



UNITED NATIONS DISPUTE TRIBUNAL

Case No.: UNDT/GVA/2021/024
UNDT/GVA/2021/054
Order No.: 27 (GVA/2023)
Date: 4 April 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. On 26 May 2021, the Respondent filed his reply in Case No. UNDT/GVA/2021/024 *inter alia* contesting the receivability of the application.

4. On 22 October 2021, the Respondent filed his reply in Case No. UNDT/GVA/2021/054 *inter alia* contesting the receivability of the application.

5. On the same day, the Respondent filed a motion seeking to join Cases No. UNDT/GVA/2021/024 and UNDT/GVA/2021/054.

6. On 3 April 2023, the above-mentioned cases were assigned to the undersigned Judge.

Consideration

Respondent’s request to join applications

7. The Tribunal notes that the above-mentioned cases relate to applications that have a common factual background. The undersigned Judge, to whom both applications have been assigned, does not see the need to join them and will pass judgment on each of the applications.

8. Nevertheless, for reasons of judicial and procedural efficiency, the undersigned Judge will take concurrent case management decisions, such as this Order, and hold concurrent case management discussions as well as, if necessary, concurrent hearings on the cases.

Case management

9. Having reviewed the submissions on record, namely the applications and the Respondent's replies, the Tribunal finds it in the interest of justice to give the Applicant the opportunity to file a rejoinder on each case addressing, in particular, the receivability issue that the Respondent raised.

10. Furthermore, the Tribunal deems it appropriate to invite the parties to a case management discussion ("CMD"), pursuant to art. 19 of its Rules of Procedure. Noting that Counsel for the Respondent and for the Applicant are based in Geneva, and that the undersigned Judge will be deployed on site at the date of the CMD, the Applicant's preference for the CMD to be held in person in cases where she is represented can be accommodated. The CMD will therefore be held in person at the Tribunal's Courtroom in Geneva.

11. The purpose of the CMD is to:

- a. Identify the factual and legal issues to be determined;
- b. Consider what further information or evidence, if any, is required;
- c. Consider if the cases may be decided on the basis of the parties' written submissions or if a hearing should be held;
- d. Identify relevant witnesses to be called and agree on dates for said hearing, if needed;
- e. Ascertain whether the parties are amenable to considering an alternative resolution to the disputes; and

f. Discuss any other matter relevant to the consideration and determination of the Applicant's cases.

Conclusion

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

- a. The Applicant may file rejoinders pursuant to para. 9 above, by **Friday, 21 April 2023**; and
- b. The parties shall attend a CMD in person, which will be held in the Tribunal's Geneva Courtroom, on **Wednesday, 26 April 2023**, at 2 p.m. (Geneva Time).

(Signed)

Judge Margaret Tibulya

Dated this 4th day of April 2023

Entered in the Register on this 4th day of April 2023

(Signed)

René M. Vargas M., Registrar, Geneva