



UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

Case No. 2023-1778

Humphreys Shumba

(Appellant)

v.

Secretary-General of the United Nations

(Respondent)

ORDER No. 502 (2023)

1. On 7 October 2022, the United Nations Dispute Tribunal (Dispute Tribunal or UNDT) in Nairobi issued Judgment No. UNDT/2022/103 in the matter of *Shumba v. Secretary-General of the United Nations* (the “Judgment”). The appeal deadline for filing an appeal of this Judgment with the United Nations Appeals Tribunal (UNAT or Appeals Tribunal) was 6 December 2022.
2. On 23 December 2022, Mr. Humphreys Shumba (Appellant or Applicant) filed a request for suspension, waiver or extension of time limit to file his appeal with the UNAT or Appeals Tribunal. This request was registered as Case No. 2023-1778.
3. Article 7(1)(c) of the Appeals Tribunal Statute (Statute) provides that an appeal must be filed within 60 calendar days of the receipt of the judgment of the Dispute Tribunal. However, under Article 7(3) of the Statute, the Appeals Tribunal may decide in writing, upon written request by the applicant, to suspend or waive the deadlines for a limited period of time and only in exceptional cases. In the same vein, Article 30 of the Appeals Tribunal Rules of Procedure (Rules) also allows this Tribunal to shorten or extend a time limit “when the interests of justice so require”.
4. The Applicant says that the delay in filing his appeal was not intentional but was a result of financial challenges that delayed him in procuring the services of his lawyer

on time, and that despite his efforts to file on time, it was discovered that the wrong form was used to lodge an appeal.

5. On 8 December 2022, the Applicant emailed the Appeals Tribunal Registry stating that he had filed an appeal of the Judgment but he had not received confirmation of receipt. Mr. Shumba said he inquired with the Dispute Tribunal Registry and was advised to follow up with the Appeals Tribunal. When asked to provide further information, Mr. Shumba advised on 9 December 2022 that he was unable to access the online appeals file to provide a screenshot but provided a screenshot of the 8 December 2022 email to the Dispute Tribunal.

6. The Appeals Tribunal may waive or suspend the deadlines for filing an appeal in exceptional cases or shorten or extend a time limit “when the interests of justice so require”. I note that the Applicant was represented by counsel before the Dispute Tribunal who is the same counsel who filed this motion. Mr. Shumba says that he was delayed due to financial challenges in procuring the services of his lawyer on time. I have no further details on what steps were taken in this regard, but I accept that he personally drafted and tried to file an appeal (albeit incorrectly) on the appeal deadline with the Dispute Tribunal and did follow up when he did not receive a confirmation of receipt.

7. I am therefore satisfied that the Applicant having attempted to personally file an appeal by the appeal deadline of 6 December 2022, albeit incorrectly, it is in the interest of justice that the time for filing a fully compliant appeal document be extended by 7 days from the Applicant’s receipt of this Order.

IT IS HEREBY ORDERED that Mr. Shumba’s request is **GRANTED** and that he may have a period of 7 days following receipt of this Order to file a fully compliant appeal with the Registry.

Original and Authoritative Version: English

Decision dated this 20th day of January 2023 in
Vancouver, Canada.

(Signed)
Judge Kanwaldeep Sandhu,
President

Order published and entered in the Register on this
20th day January 2023 in New York, United States.

(Signed)
Juliet Johnson,
Registrar