



# UNITED NATIONS APPEALS TRIBUNAL

# TRIBUNAL D'APPEL DES NATIONS UNIES

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Judgment No. 2019-UNAT-967

**Olowo-Okello**

**(Appellant)**

**v.**

**Secretary-General of the United Nations**

**(Respondent)**

**JUDGMENT**

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Before: Judge Dimitrios Raikos, Presiding

Judge Jean-François Neven

Judge Kanwaldeep Sandhu

Case No.: 2019-1267

Date: 25 October 2019

Registrar: Weicheng Lin

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Counsel for Mr. Olowo-Okello: Self-represented

Counsel for Secretary-General: Isavella Vasilogeorgi

**JUDGE DIMITRIOS RAIKOS, PRESIDING.**

1. This case arose from the non-renewal of Mr. Yesero Tebba Olowo-Okello's temporary appointment for lack of requisite medical clearance. By Judgment No. UNDT/2019/086, the United Nations Dispute Tribunal (UNDT or Dispute Tribunal) dismissed his application contesting his non-renewal as not receivable *ratione materiae* on the ground that he had failed to timely request management evaluation. We affirm. We, however, also hold that for the reasons given below, should the Administration decide to place adverse material in Mr. Olowo-Okello's official status file, he will not be precluded from contesting, within the applicable time limits, the Administration's potential denial to remove such material, the non-renewal decision, as well as any decisions based on such adverse material.

**Facts and Procedure**

2. Mr. Olowo-Okello is a former staff member of the Office of the United Nations High Commissioner for Refugees (UNHCR), where he had served on several temporary appointments as an Associate Field Officer (Protection) in Shire, Federal Democratic Republic of Ethiopia, from 21 February 2015 to 30 August 2016.

3. Effective 9 April 2016, Mr. Olowo-Okello was placed on Special Leave Without Pay (SLWOP), after he had exhausted both his sick leave and annual leave entitlements.

4. By memorandum dated 30 June 2016, the Human Resources Services Section informed Mr. Olowo-Okello that his temporary appointment was due to expire on 30 June 2016 and that in the absence of information for extending his services or any notification that he had been selected for a new position within UNHCR, the Organization would proceed with his separation from service.

5. On 5 July 2016, Mr. Olowo-Okello was informed that following further discussions with Human Resources, his contract would be extended to cover the month of July.

6. On 7 September 2016, Mr. Olowo-Okello was informed that his appointment had been extended to cover the month of August 2016, but that he had not been medically cleared to return to Ethiopia, and that therefore his separation from UNHCR was effective as of 1 September 2016.

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7. On 12 July 2018, Mr. Olowo-Okello filed a complaint and request for intervention with the UNHCR Ombudsman's Office. In his complaint, Mr. Olowo-Okello requested to be rehired by UNHCR and to be informed of the reasons why he was being "blocked from rehiring".

8. On 25 July 2018, the UNCHR Ombudsman's Office transmitted to Mr. Olowo-Okello a statement from the UNCHR Legal Affairs Service in response to his complaint. The statement noted as follows:

The eligibility to apply for UNHCR positions is governed by the Recruitment and Assignments Policy (UNHCR/HCP/2017/2) and Administrative Instruction (UNHCR/AI/2017/7/Rev.1). The paramount consideration in the employment of staff is securing the highest standards of efficiency, competence, and integrity pursuant to article 101.3 of the UN Charter, article 11 of the Policy and article 8 of the Administrative Instruction.

In this connection, it has come to the Medical Service's attention that Mr. Okello misrepresented information in his entry medical assessment form at the time of his recruitment by UNHCR in January 2015. In particular, despite his obligation to provide full and accurate medical information to the Medical Service, he failed to disclose that he suffered from an illness. This illness became apparent at a later date. Had he provided full and accurate medical information to the Medical Service, Mr. Okello would not have been declared fit to work and would not have received his appointment.

It appears from the foregoing that Mr. Okello does not meet the highest standards of integrity required for employment with UNHCR. For the sake of fairness, nevertheless, DHR will consider any comments that he might have before reaching a final conclusion.

9. Mr. Olowo-Okello submitted his comments on 6 August 2018. Between 6 August 2018 and 22 March 2019, Mr. Olowo-Okello repeatedly attempted, through the Ombudsman's Office, to obtain a "final conclusion" from the Administration. Finally, on 22 March 2019, Mr. Olowo-Okello wrote to the Ombudsman stating that he was doubtful that writing again to the Administration and waiting any longer for its final decision would serve any useful purpose.

10. On 12 April 2019, Mr. Olowo-Okello filed an application with the UNDT contesting the "termination" of his employment with UNHCR, the decision to block him from being rehired by UNHCR and other United Nations agencies and the placement of adverse material into his personnel file.

11. On 16 May 2019, the UNDT issued Judgment No. UNDT/2019/086 dismissing Mr. Olowo-Okello's application as not receivable *ratione materiae*. The UNDT found that the communication, dated 7 September 2016, constituted an express and complete administrative decision in that it informed Mr. Olowo-Okello of the outcome and reasons for it, i.e. the lack of the requisite medical clearance. The UNDT found that any additional information Mr. Olowo-Okello had received on 25 July 2018 regarding the reasons for not re-hiring him in 2018 did not revive the decision taken in 2016. The UNDT concluded that in the absence of the requisite management evaluation request or evidence that the parties had been involved in an Ombudsman-driven negotiation process, his application was not receivable with regard to the non-renewal decision. Similarly, Mr. Olowo-Okello had not requested management evaluation of the decisions to block him from being rehired by UNHCR and other United Nations agencies and to place adverse material into his personnel file. The UNDT therefore concluded that Mr. Olowo-Okello's application was not receivable.

12. Mr. Olowo-Okello filed an appeal on 4 June 2019 with the United Nations Appeals Tribunal (Appeals Tribunal), and the Secretary-General filed his answer on 11 July 2019.

### **Submissions**

#### **Mr. Olowo-Okello's Appeal**

13. The UNDT failed to exercise jurisdiction vested in it by rejecting the application on the ground that Mr. Olowo-Okello had failed to submit a timely request for management evaluation. Mr. Olowo-Okello was not required to request management evaluation, since his case had its origins in a disciplinary measure taken against him related to alleged misconduct at the time of his recruitment and, therefore Staff Rule 11.2(b) applied. Furthermore, Staff Rule 11.2(b) also applied due to the fact that the disputed administrative decision was taken pursuant to advice obtained from a technical body, as determined by the Secretary-General. More specifically, a UNHCR medical staff member issued the disputed administrative decision in her capacity as a medical doctor on a technical issue. This technical advice formed the basis of the UNHCR Administration's decision not to continue his employment due to a finding that he had allegedly misrepresented his medical information. Therefore, both exceptions under Staff Rule 11.2(b) applied. Accordingly, Mr. Olowo-Okello was not required to request management evaluation of the contested decisions.

14. Moreover, Mr. Olowo-Okello's application before the UNDT was filed timely. The 25 July 2018 decision was based on entirely distinct and different reasons than the non-renewal decision dated 7 September 2016 and constituted a new administrative decision. In fact, the Administration unambiguously invited comments so that a final administrative decision could be made. It follows from the foregoing that Mr. Olowo-Okello only received notification of the final and unambiguous administrative decision on 25 July 2018.

15. After 25 July 2018, Mr. Olowo-Okello consulted further with the Ombudsman's Office in an attempt to resolve the issue informally. The Ombudsman used his best efforts to ensure that Mr. Olowo-Okello receive a final decision. Though the attempt at informal resolution of the issue was unsuccessful, the Administration participated by inviting Mr. Olowo-Okello's comments. The steady stream of e-mails and phone conversations between Mr. Olowo-Okello, the Ombudsman and the Administration addressed matters directly related to the administrative decision of 25 July 2018. It was only on 22 March 2019, when the discussions broke down due to the bad faith efforts by the Administration which refused to make a final administrative decision, that the clock began to run for filing an application with the UNDT pursuant to Staff Rule 11.4(c). Mr. Olowo-Okello filed his application with the UNDT on 23 April 2019, well within the 90-day time limit to file after the mediation efforts were deemed to have failed. The fact that the UNHCR Administration never made a final administrative decision following the submissions of Mr. Olowo-Okello's comments is irrelevant because not taking an administrative decision is also a decision. Therefore, the application was not time-barred.

16. The UNDT erred in fact, resulting in a manifestly unreasonable decision by not properly considering the evidence presented that there was an undisclosed, completed disciplinary process against Mr. Olowo-Okello, which resulted in adverse material being placed in his personnel file without his knowledge. As established, UNHCR never gave notice to Mr. Olowo-Okello as to the disciplinary charges against him until the Ombudsman's intervention, and well after it had arbitrarily concluded that Mr. Olowo-Okello had committed misconduct by intentionally misrepresenting his medical condition at the time of his recruitment. It is clear from DHRM's e-mail that the purported grounds for separation were based on medical grounds stating Mr. Olowo-Okello was unfit for service in Ethiopia. It was only the e-mail dated 25 July 2018 from the Office of Legal Affairs Service that made him aware of the real motives. He was never given the opportunity to present evidence on his behalf that he had not been aware of his true medical condition in January 2015, and to rebut the

arbitrary, conclusory presumption that he had intentionally made a misrepresentation. The Organization deprived Mr. Olowo-Okello of his due process rights by providing a clearly false reason as to why he was being separated from service.

17. Mr. Olowo-Okello requests that the Appeals Tribunal reverse the UNDT Judgment and remand the case to the UNDT for a fresh decision on the merits of the case; or rule on the application on the merits that is part of the record. Should the Appeals Tribunal find that his application before the UNDT was not receivable, Mr. Olowo-Okello respectfully requests that it order the UNHCR Administration to remove all adverse material placed in his personnel file in violation of Administrative Instruction ST/AI/292 (Filing of adverse material in personnel records) so that he may pursue employment within UNHCR and the United Nations.

### **The Secretary-General's Answer**

18. The UNDT correctly dismissed the application as not receivable *ratione materiae*. Mr. Olowo-Okello's request for assistance from the Ombudsperson did not constitute a request for management evaluation within the meaning of Staff Rule 11.2. As is clear from Staff Rule 11.1, the Ombudsperson is not part of management, and therefore, a request for assistance from the Ombudsperson cannot be construed to be a request to the Secretary-General, within the meaning of Staff Rule 11.2(a), for a management evaluation of a contested administrative decision. Accordingly, the UNDT was correct in dismissing the application insofar as it challenged the non-renewal decision as not receivable. To the extent that the application sought to challenge additional decisions (such as the purported decisions to block him from being rehired and to place adverse materials in his personnel file), the UNDT correctly dismissed these claims on the grounds that no request for management evaluation of those decisions had been filed.

19. Even if Mr. Olowo-Okello's communications to the Ombudsman were to be broadly construed as a request for management evaluation, that communication was submitted well after the 60-day deadline for submitting a request for management evaluation set forth in Staff Rule 11.2(c). Mr. Olowo-Okello did not write to the Ombudsperson until 12 February 2018, that is, more than 16 months after the non-renewal decision had been communicated to him. Accordingly, under any interpretation of the documents on the record, Mr. Olowo-Okello failed to submit a request for management evaluation with the appropriate UNHCR authority within the set time limits. The UNDT, thus, correctly determined that, absent a timely request for management evaluation, the application was irreceivable *ratione materiae*.

20. Mr. Olowo-Okello has not established any errors warranting a reversal of the UNDT Judgment. As stated in the communication of 7 September 2016, the decision not to renew Mr. Olowo-Okello's temporary appointment was based, *inter alia*, on the receipt of a medical clearance indicating his status as unfit to serve in Ethiopia. The determination that Mr. Olowo-Okello was unfit related to his medical clearance, which was based on a conclusion that his medical condition, had it been disclosed to the United Nations Medical Service, would have precluded his original deployment to Ethiopia. The determination that he was unfit was not related to the observation that he did not meet the highest standards of integrity because he had failed to disclose his medical condition at the time of his initial recruitment to UNHCR in 2015.

21. Even assuming *arguendo* that Mr. Olowo-Okello's arguments were accepted, and he was not required to submit a request for management evaluation, he still failed to file a timely application before the UNDT. Accepting Mr. Olowo-Okello's arguments would mean treating the Ombudsman's communication of 25 July 2018 as the purported decision conveying a disciplinary sanction. Pursuant to Staff Rule 11.4(d) as well as Article 8(1)(d)(ii) of the UNDT Statute, Mr. Olowo-Okello should have submitted his application to the UNDT within 90 days from his receipt of the administrative decision. In other words, Mr. Olowo-Okello would have been required to submit his application to the UNDT on or before 23 October 2018. However, Mr. Olowo-Okello only submitted his application to the UNDT on 12 April 2019, that is 171 days past the deadline. On this basis alone, the Appeals Tribunal should dismiss the appeal and affirm the UNDT Judgment. In view of the foregoing, Mr. Olowo-Okello has not established any error on the part of the UNDT warranting a reversal of the Judgment.

### **Considerations**

22. The issue before this Tribunal is whether the UNDT correctly concluded that Mr. Olowo-Okello's application was non-receivable *ratione materiae*, as he had not submitted a request for management evaluation of the contested administrative decision before filing his application with the UNDT. This Tribunal determines that the Dispute Tribunal's conclusions are correct.

*Preliminary issue: Oral hearing before the Appeals Tribunal*

23. Mr. Olowo-Okello requests an oral hearing, which he believes will be of assistance to the Appeals Tribunal. Oral hearings are governed by Article 8(3) of the Appeals Tribunal Statute (Statute) and Article 18(1) of the Appeals Tribunal Rules of Procedure (Rules). Under Article 18(1) of the Rules, a request for an oral hearing may be granted when it would “assist in the expeditious and fair disposal of the case”. As the Appeals Tribunal does not find that an oral hearing would assist it any further in resolving the issues on appeal, the request for an oral hearing is denied.

*The non-renewal of Mr. Olowo-Okello’s appointment*

24. Under Article 8(1)(c) of the UNDT Statute, an application shall be receivable if the applicant has previously submitted a contested decision for management evaluation where required. This obligation upon the applicant is also prescribed in Staff Rule 11.2(a), which provides that a staff member wishing to formally contest an administrative decision shall, as a first step, submit to the Secretary-General in writing a request for management evaluation. Pursuant to Staff Rule 11.2(c), a request for management evaluation is to be submitted to the Secretary-General within 60 calendar days from the date on which the staff member received notification of the administrative decision to be contested.

25. It is settled case law that requesting management evaluation is a mandatory first step in the appeal process.<sup>1</sup> The Appeals Tribunal has noted many times that the requirement of management evaluation assures that there is an opportunity to quickly resolve a staff member’s complaint or dispute without the need for judicial intervention.<sup>2</sup>

26. Moreover, the Appeals Tribunal has held that “[i]t is the role of the Dispute Tribunal to adequately interpret and comprehend the application submitted by the moving party, whatever name the party attaches to the document, as the judgment must necessarily refer to the scope of the parties’ contentions. Thus, the Dispute Tribunal has the inherent power to individualize and define the administrative decision challenged by a party and to identify the

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<sup>1</sup> *Vukasović v. Secretary-General of the United Nations*, Judgment No. 2016-UNAT-699, para. 13, citing *Faye v. Secretary-General of the United Nations*, Judgment No. 2016-UNAT-654, para. 31; *Gehr v. Secretary-General of the United Nations*, Judgment No. 2013-UNAT-293, para. 27.

<sup>2</sup> *Amany v. Secretary-General of the United Nations*, Judgment No. 2015-UNAT-521, para. 17, citing *Servas v. Secretary-General of the United Nations*, Judgment No. 2013-UNAT-349, para. 22 and cites therein.

subject(s) of judicial review.”<sup>3</sup> We find no fault with the UNDT’s reasoning when it defined and identified as the administrative decision that triggered the time limits for him to request management evaluation the communication of 9 July 2016<sup>4</sup> to Mr. Olowo-Okello-as conceded by him in his application-that his contract had expired and had not been renewed due to the lack of the requisite medical clearance for Ethiopia. We therefore uphold the UNDT’s finding that the issue of the non-renewal of Mr. Olowo-Okello’s contract was not receivable *ratione materiae*.

27. Mr. Olowo-Okello contends that the UNDT should have ruled that his obligation to submit the contested decision for management evaluation was fulfilled when he asked for the Ombudsman’s Office’s intervention on 12 February 2018.

28. The UNDT opined on this issue as follows:<sup>5</sup>

... The relevant administrative decision triggering the time limits for the Applicant to request management evaluation was the 9 July 2016<sup>[6]</sup> decision. The Applicant failed to submit a request for management evaluation to the appropriate authority in UNHCR which is to the UNHCR’s High Commissioner’s office within 60 calendar days as required by staff rule 11.2(c). The Applicant claims that he sent a management evaluation request to the Ombudsman’s Office on 12 February 2018. In light of staff rule 11.2(c), at the time he would have already been time-barred and it is trite law that the Dispute Tribunal cannot suspend or waive the deadlines for management evaluation.

29. We agree with the UNDT’s two-pronged reasoning. The Ombudsman’s Office is not the appropriate authority to decide upon a request for management evaluation. Staff Rule 11.2 expressly directs a staff member as a first step, to submit a request for management evaluation to the Secretary-General. The MEU is the office mandated to receive management evaluation requests pursuant to Secretary-General’s Bulletin ST/SGB/2010/9 (Organization of the Department of Management). Accordingly, the UNDT correctly concluded that Mr. Olowo-Okello’s request for assistance from the Ombudsman did not

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<sup>3</sup> *Cardwell v. Secretary-General of the United Nations*, Judgment No. 2018-UNAT-876, para. 23, citing *Fasanella v. Secretary-General of the United Nations*, Judgment No. 2017-UNAT-765, para. 20 (internal citation omitted).

<sup>4</sup> There seems to be some confusion about this date, most likely due to the difference in American versus British spelling of dates. This date should read 7 September 2016 instead of 9 July 2016. See above, para. 6. In any event, relying on either date will lead to the same conclusion.

<sup>5</sup> Impugned Judgment, para. 20.

<sup>[6]</sup> See footnote 4 above.

constitute a request for management evaluation within the meaning of Staff Rule 11.2 and, therefore, could not substitute his obligation to submit such a request.

30. Further, as correctly argued by the Secretary-General, even if Mr. Olowo-Okello's communication with the Ombudsman's Office on 12 February 2018 were to be broadly construed as a request for management evaluation, which was not the case here, that communication was time-barred since it was submitted after the 60-day deadline from the notification of the non-renewal decision on 9 July 2016.<sup>7</sup>

*The “decision” of the Administration to place adverse material in Mr. Olowo-Okello’s official status file and to block him from being rehired*

31. As per the settled jurisprudence, an appealable administrative decision is a decision whereby its key characteristic is the capacity to produce direct legal consequences affecting a staff member's terms and conditions of appointment. Further, the date of an administrative decision is based on objective elements that both parties (Administration and staff member) can accurately determine.<sup>8</sup>

32. Deciding what is and what is not a decision of an administrative nature may be difficult and must be done on a case-by-case basis and will depend on the circumstances, taking into account the variety and different contexts of decision-making in the Organization. The nature of the decision, the legal framework under which the decision was made, and the consequences of the decision are key determinants of whether the decision in question is an administrative decision.<sup>9</sup> What matters is not so much the functionary who takes the decision as the nature of the function performed or the power exercised. The question is whether the task itself is administrative or not.

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<sup>7</sup> *Ibid.*

<sup>8</sup> *Farzin v. Secretary-General of the United Nations*, Judgment No. 2019-UNAT-917, para. 38, citing to *Abu Nqairah v. Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, Judgment No. 2018-UNAT-854, para. 16, in turn citing *Kazazi v. Secretary-General of the United Nations*, Judgment No. 2015-UNAT-557, para. 28.

<sup>9</sup> *Lloret Alcañiz et al. v. Secretary-General of the United Nations*, Judgment No. 2018-UNAT-840, para. 62, citing to *Lee v. Secretary-General of the United Nations*, Judgment No. 2014-UNAT-481, para. 50, in turn citing *Bauzá Mercére v. Secretary-General of the United Nations*, Judgment No. 2014-UNAT-404, para. 18 and citations therein. See also *Kalashnik v. Secretary-General of the United Nations*, Judgment No. 2016-UNAT-661, para. 25.

33. In the present case, the 25 July 2018 statement by the Administration that a final decision on Mr. Olowo-Okello's case was to be taken following the receipt of his comments, did not constitute an appealable administrative decision for the purpose of Article 2(1) of the UNDT Statute, as it did not qualify as a final decision having a direct adverse impact on the individual situation of Mr. Olowo-Okello.<sup>10</sup>

34. Therefore, we find no error with the conclusions of the UNDT Judge, albeit for different reasons, that Mr. Olowo-Okello's application was not receivable *ratione materiae* in as far as he challenged the "administrative decisions" to block him from being rehired and to place adverse materials in his personnel file.

35. Besides, as these statements by the Administration did not qualify as administrative decisions and could not be subject to judicial review, for the same reason they could not be the subject of a request for management evaluation by the Administration.<sup>11</sup>

36. Further, while the Appeals Tribunal has consistently held that the absence of a response to a claim or a complaint can in certain circumstances constitute an appealable administrative decision where it has direct legal consequences,<sup>12</sup> this jurisprudence does not find application in the case at bar.

37. As already noted, the 25 July 2018 statement by the Administration, due to its nature, was not sufficient to qualify as an administrative decision directly affecting the terms of appointment or contract of employment of Mr. Olowo-Okello, as required by Article 2(1) of the UNDT Statute. It was not a final decision made by the Administration and did not involve a decision with an adverse, certain and present impact on Mr. Olowo-Okello's status.

38. Be that as it may, in the absence of an explicit final decision by the Administration on this issue, it would be, at the least, unfair for Mr. Olowo-Okello to be expected to presume that such a decision was taken on 22 March 2019, when he wrote to the Ombudsman stating that he had been doubtful that writing again to the Administration and waiting any longer for its final decision would serve any useful purpose. Such a determination would equally render

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<sup>10</sup> *Gehr v. Secretary-General of the United Nations*, Judgment No. 2013-UNAT-313, para. 19.

<sup>11</sup> *Comp. Farzin v. Secretary-General of the United Nations*, Judgment No. 2019-UNAT-917, para. 41.

<sup>12</sup> *Cohen v. Secretary-General of the United Nations*, Judgment No. 2017-UNAT-716, para. 37, citing *Survo v. Secretary-General of the United Nations*, Judgment No. 2016-UNAT-644, paras. 25-27 and *Tabari v. Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, Judgment No. 2011-UNAT-177, para. 21.

his application to the UNDT as non-receivable *ratione materiae*, due to him not having submitted a request for management evaluation of the contested administrative decision before filing his application with the UNDT.

39. However, Mr. Olowo-Okello neither made a claim to the competent authority to remove the adverse material from his official status file nor was the Ombudsman's Office the appropriate authority to decide upon such a claim. Mr. Olowo-Okello simply attempted to submit his comments as requested by the Administration. In the premises, and if the latter eventually decides to place such adverse material in his official status file, Mr. Olowo-Okello will not be precluded from raising before the Administration, and if unsuccessful, before the MEU and the UNDT—within the time limits prescribed in the Staff Rules and the UNDT's Rules of Procedure—the possibly negative effects and challenge any explicit or implicit, administrative decision denying the *removal* of it, the non-renewal of his appointment and other administrative decisions taken based on this material.

40. Finally, Mr. Olowo-Okello submits that the UNDT erred on a question of fact and failed to exercise its jurisdiction by declining to recognize that he had been subject to a disguised disciplinary measure and hence a request for management evaluation was not a prerequisite for filing an application with the UNDT in his case.

41. However, as already noted, the case which Mr. Olowo-Okello presented before the UNDT was a challenge to the administrative decision not to renew his contract for lack of the requisite medical clearance. There was no evidence that the non-renewal was the result of any disciplinary proceedings against him. He was therefore required to submit a request for management evaluation of this decision before proceeding with his application to the UNDT. Mr. Olowo-Okello cannot evade the statutory obligation of requesting management evaluation by characterizing the disputed decision as a disciplinary matter.<sup>13</sup>

42. As Mr. Olowo-Okello has not demonstrated that the UNDT committed any error of law or fact, his appeal must fail.

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<sup>13</sup> *Amany v. Secretary-General of the United Nations*, Judgment No. 2015-UNAT-521, para. 12.

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**Judgment**

43. The appeal is dismissed and Judgment No. UNDT/2019/086 is affirmed.

Original and Authoritative Version: English

Dated this 25<sup>th</sup> day of October 2019 in New York, United States.

*(Signed)*

*(Signed)*

*(Signed)*

Judge Raikos, Presiding

Judge Neven

Judge Sandhu

Entered in the Register on this 20<sup>th</sup> day of December 2019 in New York, United States.

*(Signed)*

Weicheng Lin, Registrar