



Before: Judge Sun Xiangzhuang

Registry: Geneva

Registrar: René M. Vargas M.

YAKER

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

JUDGMENT

Counsel for Applicant:

Self-represented

Counsel for Respondent:

Albert Angeles, DAS/ALD/OHR, UN Secretariat

Introduction

1. The Applicant, a former staff member of the United Nations Environment Programme (“UNEP”) in Paris, contests the disciplinary measure of separation from service, with compensation in lieu of notice and with termination indemnity, imposed on him pursuant to staff rule 10.2(a)(viii).

2. For the reasons stated below, the Tribunal finds that the contested decision is lawful and rejects the application.

Facts and procedural history

3. The Applicant joined the Organization in December 2008. His last position was that of a Programme Management Officer at the P-3 level with UNEP in Paris. He held a fixed-term appointment that was due to expire on 30 June 2024.

4. On 4 May 2019, the Investigations Division of the Office of Internal Oversight Services (“OIOS”) received an anonymous report of possible misconduct implicating the Applicant. It was reported that the Applicant had allegedly engaged in unauthorized outside activities.

5. OIOS investigated the allegations and issued its investigation report on 10 August 2021. OIOS found, *inter alia*, that the Applicant had engaged in several political movements, had signed a petition to stop an alleged repression in Algeria, had been the president of four associations, and had never requested or obtained the Secretary-General’s approval to engage in his outside activities.

6. By memorandum dated 10 August 2021, OIOS referred the Applicant’s case to the Office of Human Resources (“OHR”) for appropriate action.

7. By memorandum dated 10 October 2022, the Director of the Administrative Law Division, OHR, notified the Applicant of the allegations of misconduct and requested him to provide his comments in response to them. He was also informed of his right to be assisted by counsel.

8. On 15 December 2022, the Applicant submitted his response to the allegations.

9. By letter dated 2 March 2023 (“Sanction Letter”), the Under-Secretary-General for Management Strategy, Policy and Compliance (“USG/DMSPC”) informed the Applicant of the decision to impose on him the disciplinary measure of separation from service with compensation in lieu of notice, and with termination indemnity.

10. On 31 May 2023, the Applicant filed the present application.

11. On 3 July 2023, the Respondent filed his reply.

12. By Order No. 111 (GVA/2023) of 29 August 2023, the Tribunal ordered the Applicant to file a rejoinder by 28 August 2023, and the parties to explore resolving the dispute amicably with the instruction to revert to the Tribunal in this respect by 6 October 2023.

13. On 28 September 2023, the Applicant filed a rejoinder.

14. Between 11 October and 9 November 2023, the Tribunal extended several times the parties’ deadline to revert to it concerning an amicable settlement. The latest deadline was set to 17 November 2023.

15. On 17 November 2023, the Applicant informed the Tribunal that discussions concerning an amicable settlement of the dispute were not successful. He consequently requested:

- a. Leave to submit additional evidence that “[would] speak to the disproportionality of the sanction” in the form of “letters of recommendations and oral testimonies from former supervisors”; and
- b. The holding of an oral hearing.

16. On the same day, the Respondent confirmed that the parties failed to reach an agreement. He also filed a motion requesting the Tribunal to decide the matter on the papers and to allow the parties to file written closing submissions before adjudicating the case.

17. By Order No. 160 (GVA/2023) of 21 November 2023, the Tribunal granted the Applicant's request for leave to file additional evidence by 5 December 2023. The Tribunal decided to defer its decision on the pending motions until a case was assigned to a Judge for the adjudication of the matter.

18. Following an extension of deadline, the Applicant filed additional evidence on 12 December 2023.

19. On 27 December 2023, the Respondent filed his comments on the Applicant's additional evidence.

20. On 27 February 2024, the present case was assigned to the undersigned Judge.

21. By Order No. 40 (GVA/2024) of 26 April 2024, the Tribunal determined that the Applicant's documentary evidence filed on 12 December 2023 was irrelevant. It also decided to reject the Applicant's motion to hold a hearing and to grant the Respondent's motion to adjudicate the present case on the papers. The Tribunal then ordered the parties to file closing submissions.

22. On 10 May 2024, the parties filed their respective closing submission.

Consideration

Scope and standard of judicial review

23. In the present case, the Applicant was separated from service, with compensation in lieu of notice and with termination indemnity.

24. According to art. 9.4 of the Tribunal's Statute, in hearing an application challenging an administrative decision imposing a disciplinary measure, the Dispute Tribunal shall pass judgment on the application "by conducting a judicial review". In so doing, the Dispute Tribunal "shall consider the record assembled by the Secretary-General and may admit other evidence" to assess:

- a. Whether the facts on which the disciplinary measure was based have been established by evidence and up to the required standard of proof;
- b. Whether the established facts legally amount to misconduct;
- c. Whether the Applicant's due process rights were observed; and
- d. Whether the disciplinary measure imposed was proportionate to the offence.

25. Having considered the case record, the Tribunal finds that the Applicant does not contest the facts upon which the disciplinary measure was based. He does not contest either that his actions legally amounted to misconduct or that his due process rights were observed. Accordingly, the main issue in the present case is whether the disciplinary measure imposed was proportionate to the offense committed.

26. However, as the proportionality of the sanction cannot be reviewed in isolation from the established facts and the misconduct, the Tribunal deems it appropriate to refer to these legal issues in line with art. 9.4 of its Statute.

The established facts

27. The USG/DMSPC found that it was established by clear and convincing evidence that the Applicant engaged in multiple instances of political and unauthorized outside activities as summarized below.

28. According to the annex to the Sanction Letter and the case record, the Applicant "admitted to the facts underpinning the allegations that":

a. Between February or March 2019 and May 2019, [the Applicant] engaged in political activities by publicly: (i) expressing his opinion on the political situation in Algeria; and (ii) making statements that were critical of former President [...] and his administration. [The Applicant] provided these views in at least four interviews to at least two media entities (i.e., France24 and PCA); and in these broadcasted interviews, [the Applicant], among other things, called for the end of former President [...]’s “regime.”

b. On 22 September 2019, [the Applicant] continued engaging in political activities by signing a petition that was published on the HuffPost website. The petition was also critical of former President [...]’s administration and publicly demanded the immediate end to the alleged repression of the rights of political activists and protesters in Algeria.

c. In addition to engaging in political activities, between 2008 and 2021, [the Applicant] engaged in extensive unauthorized outside activities in [Forum France Algérie (“FFA”)], EcoMed 21, [Solidarité Médicale Algérie (“SoliMed”)] and PlaNetDZ, as further summarized below:

i. While employed as a Programme Management Officer with UNEP, [the Applicant] simultaneously acted as President/Chair in FFA, EcoMed 21, SoliMed and PlaNetDZ. As such President/Chair, he represented the interests of the associations in dealing with entities of UN Member States as follows:

aa. On 18 January 2010, on behalf of EcoMed 21, [the Applicant] solicited the sponsorship of the Algerian Ministry of the Interior and Local Authorities for an event dealing with climate change. Further, between May 2011 and March 2016, as EcoMed 21’s representative, he participated in the deliberations of the Council for EDF, a French electric company in which the French government has significant shareholdings.

bb. On 2 August 2011, on behalf of SoliMed, [the Applicant] negotiated the extension of a fund grant agreement with the French Ministry of the Interior. The extension related to an agreement that [the Applicant] had entered into with the same government entity on behalf of SoliMed on 8 December 2008, a week after joining the Organization.

cc. In August 2018, [the Applicant] promoted the goals and objectives of FFA with the French Embassy in Algeria.

[The Applicant] acknowledged that these activities “could be perceived to relate to [his] official function as a UN staff member.”

- ii. Further, [the Applicant] managed FFA’s, EcoMed 21’s, SoliMed’s and PlaNetDZ’s affairs, including their finances at least a portion of which came from government sources. [The Applicant] also supervised interns, presided over meetings, and prepared various documents and reports on behalf of the associations.
- iii. Moreover, [the Applicant] engaged, and represented FFA, EcoMed 21, SoliMed and PlaNetDZ in public activities, including delivering speeches and/or presentations, giving interviews, writing articles and organizing events.
- iv. [The Applicant] further represented the interests of SoliMed and PlaNetDZ in commercial transactions, including the sale of SoliMed’s SICAV shares, and administering a rent-sharing arrangement for PlaNetDZ.

d. In engaging in the above unauthorized outside activities, [the Applicant] used UN ICT resources. Particularly, [the Applicant] used his UN laptop in creating, storing and/or modifying an extensive number of documents (e.g., financial documents, reports, minutes of the meeting, etc.) for his four associations.

29. It is, therefore, undisputed and established that between 2008 and 2021, the Applicant engaged in political activities and outside activities without seeking or obtaining the Secretary-General’s prior approval.

The misconduct

30. Based on a review of the record, the USG/DMSPC concluded that the Applicant’s conduct violated staff regulations 1.2(b), 1.2(e), 1.2(f), 1.2(g), 1.2(h), 1.2(m), 1.2(o), 1.2(q), staff rules 1.2(q), 1.2(s) and 1.2(t), and secs. 3.1, 4.1, and 5.1 of ST/SGB/2004/15 (Use of Information and Communication Technology Resources and Data). In this respect, the Sanction Letter indicates that:

a. [The Applicant]’s public expression of his opinions on the political situation in Algeria and critical comments towards its former President adversely reflected on his independence and impartiality in violation of Staff Regulations 1.2(f) and 1.2(h). Accordingly, in failing to maintain his impartiality in all matters affecting his status as an international civil servant, [the Applicant] has further failed to uphold the highest standards of integrity in violation of Staff Regulation 1.2(b).b. [The Applicant]’s leadership, management and representation of FFA, EcoMed 21, SoliMed and PlaNetDZ in various public events and transactions, without the prior approval of the Secretary-General, violated Staff Regulation 1.2(o), Staff Rules 1.2(s) and 1.2(t). [The Applicant]’s assertions that his associations were not-for-profit and that he did not receive money for his involvement in the associations are inapposite. Under the relevant Staff Regulation and Rules, [the Applicant] is prohibited from engaging in any outside activity, whether remunerated or not, without the approval of the Secretary-General. In addition, by soliciting sponsorship and entering into agreements with entities of UN Member States on behalf of his associations, [the Applicant] has failed to refrain from actions which might reflect on his independence as a staff member in further violation of Staff Regulation 1.2(f).c. [The Applicant]’s personal interests in his political affairs conflicted with the independence and impartiality required by his status as an international civil servant in violation of Staff Regulations 1.2(e), 1.2(m) and Staff Rule 1.2(q). [The Applicant]’s representing the interests of his associations, rather than the interests of the Organization, in his dealings with entities of UN Member States also presented a conflict of interest situation, which he did not disclose to the Organization in further violation of these Staff Regulations and Rule.

d. [The Applicant] used UN ICT resources for his unauthorized outside activities in violation of Staff Regulations 1.2(g), 1.2(q) and Sections 3.1, 4.1 and 5.1 of ST/SGB/2004/15.

31. The Sanction Letter further provides the following:

By criticizing a head of a UN Member State and openly and publicly making known his positions on controversial and sensitive political issues on broadcast and online media, [the Applicant] breached his fundamental obligation to maintain impartiality and independence. By this conduct, [the Applicant] has also allowed his personal political interests to interfere with his duties and obligations to the Organization, which relies on its staff members to remain impartial and independent for the effective performance of its mandate. In addition to this, [the Applicant] repeatedly engaged in multiple unauthorized outside activities for a length of time that encompasses almost the entire period of his employment with the Organization.

Again, in the course of engaging in these activities, on several occasions, he has put the interests of his associations above the interest of the Organization in dealing with entities of UN Member States.

[The Applicant]’s conduct displays a blatant disregard for his basic obligations under the Staff Regulations and Rules, which form an integral part of his employment contract with the Organization. [The Applicant] has also demonstrated a serious lack of commitment to, and understanding of the oath that he took upon his appointment, including his undertaking to regulate his conduct with the interest of the Organization only in view. Accordingly, [the Applicant]’s actions constituted a fundamental breach of, and went to the root of his employment contract.

32. Based on the above, the USG/DMSPC determined that the Applicant’s actions amounted to serious misconduct.

The proportionality of the sanction

33. The jurisprudence of the United Nations Appeals Tribunal (“Appeals Tribunal” or UNAT) provides that “the Administration has a broad discretion when it comes to the choice of a disciplinary sanction” (see *Iram* 2023-UNAT-1340, para. 86), and the Tribunals will only interfere and rescind or modify a sanction imposed by the Administration where the sanction imposed is blatantly illegal, arbitrary, adopted beyond the limits stated by the respective norms, excessive, abusive, discriminatory or absurd in its severity (see *Appellant* 2022-UNAT-1216, para. 45; *Iram*, para. 86).

34. Furthermore, “due deference must be shown to the Secretary-General’s decision on sanction because [art.] 101(3) of the United Nations Charter requires the Secretary-General to hold staff members to the highest standards of integrity and he is accountable to the Member States of the United Nations in this regard” (see *Beda* 2022-UNAT-1260, para. 57).

35. Staff rule 10.3(b) provides that “[a]ny disciplinary measure imposed on a staff member shall be proportionate to the nature and gravity of his or her misconduct”. In this regard, in *Rajan* 2017-UNAT-781, para. 48, the Appeals Tribunal held that

[t]he most important factors to be taken into account in assessing the proportionality of a sanction include the seriousness of the offence, the length of service, the disciplinary record of the employee, the attitude of the employee and his past conduct, the context of the violation and employer consistency.

36. In *Svetko* 2023-UNAT-1311, para. 47, the Appeals Tribunal further held that “[t]he assessment of proportionality by its very nature is a factual inquiry requiring the UNDT to review and balance all the competing considerations to determine whether less drastic and more suitable means might better have accomplished the necessary disciplinary objective”.

37. In the case at hand, the USG/DMSPC imposed on the Applicant the disciplinary measure of separation from service with compensation in lieu of notice, and with termination indemnity, in accordance with staff rule 10.2(a) (viii).

38. According to the Sanction Letter, the USG/DMSPC considered in his assessment of the proportionality of the disciplinary measure, mitigating and aggravating factors as well as the Organization’s past practice in comparable matters involving political activities and unauthorized outside activities.

39. As mitigating factors, the USG/DMSPC considered the Applicant’s i) early admission; ii) expression of remorse; and iii) long service and positive performance.

40. As aggravating factors, the USG/DMSPC considered i) the Applicant’s repeated engagement in misconduct over an extended period of time; ii) that his unauthorized outside activities involved multiple associations; iii) that his conduct violated multiple Staff Regulations and Rules; and iv) that his engagement in political activities had exposed the Organization to a reputational risk.

41. The Applicant challenges the proportionality of the sanction on several grounds. He mainly claims that the Administration failed to properly consider the issues below as mitigating circumstances. The Tribunal will thus address each of the Applicant’s arguments in turn.

The Applicant's cooperation with OIOS

42. The Applicant alleges that he fully cooperated with OIOS and immediately ceased to engage further in the alleged misconduct. He cut his ties with the associations and brought himself in line with the UN Regulations and Rules. Had he been cautioned that his conduct infringed on the UN Rules, he would have immediately refrained from action. However, he was deprived of “[his] right [to] a first warning”.

43. On this issue, the Tribunal finds that the Applicant's argument is misconceived as he was legally obliged to cooperate with the investigation as per staff rule 1.2 (c). As such, this is not a mitigating factor. Similarly, the fact that he cut ties with the associations when he was notified of the allegations against him does not change the Applicant's misconduct, which had already occurred, and it is not a mitigating factor either as refraining from misconduct is the minimum expected from every staff member.

44. Furthermore, the Applicant was presumed to know the Regulations and Rules applicable to him as a staff member and ignorance cannot be invoked as an excuse (see *Vukasovic* 2016-UNAT-699, para. 14). Besides, contrary to his assertion, the legal framework does not afford a “right” to a “first warning” to a staff member who engages in misconduct.

The Applicant's involvement in the associations

45. The Applicant claims that the Administration failed to recognize as a mitigating factor that “the association he was involved with engaged in humanitarian, environmental, developmental and cultural work”. None of these organizations were meant to yield profits and he was not remunerated, which, in his view, was in line with para. 5.1 of ST/AI/2000/13 on Outside Activities. He thought that he was allowed “to volunteer for the associations because they served charitable purposes” and he felt that his “professional work and citizen engagement were both in line with the values of the UN”.

46. Paragraph 5.1 of ST/AI/2000/13 provides as follows:

Private non-remunerated activities for social or charitable purposes which have no relation to the staff member's official functions or to the Organization, and take place outside working hours or while the staff member is on leave, may be engaged in at the staff member's discretion. Staff members shall in every instance ensure that the activity is and remains compatible with their status as international civil servants.

47. Paragraph 45 of the Standards of Conduct for the International Civil Service provides:

The primary obligation of international civil servants is to devote their energies to the work of their organizations. Therefore, international civil servants should not engage, without prior authorization, in any outside activity, whether remunerated or not, that interferes with that obligation or is incompatible with their status or conflicts with the interests of the organization. Any question about this should be referred to the executive head.

48. The evidence on record shows that the Applicant's involvement in the four associations included acting as their President or Chair, managing their affairs and representing them in financial transactions and public events, including delivering speeches and/or presentations, giving interviews, writing articles and organizing events as indicated in the Sanction Letter (see para. 28 above, quote under "c.").

49. The Applicant even represented the interest of the associations in dealing with entities of UN Member States including

- a. The Algerian Ministry of the Interior and Local Authorities for an event dealing with climate change on behalf of EcoMed 21;
- b. The French Ministry of the Interior with whom he negotiated the extension of a fund grant agreement on behalf of SoliMed; and
- c. The French Embassy in Algeria with whom the Applicant promoted the goals and objectives of FFA.

50. Therefore, the Tribunal finds that given the nature of his activities, the Applicant's active involvement in these associations went far beyond the scope of para. 5.1 of ST/AI/2000/13. It is reasonable to infer that the Applicant invested considerable energy in the work of the associations instead of the work of the Organization, which was his primary obligation as an international civil servant.

51. Likewise, the Applicant should have sought and obtained the Secretary-General's prior approval to engage in outside activities and ensure that his activities were compatible with his status as an international civil servant. Unfortunately, he failed to do so.

52. Furthermore, in representing the interests of these associations, rather than the interests of the Organization in his dealings with entities of UN Member States, he placed himself in a situation of conflict of interest and breached his duty, as a staff member, to remain impartial and independent.

53. In light of the above, even if the associations were not meant to yield profits and the Applicant was not remunerated, as he claimed, this would not change the Tribunal's findings concerning the nature of the Applicant's activities and his active involvement in the functioning and management of said associations.

The Applicant's involvement in political activities

54. The Applicant submits that it is unlikely that the Organization was exposed to reputational risk concerning his interviews and comments on the human rights situation in Algeria as he acted as a "private citizen" and did not identify himself as a UN staff member.

55. The Applicant contends that his engagement was aligned with the fundamental principles of the UN as specified in the UN Charter, and with the statement of the Spokesperson for the UN High Commissioner for Human Rights about the situation in Algeria in March 2021. He admits that he supported the civil protest movement in Algeria but claims that such a movement was "blessed".

56. In this respect, the Tribunal recalls that as an international civil servant, the Applicant's conduct must be impartial and independent. The Standards of Conduct for the International Civil Service specifically provide, *inter alia*, that:

9. Impartiality implies tolerance and restraint, particularly in dealing with political or religious convictions. While their personal views remain inviolate, international civil servants do not have the freedom of private persons to take sides or to express their convictions publicly on controversial matters, either individually or as members of a group, irrespective of the medium used. This can mean that, in certain situations, personal views should be expressed only with tact and discretion.

...

11. The independence of the international civil service does not conflict with, or obscure, the fact that it is the member States that collectively make up [...] the organization. Conduct that furthers good relations with individual member States and that contributes to their trust and confidence in the organizations' secretariat strengthens the organizations and promotes their interest.

57. Specifically on political activities, para. 48 of the Standards of Conduct reads:

In view of the independence and impartiality that they must maintain, international civil servants, while retaining the right to vote, should not participate in political activities, such as standing for or holding local or national political office. This does not, however, preclude participation in local community or civic activities, provided that such participation is consistent with the oath of service in the United Nations system. It is necessary for international civil servants to exercise discretion in their support for a political party or campaign, and they should not accept or solicit funds, write articles or make public speeches or statements to the press. These cases require the exercise of judgement and, in case of doubt, should be referred to the executive head.

58. Likewise, para. 5.3 of ST/AI/2000/13 provides:

In accordance with staff regulation 1.2(h), staff members may exercise the right to vote but shall ensure that their participation in any political activity is consistent with, and does not reflect adversely upon, the independence and impartiality required by their status as international civil servants.

59. The evidence on record shows that the Applicant, in his interviews on international media, openly expressed his opinion on a controversial issue involving local Algerian politics, discrediting the former President and his then administration. The Applicant has also admitted that he “gave those interviews in endorsing the civil [protest] movement” that was ongoing at the time in Algeria.

60. Since the Applicant was a UN staff member at the time of his interviews, there was a risk that his political statements and endorsement of a civil protest movement would be erroneously attributed to the Organization, even if he acted as a “private citizen”. By doing so, he failed to maintain his impartiality and independence as an international civil servant and exposed the Organization to a reputational risk.

61. Therefore, contrary to the Applicant’s argument, the Tribunal finds that the Organization was correct in determining that his engagement in political activities exposed the Organization to a reputational risk, which was properly considered as an aggravating factor in assessing the proportionality of the sanction imposed.

The Applicant’s disciplinary record and dedication

62. The Applicant alleges that he had a clear disciplinary record before the contested decision, and has demonstrated a consistent dedication to his work as shown by his performance evaluations and positive recommendations.

63. In this respect, the Tribunal notes that the Organization properly considered the Applicant’s long service and positive performance as a mitigating factor. However, the fact that the Applicant had a clear disciplinary record is irrelevant as this is expected of each staff member. As such, the Organization did not fail in not considering it as a mitigating factor.

The Organization's past practice in comparable matters

64. The Applicant argues that the sanction imposed on him does not conform with past practice and the Administration failed to apply the “principle of consistency and equality” in its choice of sanction. According to him, the past practice shows that separation “almost always seems to be related to pursuance of private financial gain” but not to social or charitable associations as in his case. He thus asserts that the sanction of separation was unduly harsh.

65. In *Mihyar* UNDT/2023/040, para. 39, this Tribunal held that “it is within the Administration’s discretion to identify comparable previous cases. Indeed, it is neither for the Tribunal nor for the Applicant to “pick and choose” what precedents the Administration should take into consideration in determining the appropriate sanction”.

66. The Sanction Letter indicates that the USG/DMSPC considered the Organization’s past practice in comparable cases involving political activities and unauthorized outside activities. It provides in its relevant part as follows:

Past practice indicates that cases involving engaging in activities that adversely reflected on a staff member’s impartiality and independence have warranted separation from service. Past cases of engaging in extensive unauthorized outside activities with an element of conflict of interest have also warranted separation from service.

The USG/DMSPC has found that contrary to [the Applicant’s] assertion, his misconduct does not involve a simple case of unauthorized outside activities, but a combination of multiple instances of political activities and unauthorized outside activities that reflected on his impartiality and independence in violation of various Staff Regulations and Rules. Moreover, [the Applicant’s] engagement in unauthorized outside activities has resulted in a conflict of interest.

67. The Tribunal consulted the “Compendium of Disciplinary Measures containing the practice of the Secretary-General in disciplinary matters and cases of criminal behaviour from 1 July 2009 to 31 December 2022” prepared by the Office of Human Resources, and found that the sanction imposed was in line with past practice.

68. The Tribunal notes that in cases involving outside activities and conflict of interest, a sanction of separation from service with compensation in lieu of notice and with or without indemnity was imposed in comparable cases (see references 414 and 600 of the Compendium).

69. Similarly, in a case involving political activities and media, a sanction of separation from service with compensation in lieu of notice and with termination indemnity was imposed (see reference 618 of the Compendium).

70. Having reviewed the compendium, the Tribunal determines that the Applicant's choice of precedents is immaterial as the cases he refers to are not comparable to his misconduct.

71. The Applicant engaged in multiple instances of political activities, and in extensive unauthorized activities in four associations that he led and managed for a period almost comprising his entire employment with the Organization (13 years). All these activities reflected negatively on his impartiality and independence and resulted in a conflict of interest.

72. Considering the aforementioned factors, the Tribunal finds that the applicable sanction was not excessive to the nature and gravity of the Applicant's misconduct. The sanction imposed was not the most severe (dismissal) showing that the Administration was quite lenient towards the Applicant.

73. Accordingly, the Tribunal finds that the disciplinary measure imposed on the Applicant was proportionate to the grave offences committed.

74. Therefore, the Tribunal upholds the contested decision and rejects the Applicant's request for remedies.

Conclusion

75. In view of the foregoing, the Tribunal DECIDES to reject the application in its entirety.

(Signed)

Judge Sun Xiangzhuang

Dated this 29th day of July 2024

Entered in the Register on this 29th day of July 2024

(Signed)

René M. Vargas M., Registrar, Geneva