



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. The Applicant contests the “[f]inding of misconduct and sanction of separation from service with payment in lieu of notice and half indemnity”.
2. Pursuant to Order No. 30 (GVA/2023), a case management discussion (“CMD”) was held on 26 April 2023 with the participation, in person, of the Applicant, her Counsel, and Counsel for the Respondent.

Consideration

3. At the CMD, the Tribunal heard the parties’ position concerning the subject-matter under adjudication, holding a hearing on the merits, and the Applicant’s requests for disclosure of evidence.

Request for disclosure of further evidence

4. The Applicant asserted that having access to the investigation report filed under Case No. UNDT/GVA/2020/059 (*Reilly*) was relevant to her challenge of the decision referred to in para. 1 above. The Tribunal notes that by Order No. 44 (GVA/2023), issued in Case No. UNDT/GVA/2020/059 (*Reilly*), it granted the Applicant access to the investigation report in question.

5. Referring to para. 14 of the Respondent’s reply, the Applicant also pointed to the absence of documentary evidence in support of the delegation of authority of the Under-Secretary-General, Department of Management Strategy, Policy, and Compliance, to act as the responsible official in the matter at hand. The Respondent confirmed that he could file the relevant supporting document.

Holding of a hearing

6. The Applicant argued that, regardless of the above-mentioned disclosure of further evidence, a hearing was necessary to establish certain facts about the dangers arising from the practice of the Organization with respect to providing the names of Human Rights defenders attending the Human Rights Council to the Chinese Government weeks before their attendance.

7. In connection with the above, as well as to establish the severity of her concern with said practice, the Applicant proposed to hear as a witness a Human Rights defender, whom she named at the CMD.

8. The Applicant further proposed to hear a former staff member as a witness concerning a private meeting with the Secretary-General at which he stated that the Applicant was a whistle-blower. The Respondent argued *inter alia* that this meeting is not relevant to the matter at hand as the Secretary-General does not have the authority to decide on whistle-blower status.

9. Finally, the Applicant requested to be heard at an oral hearing. The Respondent confirmed after the CMD that he will not be calling any witnesses.

10. Having considered the parties' arguments on whether to hold a hearing and the witnesses to be heard, the Tribunal finds that it is in the interest of justice to hold a hearing in this matter. As to the witnesses to be heard, the Tribunal finds it relevant to only hear the Applicant and the Human Rights defender.

11. Mindful of the sensitivity of the appearance of the Human Rights defender and in order to protect his identity from the public, the Tribunal decides to hold the hearing in camera.

Tentative schedule

12. The parties confirmed their availability for a hearing on the week of 5 June 2023. The Applicant's witness expressed a preference to testify remotely on 8 June 2023. To accommodate said witness, the hearing on the merits in this matter will therefore be held on Thursday, 8 June 2023 as per the following tentative schedule (Geneva time), which may be subject to change:

- a. 9.30 a.m.: parties' opening statements;
- b. 10 a.m.: Applicant's testimony;
- c. 2.30 p.m.: Human Rights defender's testimony; and
- d. 3.30 p.m.: parties' closing statements.

Conclusion

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

- a. By **Wednesday, 24 May 2023**, the Respondent shall file the supporting document referred to in para. 5 above;
- b. The parties shall attend an oral hearing in camera on **Thursday, 8 June 2023, starting at 9.30 a.m. (Geneva time)**;
- c. The parties are hereby notified of the tentative schedule of appearances at the oral hearing as per para. 12 above; and
- d. The parties are instructed to provide their means for participation (i.e., in person or remotely), and their contact details as well as those of the witness (email and phone number) no later than **Thursday, 25 May 2023**.

(Signed)

Judge Margaret Tibulya

Dated this 19th day of May 2023

Entered in the Register on this 19th day of May 2023

(Signed)

René M. Vargas M., Registrar, Geneva