



UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

Case No. 2025-2045

Clay Shiala Nsilu

(Appellant)

v.

Secretary-General of the United Nations

(Respondent)

Order No. 621 (2025)

1. On 12 June 2025, the United Nations Dispute Tribunal (UNDT or Dispute Tribunal) issued Judgment on Receivability No. UNDT/2025/033 (UNDT Judgment) in the case of *Shiala v. Secretary-General of the United Nations*, in which it dismissed the application of Mr. Clay Shiala Nsilu (Mr. Shiala), a former staff member of the United Nations Children's Fund (UNICEF), as not receivable. Mr. Shiala had challenged the manner in which the Administration handled his request for compensation for an injury he allegedly incurred on 28 February 2021 in a work-related incident.
2. On 10 July 2025, the UNDT transmitted to Mr. Shiala the French translation of the UNDT Judgment.
3. On 5 August 2025, Mr. Shiala filed a request for revision of the UNDT Judgment before the Dispute Tribunal.
4. On 11 August 2025, Mr. Shiala filed a Motion for Suspension and Extension of the Time Limit to File an Appeal of the UNDT Judgment (First Motion) to the United Nations Appeals Tribunal (UNAT or Appeals Tribunal). He requested both an extension of the time limit to file his appeal and a suspension of his appeal's consideration pending notification of a UNDT Judgment on his request for revision.¹

¹ Mr. Shiala initially filed his first Motion on 8 August 2025 but had to refile it to conform with the Appeals Tribunal's filing requirements.

5. On 13 August 2025, Mr. Shiala filed a second Motion (Second Motion), requesting that the Appeals Tribunal suspend its consideration of his appeal until the UNDT issues its Judgment on his request for revision. To preserve his rights, he annexed his appeal to the Second Motion. In support of the Second Motion, Mr. Shiala argues that suspending the appeal would avoid the use of unnecessary judicial resources, as the UNDT's granting of his request for revision would render the appeal moot. He contends that the suspension aligns with the principles of good administration of justice, proportionality, and procedural economy.

6. On 21 August 2025, the Secretary-General submitted his comments to the Motions. He submits that the Motions should be denied, emphasizing that the appeal is time-barred, having been submitted 62 days after the UNDT Judgment was issued. The Secretary-General further contends that, pursuant to Article 7(3) of the Appeals Tribunal Statute (Statute), the UNAT may only suspend or waive the deadline in "exceptional circumstances", a requirement which Mr. Shiala has not satisfied. Consequently, since the appeal is not receivable, the Secretary-General submits that there is no need to address Mr. Shiala's request for suspension.

7. Nevertheless, should the Appeals Tribunal find the appeal receivable, the Secretary-General contends that he would not oppose the suspension of the appeal to avoid procedural difficulties that could arise from the concurrent consideration of the appeal by the UNAT and the request for revision by the UNDT.

8. On 20 November 2025, the UNDT issued Judgment No. UNDT/2025/091, in which it dismissed Mr. Shiala's application for revision for want of a valid statutory basis.²

9. Regarding Mr. Shiala's First Motion, which sought an extension of the time limit to file his appeal, the appeal he submitted on 13 August 2025 renders this request moot.

10. Furthermore, in light of Judgment No. UNDT/2025/091, we find that Mr. Shiala's Second Motion is also moot.

² *Shiala v. Secretary-General of the United Nations*, Judgment No. UNDT/2025/091, para. 13.

11. As for the Secretary-General's arguments concerning the receivability of the appeal, they may be raised in the Secretary-General's answer and will be addressed by the Appeals Tribunal in its forthcoming Judgment.

12. For these reasons, the two Motions are denied.

IT IS HEREBY ORDERED that Mr. Shiala's Motions of 11 and 13 August 2025 are **DENIED**.

Original and Authoritative Version: English

Decision dated this 23rd day of December 2025
in Washington D.C., United States

(Signed)
Judge Nassib G. Ziadé,
Presiding

Order published and entered in the Register on this 23rd
day of December 2025 in New York, United States.

(Signed)
Juliet E. Johnson,
Registrar