, the Applicant alleges that TD has reason to testify against her and she informed the investigator of this, yet he failed to seek evidence on the work of protection officers or the use of the pre-screening form from an alternate source. TD who testified in a forthright, articulate and knowledgeable manner, candidly admitted that the incident based on which the Applicant says TD held a grudge against her took place. She only denied that the admitted difference of opinion led her to be biased against the Applicant.

92. In order to better prove a clear and convincing case of improper use/sharing of the pre-screening form, a witness who worked with the Applicant, other than TD, ought to have been interviewed, as requested by the Applicant.

93. Despite the Respondent's failure to interview any of the witnesses requested by the Applicant, the Applicant has not established that she was denied due process. The investigation and disciplinary process fully complied with all formal requirements set out in UNHCR/AI/2019/15 and UNHCR/AI/2018/18. The IGO's due process responsibility regarding the witnesses suggested by the Applicant was as follows:

> When, during the course of the investigation, the subject identifies possible witnesses who could corroborate the subject's version of the events or provide other pertinent information, due process requires the investigator to **assess the relevance** of such evidence and **make reasonable efforts** to interview witnesses that the investigator deems relevant. If a witness proposed by the subject is unavailable, cannot be found or does not want to be interviewed, the investigator should not thereby draw any inference, whether adverse or favourable, as to the

subject's credibility.[16]

94. The investigation report and the oral testimony of the investigator were credible in establishing that an assessment was made as to whether to interview all the Applicant's suggested witnesses. Some effort was made to interview all except AM and the Applicant's relatives who were witnesses for her alibi.

95. In all the circumstances it is the Tribunal's finding that due process was observed. However, the failure to interview appropriate witnesses adversely detracted from the standard of proof of misconduct achieved by the Respondent. As aforementioned that standard did not reach the level of a clear and convincing case.

Relief to be awarded

96. Of the remedies sought by the Applicant, only her claim for recission of the dismissal decision and clearing of her record are applicable within the Organisation's Internal Justice System. Accordingly, the Applicant will be granted the relief of recission of the decision or compensation *in lieu* thereof pursuant to arts. 10.5(a) and (b) of the UNDT Statute.

Judgment

97. In accordance with arts. 10.5(a) and (b) of the UNDT Statute, the decision to impose the sanction of dismissal from service on the Applicant is rescinded.

98. The evident unfairness of the termination in this case justifies payment of the maximum compensation *in lieu* equivalent of two years' net base salary.[17]

99. The Respondent shall remove the sanction letter and all references to it from the Applicant's Official Status File.

100. The amounts ordered in paragraph 98 of this Judgment are to be paid within

[16] Section 29(c) of UNHCR/AI/2019/15.
[17] See for example *Lucchini* 2021-UNAT-1121, para. 64.

45 days from the date of this Judgment, failing which interest is to accrue to the date of payment at the US Prime Rate applicable as at the date of expiry of this period.

(Signed)
Judge Eleanor Donaldson-Honeywell
Dated this 1st day of December 2022

Entered in the Register on this 1st day of December 2022

(Signed)
Abena Kwakye-Berko, Registrar, Nairobi