



**Before:** Judge Teresa Bravo  
**Registry:** Geneva  
**Registrar:** René M. Vargas M.

REILLY

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**ORDER ON AN APPLICATION FOR  
SUSPENSION OF ACTION PENDING  
MANAGEMENT EVALUATION**

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**Counsel for Applicant:**  
Robbie Leighton, OSLA

**Counsel for Respondent:**  
Jérôme Blanchard, LPAS, UNOG

### **Introduction**

1. By application filed on 15 June 2021, the Applicant, a staff member of the Office of the United Nations High Commissioner for Human Rights (“OHCHR”), requests suspension of action, pending management evaluation, of the decision “to revise 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 “implied decision not to investigate on the basis of those findings and recommendations”.
2. The application for suspension of action was served on the Respondent, who filed his reply on 18 June 2021.
3. On 22 June 2021, the Respondent filed an addendum to his reply, namely the 21 June 2021 response to the Applicant’s request for management evaluation.

### **Consideration**

4. Art. 2.2 of the Tribunal’s Statute provides that the Tribunal shall be competent to suspend the implementation of a contested administrative decision during the pendency of management evaluation where the decision appears *prima facie* to be unlawful, in case of particular urgency, and where its implementation would cause irreparable damage.
5. Pursuant to this provision, this Tribunal has consistently held that for an application for suspension of action to be successful, it must satisfy the following mandatory and cumulative conditions (see for instance *Kooshak* Order No. 80 (GVA/2020)):
  - a. The Applicant requested management evaluation of the contested decision, which evaluation is ongoing;
  - b. The contested decision has not yet been implemented;
  - c. The application concerns an administrative decision that may properly be suspended by the Tribunal;

- d. The impugned administrative decision appears prima facie to be unlawful;
- e. Its implementation would cause irreparable damage; and
- f. The case is of particular urgency.

6. It follows from the above-mentioned Respondent's 22 June 2021 filing, that there is no longer an ongoing examination of the Applicant's request for management evaluation, thus rendering moot the application for suspension of action.

7. As one of the above-mentioned mandatory conditions is not met in the present case and, given the cumulative nature of the legal test related to the consideration of applications for suspension of action, the Tribunal does not need to examine the remaining conditions.

### **Conclusion**

8. In view of the foregoing, the application for suspension of action pending management evaluation is dismissed.

*(Signed)*

Judge Teresa Bravo

Dated this 22<sup>nd</sup> day of June 2021

Entered in the Register on this 22<sup>nd</sup> day of June 2021

*(Signed)*

René M. Vargas M., Registrar, Geneva