

2025-UNAT-1546, Emma Reilly

UNAT Held or UNDT Pronouncements

The UNAT concluded that the UNDT did not err in finding that two periods of delay in addressing the former staff member's complaints was not evidence of bias against her. The UNAT held that delay alone is not indicative of bias.

The UNAT further held that the former staff member's claims related to a certain press release had been decided by prior Tribunal judgments and could not be relitigated.

The UNAT also found that the UNDT correctly confirmed that the establishment of the fact-finding Panel, its process of fact-finding and reporting, and its interactions with the former staff member as complainant were not shown to have been in breach of the requirements for appointment of such panels, its Terms of Reference or its fact-finding process.

The UNAT held that the UNDT did not err in rejecting the staff member's claim that the outcome of the investigation was biased based on the fact-finding Panel's disposal of digital recordings. There is no requirement for the retention and preservation of digital recordings (as there is for written transcripts). The Panel was also not required to re-interview the former staff member, and she had been adequately apprised of its ToR.

The UNAT concluded that the UNDT did not err in law or in fact to such an extent that its judgment was manifestly wrong. Accordingly, the Tribunal dismissed the appeal.

Decision Contested or Judgment/Order Appealed

Ms. Reilly, a former staff member of the United Nations Office of the High Commissioner for Human Rights (OHCHR) challenged the manner in which her complaints of harassment and abuse of authority against two officials of OHCHR were dealt with by the Administration and its decision to close the investigation of those complaints without further action.

The UNDT concluded that the decision to close the complaints was lawful and rejected the application in its entirety.

The former staff member appealed.

Legal Principle(s)

The burden is on the appellant to make his/her case on appeal and demonstrate error on the part of the Dispute Tribunal warranting the reversal of the UNDT's Judgment. This includes identifying errors made in the judgment appealed from and/or by reference to exhibits or other documents in the appeal.

A ground of appeal based on an omission cannot require identification of a specific passage in the judgment appealed: omission connotes absence of record. Errors in the first instance judgment should be identified clearly with supporting evidence.

Mootness and *res judicata* though different concepts and principles of law, share the same outcome: they preclude a consideration of the merits of that decision on appeal.

Delay does not alone, lead to a conclusion of bias by the decision-maker against the complainant as general explanations for delay can justifiably include the complexity and sensitivity of the matter for decision. Delay in deciding a complex and very significant series of complaints may well indicate that care was taken in making those decisions, and there may be other explanations for a delay which are equally non-indicative of bias.

An allegation of conflict of interest or bias must be supported by evidence, direct and/or properly inferential.

Defamation consists not only of untrue and defamatory statements but encompasses the extent of publication of these to others, including, potentially,

communications by the person defamed. Reputational damage is also determined by a broad consideration of evidence including the extent of publication of the defamation and ability to mitigate that.

Outcome

Appeal dismissed on merits

Outcome Extra Text

Full judgment

[Full judgment](#)

Applicants/Appellants

Emma Reilly

Entity

OHCHR

Case Number(s)

2024-1889

Tribunal

UNAT

Registry

New York

Date of Judgement

23 Jun 2025

President Judge

Colgan
Judge Sheha
Judge Ziadé

Language of Judgment

English

Issuance Type

Judgment

Categories/Subcategories

Abuse of authority
Harassment (non-sexual)
Due process
Disciplinary matters / misconduct
Investigation

Applicable Law

Administrative Instructions

- ST/AI/2017/1

Secretary-General's bulletins

- ST/SGB/2008/5
- ST/SGB/2019/9

Related Judgments and Orders

2022-UNAT-1196
2018-UNAT-870
2010-UNAT-051
2023-UNAT-1321
2022-UNAT-1309
UNDT/2023/120
UNDT/2021/093