

## **Order on request for extension of time limit to respond**

**Khalilah Hackman, Jonathan Hall, Giovanni Ardito and David Puzstai (the "Appellants")**

**VS**

**Secretary General of the International Seabed Authority (the "Respondent")**

1. On 7 January 2025, Ms. Khalilah Hackman, Mr. Jonathan Hall, Dr. David Puzstai, and Dr. Giovanni Ardito filed an appeal before the Joint Appeals Board (JAB) requesting suspension of action on the decision made by the Secretary-General dated 2 January 2025 to "withdraw their letters of fixed-term appointment, pending completion of the administrative review process. They argue that, although the letters did not specify the date on which such decision to withdraw would take effect, they stipulated a period of 10 days during which the Appellants could contact HR. The Appellants argued that the contested decisions had not yet been implemented at the time of their filing, but would be completed within the referred 10-day period, "following which the termination would therefore be deemed complete". They also argued that such an implementation would cause irreparable harm.
2. In their appeal, the Appellant sought specifically: (a) a stay of any steps to withdraw their appointments; (b) the continuation of their onboarding process; (c) the restoration of the Inspira profiles and email access of the two former ISA staff members; (d) a halt to the recruitment for the positions to which they had been appointed in December 2024; and (e) a prohibition of any reclassification or restructuring of these posts.
3. On 23 January 2025, the Secretary-General issued SBA/ST/SGB/2020/1/Amend.3, further amending the Staff Rules of the International Seabed Authority (ISA), to significantly enhance the judicial powers of the JAB, which had been strengthened by Amend. 1. Both of these amendments grant the JAB the authority to: a) issue binding orders to the Secretary-General regarding suspension of action; b) decide appeals in disciplinary cases, instead of referring them to the United Nations Appeals Tribunal (UNAT) in the first instance; c) exercise full judicial independence in reviewing administrative decisions. These changes are in line with international standards, specifically Article 2(10) of the statute of the United Nations Appeals Tribunal, as revealed by its jurisprudence, which affirms the necessity of judicial bodies accepting jurisdiction of the administrative system to have the authority to issue binding decisions rather than mere recommendations.
4. Also on 23 January 2025, the new membership of the JAB was established through Information Circular [ISBA/ST/IC/2025/3](#).
5. On 31 January 2025, the Secretary of the JAB signed and transmitted a letter to the Secretary-General, requesting a response by 7 February.
6. Also on 31 January 2025, the Secretary of the JAB sent a letter to the Appellants, informing that their request of 7 January 2025 would be considered by the newly constituted JAB in accordance with its rules of procedure.
7. On 3 February 2025, the Appellants informed the Secretariat of the JAB that the UNAT has taken jurisdiction over their request for interim relief due to the failure of the JAB to act

within the prescribed timeframe. They expressed their expectation that the matter would be determined by the UNAT, rather than by the JAB.

8. Also on 3 February 2025, a request for clarification was sent by the Secretary of the JAB on whether they were formally withdrawing their current requests for suspension of action before the JAB.
9. On 5 February 2025, the Appellants reiterated that a decision by the UNAT on the motion for interim relief would be instructive for both the JAB and the Appellants in determining the way forward, without prejudice to a future application on the merits of the matter. The Applicants also request disclosure of correspondence between the JAB Secretariat and the former JAB Chair between 7 January and 23 January 2025, as well as the name of the individual acting as JAB Secretary.
10. Also on 5 February 2025, the new Chair of the JAB constituted a Panel for the case relating to requests of suspension of action, after obtaining the consent of the respective Panel members.
11. On 7 February 2025, the Secretary-General requested an extension until 11 February 2025 for submitting responses to the applications for suspension of action, citing requirements to respond simultaneously to two UNAT orders, deriving from motions from the appellants, for interim measures by 7 February 2025 and the resulting workload on the small legal team.
12. The Rules of Procedures of the JAB establish no provision for an extension of the time limit for the Secretary-General to submit their reply in the case of an application for suspension of action.
13. The Panel for the present appeal for suspension of action has been formed, and according to Rule 15(1) of the Rules of Procedure, the Panel may decide regardless of any reply from the Secretary-General.
14. In accordance with correspondence with the Secretary of the JAB, the Appellants have stated that they believe that the JAB lacks jurisdiction and that the UNAT decision will take precedence over the JAB decision.
15. Notwithstanding the Appellants' concerns regarding the JAB jurisdiction, and taking into account the recent relevant review in Staff Rules, the recent appointment of the new Chair and Members of the JAB, the recent constitution of the Panel, as well as the complexity and volume of the case, and in the interest of ensuring a thorough and well-considered assessment of the issues, the requested extension for a short period is granted exceptionally.
16. As stated in the letter to the Secretary-General, signed by the Secretary of the JAB on 31 January 2025, the name of the Secretary of the JAB is Ms. Tamanna Khan.
17. The Panel will resolve all outstanding issues and requests.

### **ORDER**

18. For the aforementioned reasons, the Secretary-General may file her reply about the requests for suspension of action no later than 11 February. No further extensions will be allowed.

**Issued by:**

A photograph of a handwritten signature in blue ink on a light-colored, textured surface. The signature is cursive and reads "M. Halfeld".

**Judge Martha Halfeld Furtado de Mendonça Schmidt**

Chair

Joint Appeals Board

International Seabed Authority

**10 February 2025**