



UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

Case No. 2022-1682

Simon Handy

(Appellant)

v.

Secretary-General of the United Nations

(Respondent)

ORDER No. 452 (2022)

1. On 2 February 2022, the United Nations Dispute Tribunal (Dispute Tribunal or UNDT) in Nairobi issued Order No. 010 (NBI/2022) in the case of *Handy v. Secretary-General of the United Nations*, in which the UNDT rejected Mr. Handy's request pursuant to Article 8(3) of the UNDT's Statute for an extension of time to file an application (the Order).
2. On 4 April 2022, Mr. Handy filed an incomplete appeal of the above Order, registered as case No. UNAT-2022-1682. In the ensuing e-mail exchanges, the Registry gave Mr. Handy a week's time to submit a conforming appeal and informed him that the time limit for appealing an interlocutory order was 30 days as of 2 February 2022.
3. Article 7(1) of the Appeals Tribunal Rules of Procedure (Rules) provides that "(a)ppeals instituting proceedings shall be submitted to the Appeals Tribunal through the Registrar within: (a) 60 calendar days of the receipt by a party appealing a judgement of the Dispute Tribunal; (b) 30 calendar days of the receipt by a party appealing an interlocutory order of the Dispute Tribunal ..." Article 7(2) of the Rules provides that "(i)n exceptional cases, an appellant may submit a written request to the Appeals Tribunal seeking suspension, waiver or extension of the time limits referred to in article 7.1". Finally, Article 30 of the Rules provide that "[s]ubject to article 7.4 of the statute of the Appeals Tribunal, the President or the panel hearing a case may shorten or extend a time limit fixed by the rules of procedure or waive any rule when the interests of justice so require".

4. On 13 April 2022, Mr. Handy filed a request for suspension, waiver or extension of time limit to appeal, “in the interest of justice and common humanity” because the Appeals Tribunal “must hear the horrifying tale of 12 years of abuses including death threats and instance of racism”. He explains that he submitted the appeal on 4 April 2022 in accordance with a message from the Office of Staff Legal Assistance (OSLA) advising him to appeal “on or before 3/4/22 which is 60 days from the UNDT judgment”. Mr. Handy argues that it was only upon filing the appeal to the Appeals Tribunal that he discovered the appeal is from an interlocutory order, and not a judgment, of the Dispute Tribunal. He then outlines what he says was a pattern of abuse by the Administration and the resulting “dire consequences” on him and his family.

5. The request for suspension, waiver or extension of time limit is denied. The Appeals Tribunal has consistently held that it strictly enforces the various time limits under its Statute and Rules.¹

6. Order No. 010 (NBI/2022) was issued 2 February 2022. As this is an appeal of an interlocutory order of the Dispute Tribunal further to a motion to the Dispute Tribunal, the deadline for appeal to the Appeals Tribunal is 30 calendar days of the receipt of the Order (see Article 7(1) of the Rules). We have no information as to when Mr. Handy received the Order. However, if we assume it was received on the date it was sent electronically by the Dispute Tribunal (2 February 2022) and do not include the date of issuance of the Order, the deadline to file an appeal to the Appeals Tribunal is on or about 4 March 2022. Mr. Handy filed an incomplete appeal on 4 April 2022, well beyond this deadline. He says he thought and was told he had 60 days to file an appeal. He says that the OSLA advised him by e-mail on 29 March 2022 that they were declining his request for representation and that he had until 3 April 2022 to appeal. He did not provide an actual copy of this e-mail, but provides what seems to be an incomplete excerpt. However, this e-mail does not assist Mr. Handy as it apparently was dated after the 30-day time-limit for filing an appeal had expired on or about 4 March 2022.

¹ *Chandran v. Secretary-General of the United Nations*, Order No. 232 (2015), citing *Mezoui v. Secretary-General of the United Nations*, Judgment No. 2010-UNAT-043, para. 21. See also *Ocokoru v. Secretary-General of the United Nations*, Judgment No. 2015-UNAT-604, paras. 39 and 40 and authorities cited therein.

7. The Appeals Tribunal has consistently held that “staff members have to ensure that they are aware of the Staff Regulations and Rules and the applicable procedures in the context of the administration of justice in the United Nations’ internal justice system” and that “[i]gnorance cannot be invoked as an excuse for missing deadlines”.²

IT IS HEREBY ORDERED that Mr. Handy’s request is **DENIED**.

Original and Authoritative Version: English

Dated this 21st day of April 2022 in
Vancouver, Canada.

(Signed)
Judge Kanwaldeep Sandhu,
Judge

Entered in the Register on this 21st day
of April 2022 in New York, United States.

(Signed)
Weicheng Lin, Registrar

² *Turki Salem Abu Rabei v. Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, Judgment No. 2020-UNAT-1060, para. 27, quoting *Mbok v. Secretary-General of the United Nations*, Judgment No. 2018-UNAT-824, para. 45, and citing *Amany v. Secretary-General of the United Nations*, Judgment No. 2015-UNAT-521.