



JOINT APPEALS BOARD

Case No. ISBA/JAB/APPEAL/ARDITO/2025

Giovanni Ardito (the “Appellant”)

v.

Secretary General of the International Seabed Authority

(the “Respondent”)

Order No. 17 (2025)

Order regarding the submission of additional evidence

1. The present Order concerns the letters dated 14 and 19 August 2025 by which the Appellant requested the Joint Appeals Board (“JAB”) of the International Seabed Authority (“ISA”) ‘to adduce (...) New Evidence to the record ‘ in connection with his statement of appeal submitted on 4 March 2025 in accordance with Staff Rule 11.2 of the ISA.
2. On 15 and 19 August 2025, the Secretary of the JAB transmitted the Appellant’s first submission to the Respondent, setting a deadline for a reply by 1 and 8 September 2025 respectively.
3. The Respondent submitted a consolidated reply on 1 September 2025, addressing both submissions.
4. The receipt of additional evidence before the JAB is governed by Rule 18 of the Revised Rules of Procedure of the JAB, which provides that proceedings shall normally be limited to the statement of appeal and the respondent’s reply, but the Panel may exceptionally accept additional submissions or request further evidence. This provision reads, in relevant part:

(1) In addition to the Statement of Appeal and the respondent's reply thereto, the proceedings before a Panel shall normally be limited under Staff Rule 11.2(h) to "brief statements and rebuttals" which may be made either in writing or orally. The Panel may accept additional written or oral submissions from the parties. The Panel may request the production of additional material and evidence or oral



statements. The time-limit for written submissions by either party shall generally be no more than two weeks.

(2) Additional written submissions shall be limited so as to avoid repetition of previously presented information and shall be made in accordance with stipulated time-limits.

5. By analogy, the practice within the United Nations internal justice system confirms that no additional submissions or evidence shall be admitted unless leave is formally requested and granted. In this regard, the following provisions are relevant: (i) Rule 18 of the Revised JAB Rules of Procedure, on additional submissions; (ii) Article 2(5) of the UNAT Statute, on the admission of additional evidence in exceptional circumstances; (iii) Article 10 of the UNAT Rules of Procedure, on the admission of additional documentary evidence in exceptional circumstances; and (iv) Section II.A.3 of UNAT Practice Direction No. 1, which requires exceptional circumstances and the authorization of the Tribunal for motions to file additional pleadings.

6. The JAB is guided by UNAT jurisprudence in ensuring procedural efficiency. In *Mousa*, the UNAT found that the additional documentary evidence presented on appeal was inadmissible as the Appellant had failed to seek leave to present such additional evidence as he was required to pursuant of Article 2(5) of the UNAT Statute (*Mousa-2021-UNAT-1151*, para.30). The purpose of producing evidence is to substantiate facts genuinely at issue between the parties, and the production of additional evidence is only required when a fact is relevant and disputed. The UNAT has consistently held that additional evidence may only be admitted in *exceptional circumstances* and upon prior leave of the Tribunal. (see *Harris-UNAT-Order 320 (2018)*, para.8; *Hazem El-Mussader-UNAT-Order 442 (2022)*, para.7; *Surendra Bista-UNAT-Order 552 (2024)*, para.10; *Abdellaoui 2019-UNAT-929*, para.29; *El-Awar 2019-UNAT-931*, para.27; *Muc UNAT-Order 36 (NY/2021)*, para.4).

7. The JAB recalls that pursuant to Rule 18 (2) of the JAB, “Additional written submissions shall be limited so as to avoid repetition of previously presented information and shall be made in accordance with stipulated time-limits.”

8. From the two submissions filed by the Appellant together with their annexes, the JAB notes that the Appellant essentially maintains that the Respondent has, throughout these proceedings, made submissions and allegations aimed at justifying the withdrawal of his letter of appointment, in order to preserve another post within the Secretariat.



9. The documents submitted by the Appellant are therefore admitted to the record as additional material. However, the present Order does not contain any finding on their evidentiary value, which remains for the JAB to assess in its final judgment.

10. For the sake of procedural clarity, it is emphasized that no further additional submissions or evidence will be accepted unless a prior request is made and leave is expressly granted by the Chair, in accordance with the applicable rules and practice.

Order

11. IT IS HEREBY ORDERED that

- a) The documents submitted by the Appellant shall form part of the record without prejudice to the JAB's assessment of their relevance or probative value at the stage of the final Judgment.
- b) As the Respondent has already filed her reply, no further additional evidence or submissions shall be admitted from either Party unless leave is formally requested from and granted by the Chair.
- c) This practice is in line with Rule 18 of the JAB Revised Rules of Procedure, Article 2(5) of the UNAT Statute, Article 10 of the UNAT Rules of Procedure, and Section II.A.3 of UNAT Practice Direction No. 1.

12. This Order is issued to ensure compliance with the governing rules, maintain procedural efficiency and to preserve the integrity of the proceedings.

Order dated this 10th day of September 2025

Judge Martha Halfeld Furtado de Mendonça Schmidt

Chair of the Joint Appeals Board,
International Seabed Authority