



UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

Case No. 2019-1228

**Kinyanjui
(Appellant)**

v.

**Secretary-General of the United Nations
(Respondent)**

ORDER No. 337 (2019)

1. On 25 October 2018, the United Nations Dispute Tribunal in Geneva rendered Judgment No. UNDT/2018/106 in the case of *Kinyanjui v. Secretary-General of the United Nations*, in which it dismissed Mr. Boniface Macharia Kinyanjui's challenge of the decision not to select him for the position of Deputy Representative, Burundi. Under Article 7(1) of the Statute of the Appeals Tribunal (Statute), Mr. Kinyanjui has 60 days of receipt of the Judgment to file an appeal, i.e., by 24 December 2018.

2. On 22 January 2019, Mr. Kinyanjui filed a request for suspension, waiver or extension of time limit to appeal. Mr. Kinyanjui states, *inter alia*, that he was not able to file an appeal before 24 December 2018 because he had to "go on [l]eave from 25 October 2018 until 2 January 2019 owing to pregnancy complications suffered by his spouse and the subsequent delivery of premature twin babies". Moreover, his counsel was not able to provide him with an effective assistance because he was involved in the process of winding down his assignment in Sudan from mid-November to the end of December 2018. Mr. Kinyanjui seeks a waiver of the time limit and an additional period of eight days to appeal Judgment No. UNDT/2018/106.

3. Under Article 7(3) of the Statute, "[t]he 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". Article 7(2) of the Appeals Tribunal Rules of Procedure (Rules) sets forth the manner in which an appellant should submit a

written request for a waiver of a time limit, and Article 30 of the Rules allows this Tribunal to shorten or extend a time limit “when the interests of justice so require”.

4. On the basis of Mr. Kinyanjui’s statement about the difficult circumstances that he faced in connection with his wife’s pregnancy and the birth of his children, this Tribunal finds that Mr. Kinyanjui has presented an exceptional case and the interests of justice will be served if his request is granted so as to give him an opportunity to present his case.

IT IS HEREBY ORDERED that Mr. Kinyanjui’s request for a waiver of time limit and an extension of time to file his appeal is GRANTED, and the appeal form and appeal brief shall be filed **no later than 1 February 2019 COB (New York time)**.

Original and Authoritative Version: English

Dated this 24th day of January 2019
in Athens, Greece.

(Signed)
Judge Dimitrios Raikos,
President

Entered in the Register on this 24th day
of January 2019 in New York, United States.

(Signed)
Weicheng Lin, Registrar