



## **JOINT APPEALS BOARD**

**Case No. ISBA/JAB/APPEAL/PUSZTAI/2025**

**David Pusztai (the “Appellant”)**

**v.**

**Secretary General of the International Seabed Authority  
(the “Respondent”)**

**Order No. 18 (2025)**

***Order on Request for Disclosure of Communications***

### **Procedural background**

1. The Appellant is a former Legal Officer at the P-4 level who served under several Temporary Appointments (“TA”) at the International Seabed Authority (“ISA/Authority”). His last TA expired on 14 December 2024.
2. By letters dated 21 and 31 July 2025, the Appellant submitted two requests for the disqualification of a member of the Joint Appeals Board (“JAB”) elected by the Staff of the ISA.
3. By Order No. 12 (2025), dated 19 August 2025, the Chair of the JAB rejected the Appellant’s requests for disqualification.
4. The present Order concerns the Appellant’s submission of 27 August 2025, by which he requested disclosure of communications from the contested Board Member to the Board, as referenced in paragraphs 9 and 18 of Order No. 12 (2025).
5. The JAB Secretariat transmitted this submission to the Respondent, inviting comments by 18 September 2025. The Respondent filed observations, opposing the request, within the prescribed deadline.



## Submission of the Parties

6. The Appellant argues that the undisclosed communications undermine his right to be heard and should be disclosed in order to interrogate their contents and, if necessary, request reconsideration of Order No. 12 (2025). He further maintains that the continued participation of the contested Board Member in the deliberations constitutes, in itself, a ground for annulment.

7. The Respondent submits that the request is baseless, non-receivable, and an abuse of process. The Respondent emphasizes that Order No. 12 (2025) conclusively resolved the disqualification issue, that internal communications among Board Members are confidential, and that repeated unsolicited submissions jeopardize the integrity of the proceedings.

## Considerations

8. Rule 26 of the JAB Rules of Procedure entrusts the Chair with deciding requests for disqualification of a Board Member. The Rules do not provide for disclosure of internal communications between Board Members to the parties. Such communications form part of the confidential deliberative process and litigants cannot compel their disclosure.

9. Order No. 12 (2025) has conclusively determined the Appellant's requests for disqualification. The Appellant has presented no new evidence or decisive facts that would justify revisiting that determination.

10. Attempts to reopen issues conclusively decided or to re-litigate previously rejected arguments without new grounds, have been deemed abusive by UNAT (see *Nouinou*, Order 348 (2019)). Submissions impugning the honesty and integrity of a Board member without substantiation have likewise been characterized as "derogatory, baseless and abusive" (*Nouinou*, Order 353 (2019)).

11. UNAT has found manifest abuse of proceedings in various circumstances (see *Ishak* 2011-UNAT-152, para. 30; *Mezoui* 2012-UNAT-220, para. 49; *Balogun* 2012-UNAT-220, paras. 33-34; *Gehr* 2013-UNAT-328, para. 25; *Chaaban* 2016-UNAT-611, paras. 24-26; *Faye* 2016-UNAT-657, paras. 44-45). The filing of repetitive motions that waste resources has likewise been deemed abusive (*Terragnolo* 2015-UNAT-566).

12. Moreover, under the practice of international tribunals, , where a party has manifestly abused the proceedings, costs may be awarded, particularly after fair warning (*Auda* 2017-



UNAT-740, para. 28; *Mbok* 2018-UNAT-824, para. 47; *Mohammad* 2024-UNAT-1421, para. 62; *Zaqqout* 2022-UNAT-2019, para. 59).

13. The right to access justice, while fundamental, must be exercised reasonably and in good faith. The Appellant is hereby cautioned against the filing of repetitive or unsubstantiated submissions, as such conduct has the effect of delaying the adjudication of his case and imposing an undue burden on the Board. Should this practice persist, it may properly be characterized as an abuse of process.

14. The present request for disclosure of communication is therefore dismissed.

### **Order**

15. For the foregoing reasons, the Chair of the Joint Appeals Board:

- (a) **REJECTS** the Appellant's request for disclosure of communications by a Board Member;
- (b) **RECALLS** that Order No. 12 (2025) has conclusively disposed of the matter of disqualification.
- (c) **DIRECTS** that the Appellant shall refrain from submitting further motions on issues already adjudicated, or from filing unsolicited submissions, without prior leave of the Board, in order to prevent abuse of process and to safeguard the integrity of proceedings.

**Order dated this 29th day of September 2025**

**Judge Martha Halfeld Furtado de Mendonça Schmidt**

Chair, Joint Appeals Board

International Seabed Authority