



UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

Case No. 2025-1995

Clay Shiala Nsilu

(Appellant)

v.

Secretary-General of the United Nations

(Respondent)

Order No. 614 (2025)

1. On 15 January 2025, the United Nations Dispute Tribunal (UNDT or Dispute Tribunal) issued Judgment on Receivability No. UNDT/2025/002 (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 *ratione temporis*. Mr. Shiala had challenged the Administration's decision to separate him from service due to misconduct.

2. On 3 February 2025, Mr. Shiala filed an appeal of the impugned Judgment with the United Nations Appeals Tribunal (UNAT or Appeals Tribunal), which was registered as Case No. 2025-1995. On 1 April 2025, the Secretary-General filed his answer.

3. On 9 May 2025, Mr. Shiala filed a Motion for Additional Pleadings, which was denied by the Appeals Tribunal on 7 July 2025 on the basis that he "failed to demonstrate exceptional circumstances that would warrant the admission of his additional pleadings and annexes".¹

4. On 10 July 2025, Mr. Shiala filed a Motion for Interim Measures, in which he requested a stay of proceedings "due to substantial irregularities affecting the regularity of the case file, the validity of the notification, the neutrality of the representation, and access

¹ *Clay Shiala Nsilu v. Secretary-General of the United Nations*, Order No. 602 (2025), para. 9.

to the reference texts”.² He further stated that “if these issues “were not resolved beforehand, they might result in irreparable harm”.³

5. On 21 July 2025, the Secretary-General filed his Response to the Motion for Interim Measures. The Secretary-General submits that the Motion for Interim Measures should be denied because Mr. Shiala failed to demonstrate irreparable harm, highlighting that he provided no proof of his alleged harm. The Secretary-General also contends that the Motion should be denied because it is inconsistent with the impugned Judgment, which rejected Mr. Shiala’s application. Finally, the Secretary-General notes that, as this is Mr. Shiala’s second Motion, he should be reminded that repeated and unsubstantiated filings may constitute an abuse of process and could result in an award of costs against him.

6. On 29 July 2025, Mr. Shiala filed a second Motion for Additional Pleadings, submitting arguments and documentation in support of his Motion for Interim Measures dated 10 July 2025. On 30 July 2025, he filed a third Motion for Additional Pleadings that was nearly identical in substance to the one submitted the previous day.

7. On 11 August 2025, the Secretary-General filed Comments on the 29 and 30 July 2025 Motions for Additional Pleadings. He first recalls that Mr. Shiala does not meet the conditions set out in Article 9(4) of the Appeals Tribunal Statute (Statute) for the granting of interim measures. He further submits that the Motions should be denied as Mr. Shiala failed to demonstrate any “exceptional circumstance” justifying their admission. The Secretary-General notes that, although the annexes submitted with these Motions were available to Mr. Shiala at the time he filed his application before the UNDT, he failed to produce them at that time. The Secretary-General further argues that the arguments and documentation submitted by Mr. Shiala are irrelevant to the interim measures he seeks. Lastly, given that these constitute Mr. Shiala’s third and fourth motions submitted in this case, the Secretary-General requests that the Appeals Tribunal award costs against Mr. Shiala in the amount of USD 250 for each of the Motions filed on 29 and 30 July 2025.

8. Article 9(4) of the Statute provides that “[a]t any time during the proceedings, the Appeals Tribunal may order an interim measure to provide temporary relief to either party

² Informal translation.

³ *Ibid.*

to prevent irreparable harm and to maintain consistency with the judgement of the Dispute Tribunal”.

9. The Appeals Tribunal has consistently held that “an interim measure of relief is subject to very strict requirements; such relief is available to protect a litigant from the likelihood of irreparable harm, who the Dispute Tribunal believes is likely to succeed at trial or the Appeals Tribunal believes is likely to succeed on appeal”.⁴

10. I find that, in the present case, Mr. Shiala does not fulfil the conditions under Article 9(4) of the Statute.

11. As the Secretary-General properly submitted, Mr. Shiala does not seek an interim measure for temporary relief which is consistent with the UNDT Judgment. On the contrary, he seeks the opposite, namely the reversal of the UNDT Judgment.⁵

12. Therefore, as one of the two cumulative conditions under Article 9(4) of the Statute has not been fulfilled, I do not need to further consider the other condition.⁶

13. In light of the denial of the Motion for Interim Measures, we find that Mr. Shiala’s second and third Motions for Additional Pleadings in support thereof are moot.

14. Mr. Shiala is hereby put on notice that, should he persist in filing repetitive, unwarranted or irrelevant motions with this Tribunal, he may face an award of costs for abuse of the appeals process, as provided for in Article 9(2) of the Statute.

15. For these reasons, all three Motions are denied.

⁴ *Nadine Kaddoura v. Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, Order No. 409 (2021), para. 6.

⁵ *Kamal Karki v. Secretary-General of the United Nations*, Order No. 550 (2024), para. 8; *Tiwathia v. Secretary-General of the United Nations*, Order No. 103 (2012), para. 6.

⁶ *Rangel v. Registrar of the International Court of Justice*, Judgment No. 2015-UNAT-531, para. 10.

IT IS HEREBY ORDERED that Mr. Shiala's Motion for Interim Measures and 29 and 30 July 2025 Motions for Additional Pleadings are **DENIED**.

Original and Authoritative Version: English

Decision dated this 8th day of September 2025
in Paris, France

(Signed)
Judge Nassib G. Ziadé,
President

Order published and entered in the Register on this 8th day of
September 2025 in New York, United States.

(Signed)
Juliet E. Johnson,
Registrar