



UNITED NATIONS DISPUTE TRIBUNAL

Cases No.: UNDT/GVA/2017/052  
UNDT/GVA/2018/099  
Order No.: 70 (GVA/2020)  
Date: 18 June 2020  
Original: English

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**Before:** Judge Joelle Adda, President

**Registry:** Geneva

**Registrar:** René M. Vargas M.

REILLY

v.

SECRETARY-GENERAL  
OF THE UNITED NATIONS

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**PRESIDENT'S ORDER  
ON MOTION FOR RECUSAL**

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**Counsel for Applicant:**

Robbie Leighton, OSLA

**Counsel for Respondent:**

Jérôme Blanchard, LPAS, UNOG

## **Introduction**

1. By motion dated 26 May 2020, the Applicant requested the Judge President of the Dispute Tribunal to order that the Dispute Tribunal Judge assigned to the present cases, namely Judge Bravo, be recused from adjudicating them. The Applicant contends that Judge Bravo has a conflict of interest.
2. In accordance with art. 28 of the Tribunal's Rules of Procedure on recusal, Judge Bravo provided her response to the Applicant's recusal request by letter dated 15 June 2020. Judge Bravo denies having any conflict of interest in any of the relevant cases and requests that her assignment be maintained.
3. On 17 June 2020, the Applicant filed her final comments on the matter.

## **Consideration**

4. The Applicant essentially argues that Judge Bravo should be recused from handling the present cases because the Applicant wishes to call former Dispute Tribunal Judge, Rowan Downing, as a witness in her cases and "[i]t is a clear conflict of interest for Judge Bravo" to decide thereon. As reason, the Applicant submits that Judge Downing and Judge Bravo allegedly have a troubled relationship.
5. In response, Judge Bravo essentially contends that there is no such conflict of interest and requests to continue as the Judge assigned to the present cases.
6. The Judge President notes that according to art. 18.1 of the Tribunal's Rules of Procedure, "[t]he Dispute Tribunal shall determine the admissibility of any evidence". It is therefore for the Judge assigned to a particular case to decide whether the testimony of a particular witness is admissible, including if it is relevant for adjudicating the case, and not, in the context of a recusal request, for the Judge President to do so. If a party disagrees with the assigned Judge's management of a specific case, the option is to appeal the judgment to the Appeals Tribunal if the relevant requirements are met.

7. The Judge President further refers to Order No. 39 (GVA/2020) dated 30 March 2020 and issued in connection with the Applicant's first request for the recusal of Judge Bravo, in which the legal framework for recusing a Dispute Tribunal Judge from a specific case based on a conflict of interest was set out in detail. In this Order, the Judge President rejected the Applicant's request for recusal of Judge Bravo, finding that she had no conflict of interest in any of the present cases.

8. For the same reasons as those stipulated in Order No. 39 (GVA/2020), the Judge President also now finds that the Applicant's second recusal request is unfounded. The Applicant has failed to substantiate how, or why, Judge Bravo would now have an interest in any of her present cases, and as the assigned Judge to the present case, Judge Bravo has the power to admit or reject a possible request for Judge Downing to testify as a witness under art. 18.1 of the Tribunal's Rules of Procedure. Even if hypothetically, Judge Bravo and Judge Downing did have a personal disagreement, the Applicant has in no manner whatsoever demonstrated how this would impact her impartiality to adjudicate the matters in the present cases.

9. For future reference, it is finally noted that frivolous motions like the present one contributes with nothing but delay to the proceedings and also consume valuable judicial resources from the Dispute Tribunal. Article 10.6 of the Tribunal's Statute provides that "[w]here the Dispute Tribunal determines that a party has manifestly abused the proceedings before it, it may award costs against that party" and that the Appeals Tribunal has previously upheld the Dispute Tribunal's award of costs for the filing of frivolous applications (see *Mosha* 2014-UNAT-446 and *Terragnolo* 2015-UNAT-566).

### **Conclusion**

10. Based on the above, the Applicant's motion requesting the recusal of Judge Bravo is dismissed.



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Judge Joelle Adda, President  
Dated this 18<sup>th</sup> day of June 2020

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Entered in the Register on this 18<sup>th</sup> day of June 2020

A handwritten signature in blue ink, consisting of stylized, overlapping loops and lines, positioned above a horizontal line.

René M. Vargas M., Registrar, Geneva