

Request for a stay of execution No. 4/2026

M. G.

v.

**Secretary General
of the Council of Europe**

ORDER ON A STAY OF EXECUTION

24 April 2026

INTRODUCTION

1. The present request concerns the imposition of interim measures under paragraph 1220 of the Staff Rule on Discipline in the context of an investigation into alleged wrongdoing.

THE FACTS

2. The applicant has been a Council of Europe staff member since 1995 and is currently employed as a director at grade A6 under an indefinite-term contract. He has, however, tendered his resignation which is due to take effect from 30 September 2026.

3. By e-mail dated 7 April 2026, sent at 12.18 p.m., the applicant was informed by the Directorate of Internal Oversight (“the DIO”) that following a preliminary assessment, an investigation had been opened pursuant to Article 53 of the Rule on Investigations, based on a report of wrongdoing affecting the public interest which he was suspected of having committed. The e-mail stated that the investigation would be conducted by an external provider under the supervision of the Head of the Investigation Division and that, in the course of the investigation, the applicant would be summoned for an interview and would receive further details. The e-mail further stated that the investigation was expected to be completed by 27 September 2026 at the latest.

4. The same day, at 2.30 p.m., the applicant received a memorandum from the Secretary General informing him of the interim measures which the Secretary General had decided to impose on him pursuant to paragraph 1220 of the Staff Rule on Discipline. The measures in question included temporarily replacing the applicant and transferring him to other duties. In justifying these measures, the Secretary General cited the existence of a credible risk that the applicant’s continued presence would endanger the investigation, the interests of the Organisation and a harmonious work environment. The memorandum stated that the measures would take effect at 12 noon on 9 April 2026, and that they would be reviewed as necessary, and in any event once a month.

5. By e-mail dated 9 April 2026, at 12.49 p.m., the applicant’s representative informed the Secretary General that she had been instructed by him to file a request for a stay of execution in accordance with Article 14.8 of the Staff Regulations and Article XII of the Statute of the Tribunal. Referring to the short interval between notification of the contested decision and its entry into force, and also the fact that she had been consulted at short notice, the applicant’s representative stated in the e-mail that she had been unable to submit the request for a stay of execution by 12 noon the same day and asked the Secretary General to suspend the decision in question “in order to give practical effect to this procedure”. The Secretary General replied the same day by e-mail, denying the request and stating that the interim measures in question could not be suspended as they had already taken effect.

6. On 11 April 2026, the applicant lodged an appeal with the Tribunal, asking it to set aside the Secretary General’s decision to impose interim measures on him pursuant to paragraph 1220 of the Staff Rule on Discipline (“the contested decision”).

7. In a memorandum dated 15 April 2026, the applicant’s hierarchical superior informed him of the specific tasks that had been assigned to him for the period for which the interim measures were to apply.

PROCEEDINGS

8. In the meantime, on 11 April 2026, the applicant filed the present request for a stay of execution with the Chair of the Administrative Tribunal, in accordance with Article 12 of the Statute of the Tribunal and Article 14.8 of the Staff Regulations.

9. On 17 April 2026, the Secretary General submitted his observations on the request for a stay of execution.

10. On 21 April 2026, the applicant submitted his observations in reply.

THE LAW

I. THE APPLICABLE LAW

11. The relevant provisions of the regulatory framework read as follows:

- as regards the conditions under which a stay of an administrative decision adversely affecting a staff member may be requested:

Staff Regulations Article XIV – Grievance procedures

(...)

14.6 An appeal may be lodged with the Administrative Tribunal by a staff member, without first lodging a formal complaint with the Secretary General, against the imposition of a disciplinary sanction, with the exception of a written warning. An appeal may also be lodged by a staff member directly with the Administrative Tribunal against a decision taken by the Secretary General personally (...) provided that the staff member has a direct and existing interest in challenging such a decision.

(...)

14.8 (...) lodging an appeal shall not suspend the contested administrative decision. However, the staff member may file a request with the Administrative Tribunal to suspend the implementation of a contested administrative decision in cases of particular urgency where the implementation of the administrative decision would cause serious and irreparable damage to the staff member.

- as regards the applicable procedure in case of a request for a stay of execution:

Statute of the Tribunal Article XII – Stay of execution

12.1 When a request for a stay of execution is filed under Article 14.8 of the Staff Regulations, the Secretary General shall, unless there are duly justified reasons, suspend the execution of the contested administrative decision until the Tribunal has ruled on the request.

12.2 The Chair, on behalf of the Tribunal, shall rule within 15 days on requests for a stay of execution, by giving a reasoned decision, which may be subject to certain conditions. The decision shall not rule on the merits of the appeal or the complaint. Decisions on a stay of execution shall not be subject to appeal.

12.3 If the request for a stay of execution is granted, the Secretary General shall suspend the execution of the contested administrative decision.

12.4 If granted, a stay of execution shall remain in force for the duration of proceedings before the Tribunal, unless the Chair, on behalf of the Tribunal and further to a reasoned request by the Secretary General, decides to lift the stay. Where a stay of execution has been granted by the Tribunal, but the person concerned does not lodge an appeal with the Tribunal within the time limits set out in Article 7 of the present Statute, the stay of execution shall lapse automatically upon expiry of the time limit.

- as regards investigations conducted by the DIO:

Rule on Investigations

1. PREAMBLE

Purpose

(...)

3. The aim of the investigative process is to examine and determine the veracity of allegations or other indications of wrongdoing, including wrongdoing committed by Secretariat members (which, if established, can be regarded as misconduct) or by other persons in the context of projects and activities organised and/or financed by the Organisation.

(...)

Definitions

(...)

16. “Wrongdoing” means acts and omissions affecting the public interest, as defined in the Speak Up policy.

(...)

2. GENERAL PROVISIONS

(...)

Confidentiality

25. The investigative process is confidential. Information gathered in the context of the investigative process will be accessible only by the Director of Internal Oversight and those conducting the investigative process. Access to specific information may be given, if necessary, to the investigation subject or other persons following up on a specific case.

26. Information gathered in the course of any investigative process shall be treated as confidential by all those involved and shall be shared only on a need-to-know basis in conformity with these and any other applicable rules, regulations and policies.

27. Secretariat members involved in an investigative process who disclose information obtained in this context to persons not authorised to receive it may be subject to disciplinary procedures

(...)

3. INVESTIGATIVE PROCESS

Incoming information

41. The DIO shall accept reports irrespective of their source, including reports from anonymous or confidential sources.

(...)

Preliminary assessment

45. The purpose of a preliminary assessment is to record and establish the basic facts, including how, when and by whom the allegation was reported; the nature of the allegation(s); the identity of the alleged wrongdoer; the identity of any witnesses or other persons involved in the allegation(s); whether the alleged facts can be substantiated; and the internal rules or regulations which may have been breached. It will assess if the alleged facts can be substantiated and check what supporting documentation or other materials can be found. It aims at preserving and securing basic evidence, whether written or electronic, that might be necessary to determine whether an investigation is justified and at identifying any inconsistencies or outstanding questions.

(...)

Opening of an investigation

49. If, based upon the results of the preliminary assessment, the Director of Internal Oversight finds that sufficient grounds exist, they may decide to open an investigation in order to establish the relevant facts and, if needed, make recommendations in this connection. The investigation will consist *inter alia* in the collection and securing of physical, documentary, digital, and/or testimonial evidence, and the production of an investigation report.

(...)

51. Upon opening the investigation, the Director of Internal Oversight shall set a time-limit for the completion of the investigation, which they may extend, if necessary. If possible, investigations into allegations of harassment shall be completed within 3 (three) months, whereas investigations into other types of alleged wrongdoing shall be completed within 6 (six) months.

52. The Director of Internal Oversight shall inform the Secretary General and, where necessary, the head of the Major Administrative Entity concerned of the opening of an investigation and the time-limit set for its completion. (...)

53. Where an investigation subject has been identified, this person shall be notified of the opening of the investigation once the Secretary General has been informed. Such notification to the investigation subject must be done without undue delay, taking due care that the securing of evidence is not jeopardised. The investigation subject must also be informed in writing of the nature of the allegations against them as well as the names of the persons who will conduct the investigation, the procedure to be followed and the time-limit for the investigation. The identity of the person who made the allegation(s) will only be disclosed if expressly authorised by that person.

- as regards the interim measures that may be adopted following reports of alleged wrongdoing to the DIO:

Staff Rule on Discipline

(...)

1220. INTERIM MEASURES

1220.1 If, following a preliminary assessment or at any stage prior to the submission of an investigation report to the Secretary General, the DIO (...) is of the view that any of the following conditions are met, a recommendation may be made to the Secretary General that specific interim measures be taken in the interests of the Organisation:

1220.1.1 indications that a Secretariat member has perpetrated gross misconduct; and/or

1220.1.2 a credible risk that the continued presence of the Secretariat member suspected of wrongdoing would endanger the investigation, the interests of the Organisation, or a harmonious work environment.

1220.2 The Secretary General shall, upon receipt of such a recommendation, decide whether or not a specific interim measure shall be taken.

1220.3 Interim measures include, but are not limited to:

1220.3.1 temporary suspension of a Secretariat member;

1220.3.2 temporary exclusion of a Secretariat member from access to certain files or certain premises;

1220.3.3 temporary imposition of mandatory teleworking by a Secretariat member;

1220.3.4 temporary suspension of payments to a Secretariat member;

1220.3.5 revision of the duties and responsibilities of a Secretariat member; and/or

1220.3.6 imposition of any other limits on a Secretariat member's official activities.

1220.4 Interim measures are without prejudice to the rights and entitlements of the person concerned and do not constitute a disciplinary measure.

(...)

1220.6 A decision to impose interim measures shall be reviewed when necessary and at least monthly. At the end of disciplinary proceedings or, as the case may be, when a decision is taken by the Secretary General not to institute disciplinary proceedings, any interim measure imposed shall be lifted. (...)

II. THE PARTIES' POSITIONS

12. In his request, the applicant asks the Chair to grant him a stay of execution of the Secretary General's decision which was notified to him on 7 April 2026 (see paragraph 4).

13. With regard to the particular urgency of the matter, the applicant refers to the professional isolation caused by the contested decision and its detrimental effects, which have been increasing since the decision took effect. He contends that the prohibition on him performing his duties is compounding the damage as time goes by, since he is no longer acting in his capacity as director either within the Organisation or outside it.

14. As to the existence of serious and irreparable damage, the applicant emphasises that he is claiming only non-pecuniary damage, which, as such, cannot be remedied by financial compensation. He submits that the contested decision is damaging to the reputation for professional integrity which he has built up over his 30 years of service at the Council of

Europe. Insofar as the interim measures imposed prevent him from performing his duties and maintaining any of the professional ties that these entail, the applicant considers that the contested decision poses a direct and serious threat to his reputation, both in terms of his relations with colleagues within the Organisation and in the international sphere in which his duties require him to operate, whether European multilateral institutions, national governments, civil society organisations or academic and political circles across the European continent. The applicant emphasises that the interim measures in question, which he regards as a direct and public attack on his reputation, will be perceived and construed negatively by the very communities within which he had, furthermore, intended to continue working, notwithstanding the presumption of innocence. He asserts that, given his position and visibility, the termination of his connection with all these networks, contacts, publications and events is causing considerable and irreparable damage.

15. The applicant adds that a stay of the contested decision would also be justified in terms of balancing the interests at stake. The applicant puts forward several arguments in this regard. He notes, first of all, that the contested decision merely repeats, in its reasoning, what is stated in the regulatory framework and fails to indicate, in concrete and precise terms, how his continued presence would endanger the investigation, the Organisation's interests or a harmonious work environment, given the loyalty, integrity and managerial skills he has demonstrated throughout his career.

16. The applicant goes on to state that the severity of the contested decision – which, in his view, amounts to a temporary suspension given that he has been replaced – is not justified in the light of the allegations made against him. Lastly, the applicant points out that he was not heard before the contested decision was taken and that the Secretary General refused to suspend its implementation while he referred the matter to the Chair of the Tribunal, thereby effectively undermining the effectiveness of the stay of execution.

17. For his part, the Secretary General submits that the applicant has not demonstrated the serious and irreparable damage he alleges in support of his request for a stay of execution.

18. The Secretary General begins by pointing out that the opening and conduct of an investigation, including the interim measures taken to safeguard its integrity and proper conduct, constitute preparatory acts which are not capable of prejudicing the interests of a staff member within the meaning of Article 14 of the Staff Regulations. As such, these acts cannot cause the applicant any serious and irreparable damage. According to the Secretary General, it is only when any final decision that might be made in the light of the investigation report is contested that the applicant could challenge the legality of the different preparatory acts in an incidental manner.

19. The Secretary General justifies the interim measures, citing the Organisation's overriding interest in protecting the integrity of the investigative process, and also the individuals co-operating with the investigators, against any risk of undue interference. He submits that there is a credible risk that, in this case, the absence of interim measures would endanger the investigation, the Organisation's interests and a harmonious work environment, given the nature and seriousness of the allegations made against the applicant. In this context, the applicant's interests would be sufficiently protected by the procedural safeguards applicable during the investigation, without it being necessary to grant him a right of appeal against such measures, still less the possibility of seeking a stay of execution. According to the Secretary General, the procedural safeguards in question do not include the right to be heard prior to the

opening of the investigation and the adoption of interim measures, nor the right to obtain further information relating to the investigation at this stage.

20. The Secretary General further contends that the applicant cannot claim serious and irreparable damage due to the risk of rumours spreading that could damage his professional reputation, since the investigative process is confidential. He refutes the applicant's allegation that he has been the subject of a direct and public attack. He adds that any disclosure of information relating to the existence of the interim measures or to the investigation, whether it originates from the applicant himself or comes about as a result of the publication of details concerning his request for a stay of execution or his appeal, cannot be attributed to the Organisation.

21. The Secretary General points out that he decided to adopt interim measures less restrictive than a temporary suspension, thereby demonstrating his commitment to ensuring a fair balance between the need to conduct the investigation properly and ensure a calm working environment, on the one hand, and respect for the applicant's rights, on the other. He further notes that these interim measures could, if necessary, be lifted at the time of the regular review, which takes place at least once a month, or should the investigation conclude that the allegations are unfounded. In any event, the Secretary General is of the opinion that any damage suffered by the applicant, including non-pecuniary damage, cannot be considered irreparable, since, in the event of the contested act being annulled, the Tribunal could order redress through compensation.

22. Lastly, the Secretary General asks the Tribunal to apply a higher level of anonymisation both in relation to this request for a stay of execution and to the main proceedings, to prevent the applicant from being identified from reading the decisions made.

23. The Secretary General therefore asks the Chair to reject the request for a stay of execution as unfounded.

24. In his observations in reply, the applicant emphasises that his application for a stay does not concern the opening of the investigation – which he hopes will take place – but the decision to impose interim measures in the context of that investigation. He relies on the memorandum sent to him on 15 April 2026 following the filing of his request for a stay of execution (paragraph 7) to reiterate that the interim measures imposed – and which resulted in his withdrawal, in less than 48 hours, from all communication with his team, his peers, all staff members and contacts outside the Organisation – amount to a suspension. The applicant also emphasises that, in his view, the Secretary General does not cite any concrete facts that would substantiate the alleged misconduct or the risk of endangering the investigation, which is the reason given for the interim measures.

25. As regards the damage to his reputation, the applicant points to his professional career, which has enabled him to acquire stature and visibility both within and outside the Organisation, owing to his long-standing commitment to upholding the values of the Council of Europe. He submits that the stigmatising nature of the interim measures, the consequences of which are already apparent in the public domain, is bound to fuel speculation – including in the media – which the confidential nature of the investigation cannot prevent. This serious and irreparable damage to his reputation, it is alleged, is such as to compromise his legitimate expectations regarding his future professional and public activities after his departure from the Council of Europe. The serious and irreparable nature of this damage is compounded by the fact that, given

that his resignation takes effect on 30 September 2026 and that the investigation is due to conclude on 27 September 2026, the applicant will be subject to the interim measures until the time he leaves the Organisation.

III. THE CHAIR'S ASSESSMENT

Purpose and admissibility of the request for a stay of execution

26. Firstly, having regard to the arguments put forward by the parties, it is necessary to clarify the purpose of these proceedings. The request concerns the Secretary General's decision to impose interim measures on the applicant in the context of an investigation, one of the stated aims of this decision being to preserve the integrity of the investigation. The applicant is not seeking a stay of the decision to open an investigation, nor of any act relating to the investigative process as such. These two decisions differ both in their purpose and in their scope.

27. While the decision as to whether to open an investigation and how to conduct it is of a preparatory nature and does not produce legal effects independent of any decision that may be taken at the conclusion of the investigation, the decision relating to interim measures produces binding legal effects that directly and immediately affect the interests of the staff member concerned, by significantly altering their legal position.

28. This is a distinction confirmed in case law, which precludes the classification of preparatory decisions taken in the context of an investigation as acts adversely affecting an official, while recognising the harm that may result from decisions to apply interim measures such as suspension from duty. Where the latter are concerned, it is recognised that "the decision regarding the house ban, as well as the suspension decision, even if they are essentially interim measures to safeguard the investigation, have, by themselves, an immediate, material, legal and adverse effect on the person concerned, and are not subsumed under the final decision taken at the conclusion of any disciplinary proceedings. Consequently, they cannot be considered mere steps to the final decision of the proceeding" (International Labour Organisation Administrative Tribunal – ILOAT, [Judgment No. 3958](#) of 6 December 2017, consideration 14; see also European Union Civil Service Tribunal, [judgment of 16 December 2015](#), DE v. European Medicines Agency, F-135/14, paragraph 38, and cited case law; General Court of the European Union, [judgment of 18 June 2025](#), EG v. Europol, T-321/24, paragraph 21).

29. It follows from the foregoing that the interim nature of the contested measures does not impair their ability to produce immediate and adverse legal effects for the staff member concerned, which cannot be remedied by the final decision taken at the conclusion of the investigation or disciplinary proceedings. The request is therefore admissible.

Conditions for obtaining a stay of execution

30. It should be noted that under Article 14.8 of the Staff Regulations, the Administrative Tribunal may be asked to suspend the implementation of an administrative decision in cases of particular urgency where this would cause serious and irreparable damage. The Tribunal may stay the contested decision only where both conditions, namely particular urgency and serious and irreparable damage, are satisfied.

31. It should further be pointed out that there can be no question, at this stage, of assessing the submissions relating to the substance of the complaints made by the applicant in his appeal.

These matters are not for discussion in the current proceedings, which are only concerned with urgent measures (ATCE, Request for a stay of execution No. 1/2026, Staff Committee v. Secretary General of the Council of Europe, [order of 5 February 2026](#), paragraph 34). It is therefore not necessary for the Chair to examine the requesting party's submissions concerning the merits of the case, as set out in paragraph 16 above.

Particular urgency

32. With regard to the particular urgency requirement, it is pointed out that the suspension sought must be urgent insofar as, in order to avoid serious and irreparable damage, it must be adopted and produce its effects before a decision is reached in the main action (ATCE, Request for a stay of execution No. 5/2021, D v. Secretary General of the Council of Europe, [order of 23 December 2021](#), paragraph 33 and case law cited; ATCE, Request for a stay of execution No. 1/2024, M. M. N. v. Secretary General of the Council of Europe, [order of 27 March 2024](#), paragraph 22).

33. In the present case, the Chair notes that the contested measures took effect on 9 April 2026. They continue to be enforced and are likely to compound the alleged damage as time goes by.

34. In these circumstances, the Chair considers that the urgency requirement is satisfied in the present case – an assessment which, moreover, does not appear to be contested by the Secretary General.

Serious and irreparable damage

35. As to the requirement for serious and irreparable damage, the Chair observes that the damage alleged by the applicant is that caused to his reputation. The Chair notes that the documents and references in the case file attest to the applicant's involvement on the international public stage and the prominence he enjoys in the media and institutional circles – particularly in his country of origin – given his advocacy for human rights and the Organisation's values.

36. The Chair further notes that the purpose and effect of the interim measures adopted is to prevent the applicant from continuing to perform his duties and from operating in the public sphere, with reference to his role and responsibilities as a senior official of the Council of Europe. These measures have significantly reduced the scope of his activities and limited the applicant's ability to continue to maintain professional ties, both within the Organisation and outside it.

37. In addition, the Chair notes that the measures adopted are likely to apply for the entire duration of the investigation and until the applicant's employment ceases at the end of September 2026. During this time, the applicant will be barred from speaking publicly on behalf of the Council of Europe as he was accustomed to doing and yet will be unable to explain the reasons for this restriction.

38. Certainly, the confidentiality surrounding the investigative process means that the opening of this procedure and the alleged misconduct that gave rise to the interim measures cannot be the subject of any public disclosure. In practice, however, the applicant's suspension from his duties will necessarily be known to his colleagues and institutional contacts. His

absence from work is visible and the lack of explanation for his absence is likely to fuel speculation, while the presumption of innocence is incapable of preventing the repercussions this could have on his reputation.

39. In this regard, the Chair notes that any publicity around the interim measures which may arise from the present proceedings is inherent in the very nature of judicial proceedings and in the principle that the Tribunal's decisions must be made public. It cannot be attributed to the applicant's conduct or to his choice to exercise the remedies available to him.

40. Furthermore, the applicant states that the existence of the contested measures has been brought to the attention of diplomatic circles, in particular the authorities of the country of which he is a national. By reaching the very circles in which the applicant might wish to pursue his career, this information increases the risk of damaging speculation spreading.

41. In the light of the foregoing, the Chair considers that the applicant has sufficiently established that the contested measures are likely to cause him serious damage, by creating a significant risk of reputational damage, which is not confined to his immediate working environment. The fact is that this risk is likely to extend to the various circles within which the applicant has built his reputation and intends to continue working after leaving his post at the Council of Europe. While it is true that the interim measures will be subject to regular review at least once a month, the review mechanism does not negate the risk of damage during the period in which the measures remain in force.

42. As to the irreparable nature of the damage, it should be noted that any decision exonerating the applicant, whether at the conclusion of the investigation or at the conclusion of any disciplinary proceedings, would not be capable of remedying such damage. Apart from the fact that such a decision is unlikely to be made public, the short interval between the deadline for the investigation (27 September 2026) and the date on which the applicant's termination of employment takes effect (30 September 2026) means that it will no longer be possible for him to return to his post and be rehabilitated in the eyes of his colleagues and contacts by resuming his duties, even if he has been cleared of any wrongdoing.

43. *A fortiori*, financial compensation cannot offer an adequate remedy for such damage to reputation. Damage to reputation is not, in this case, a type of harm that annulment or financial compensation could adequately remedy by erasing the stigmatising effect of the measures in question.

Balancing of interests

44. The Chair recognises that a staff member cannot rely on damage, still less serious and irreparable damage, in order to complain of a loss of reputation when this loss is the foreseeable consequence of their own actions. That being said, it must be noted that in the present case and in the light of the documents in the file, the acts alleged against the applicant – which he denies – remain insufficiently detailed, preventing the Chair from fully assessing their nature and gravity.

45. Furthermore, before the Tribunal, the Secretary General merely asserted that there was a credible risk that the applicant's continued presence would endanger the investigation, the Organisation's interests or a harmonious work environment, without providing any concrete evidence that would enable the Chair to assess the reality and extent of that risk, or the

proportionality of the measures imposed in relation to the risk in question. In particular, he did not inform the Tribunal of the preliminary assessment made by the DIO before recommending interim measures, nor of his own assessment based on the DIO's recommendation.

46. In weighing up the interests at stake, the Chair therefore finds that he does not have sufficient evidence to take the view that the Organisation's legitimate interests, and in particular the interest in ensuring the effectiveness of the ongoing investigation, should outweigh the applicant's interest in preserving his reputation intact, which is a determining factor in his future career prospects.

47. It follows from all the foregoing that, in the particular circumstances of the present case, the two conditions laid down in Article 14.8 of the Staff Regulations for the granting of a stay of execution – namely, particular urgency and serious and irreparable damage – have been met, and the balancing of the interests at stake does not preclude the granting of the requested stay.

For these reasons,

Ruling in accordance with Article 14.8 of the Staff Regulations, Article 12 of the Statute of the Administrative Tribunal and Rule 20 of the Rules of Procedure of the Administrative Tribunal,

THE CHAIR OF THE ADMINISTRATIVE TRIBUNAL,

Grants the stay of execution applied for insofar as it concerns the Secretary General's decision to impose interim measures on the applicant under paragraph 1220 of the Staff Rule on Discipline;

Decides that the stay of execution remains in force until a decision has been taken on the appeal lodged by the applicant with the Tribunal to challenge the measures in question.

Delivered on 24 April 2026, the French text being authentic.

The Registrar of the
Administrative Tribunal

Christina Olsen

The Chair of the
Administrative Tribunal

Paul Lemmens