



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/GVA/2021/024
UNDT/GVA/2021/054
Order No.: 92 (GVA/2023)
Date: 3 August 2023
Original: English

Before: Judge Margaret Tibulya

Registry: Geneva

Registrar: René M. Vargas M.

REILLY

v.

SECRETARY-GENERAL
OF THE UNITED NATIONS

**ORDER
ON CASE MANAGEMENT**

Counsel for Applicant:

Robbie Leighton, OSLA

Counsel for Respondent:

Jérôme Blanchard, LPAS, UNOG

Introduction

1. By application registered under Case No. UNDT/GVA/2021/024, the Applicant contests “the decision not to implement the recommendations of the Alternate Chair of the Ethics Panel, the decision not to provide interim protection measures, [and] the decision to refer her retaliation case for investigation by OIOS”.

2. By application registered under Case No. UNDT/GVA/2021/054, the Applicant contests the “[d]ecision to revise [the] findings and recommendations of the Alternate Chair of the UN Ethics Panel in his preliminary assessment of the Applicant’s 3 October 2019 request for protection from retaliation”, and the “[i]mplied decision not to investigate on the basis of those findings and recommendations”.

3. The Tribunal held a case management discussion (“CMD”) on 26 April 2023 with the participation of the Applicant, her Counsel and Counsel for the Respondent.

4. Following the CMD, by Order No. 48 (GVA/2023) of 16 May 2023, the Tribunal *inter alia* ordered:

- a. Ordered the Respondent to file additional documents; and
- b. Gave the Applicant an opportunity to supplement her rejoinder in light of additional evidence shared with her.

5. By Order No. 54 (GVA/2023) of 26 May 2023, the Tribunal shared additional evidence with the Applicant, and extended to 15 June 2023 her deadline to *inter alia* supplement her rejoinder, which she did.

Consideration

6. In her 15 June 2023 filing, the Applicant *inter alia* requests the Tribunal to issue further orders for disclosure (cf. paras. 64-67). Having considered the parties’ filings and their oral submissions at the CMD, the Tribunal finds it necessary only to instruct the Respondent to disclose the 6 February 2020 document to which the

Applicant refers in para. 66 of her 15 June 2023 submission. In the interest of justice, the Tribunal will give the Applicant an opportunity to comment on it.

7. The Tribunal also determines that upon receipt of the above-mentioned filings, it will be sufficiently informed to render its judgment without the need for additional disclosure of evidence or the holding of a hearing on the merits. Consequently, pursuant to art. 19 of the Tribunal's Rules of Procedure, and for the fair disposal of the case, the parties will then file their respective closing submission.

Conclusion

8. In view of the foregoing, IT IS ORDERED THAT:

- a. **By Monday, 7 August 2023**, the Respondent shall file the 6 February 2020 document to which the Applicant refers in para. 66 of her 15 June 2023 submission;
- b. **By Wednesday, 23 August 2023**, the Applicant shall file her comments, if any, on the document that the Respondent is to file pursuant to para. 8.a above; and
- c. **By Wednesday, 31 August 2023**, the parties shall file their respective closing submission.

(Signed)

Judge Margaret Tibulya

Dated this 3rd day of August 2023

Entered in the Register on this 3rd day of August 2023

(Signed)

René M. Vargas M., Registrar, Geneva