

2025-UNAT-1560, Emma Reilly

UNAT Held or UNDT Pronouncements

The UNAT held that the former staff member's challenge was to a recommendation of the Alternate Chair of the Ethics Panel, and as an ethics recommendation, it was not an administrative decision subject to judicial review. Thus, the UNDT correctly dismissed this part of the application as not receivable.

The UNAT further found that the Administration's rejection of the March 2020 Alternate Chair's report and recommendation could not have been understood by the Ethics Office to be a request to conduct a new review. The UNAT observed that the evidence before the UNDT was that the decision was made by the Ethics Office following "exchanges" with the Administration and OIOS. However, these did not amount to instructions or directions from the Administration.

The UNAT also held that OIOS' decision not to investigate her retaliation complaint was defensible, given that the referral to OIOS stemmed from the March 2020 Alternate Chair's report and recommendation, which was itself legally flawed. The UNDT did not err in this determination either.

The UNAT dismissed the appeal and affirmed the UNDT Judgment.

Decision Contested or Judgment/Order Appealed

A former staff member of the Office of the United Nations High Commissioner for Human Rights (OHCHR) contested the Ethics Office's decision to conduct a new review of the Ethics Office's October 2019 determination on the staff member's 2019 request for Protection against Retaliation (PAR Request). The new review by the June 2021 Alternate Chair of the Ethics Panel was conducted after the rejection of the recommendation of a prior March 2020 Alternate Chair of the Ethics Panel. The former staff member also challenged the failure of OIOS to conduct an

investigation into her PAR Request pursuant to the recommendation of the March 2020 Alternate Chair.

In Judgment No. UNDT/2023/122, the UNDT dismissed the application in its entirety. The UNDT held that the findings of the Alternate Chair of the Ethics Panel in June 2021 were not subject to judicial review, given that they were recommendations of the Ethics Office. The UNDT also concluded that the Office of Internal Oversight Services (OIOS) had valid reasons not to investigate her retaliation complaint, because the March 2020 Alternate Chair's report and recommendation arose from a flawed process.

The UNDT thus dismissed the application in its entirety. The former staff member appealed.

Legal Principle(s)

Ethics recommendations (and related procedural steps) are not appealable administrative decisions as are decisions made following the recommendatory process.

A contestable administrative decision must be one that produces legal consequences and is final. Intermediate steps and processes (including advice given that may lead to an administrative decision) do not constitute final reviewable administrative decisions.

Outcome

Appeal dismissed on merits

Outcome Extra Text

Full judgment

[Full judgment](#)

Applicants/Appellants

Emma Reilly

Entity

OHCHR

Case Number(s)

2024-1890

Tribunal

UNAT

Registry

New York

Date of Judgement

30 Jul 2025

President Judge

Colgan
Judge Sheha
Judge Ziadé

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Implied administrative decision
Receivability
Retaliation
Receivability

Administrative decision

Ethics office

Suspension of action / interim measures

Applicable Law

Secretary-General's bulletins

- ST/SGB/2017/2/Rev.1

Related Judgments and Orders

UNDT/2023/122

2024-UNAT-1467

2014-UNAT-481

2021-UNAT-1079