



JOINT APPEALS BOARD

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

Jonathan Hall (the “Appellant”)

v.

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

Order No. 19 (2025)

Order on Request for Disclosure of Communications

Procedural background

1. On 5 March 2025, the Appellant submitted a Statement of Appeal before the Joint Appeals Board (the “JAB/Board”) in accordance with Staff Rule 11.2 of the Staff Rules of the International Seabed Authority (the “ISA/Authority”).
2. By letters dated 21 July and 1 August 2025, the Appellant requested the disqualification of a member of the Board, elected by the Staff of the ISA, alleging an appearance of bias arising from remarks made during Council deliberations on 17 July 2025.
3. By Order No. 14 (2025), dated 19 August 2025, the Chair rejected those disqualification requests.
4. The present Order concerns the Appellant’s submission of 29 August 2025, by which he requested disclosure of communications from the contested Board Member to the Board, as referenced in paragraphs 10 and 19 of Order No. 14 (2025).



5. The JAB Secretariat transmitted this submission to the Respondent and invited written comments by 18 September 2025. The Respondent filed observations opposing the requests within the prescribed time.

Submissions of the Parties

6. The Appellant contends that the undisclosed communications undermine his right to be heard and requests disclosure so that he may interrogate their contents and, if necessary, seek reconsideration of Order No. 14 (2025). He further contends that the continued participation of the contested Board member gives rise, in itself, to ground for annulment.

7. The Respondent submits that the Appellant's requests are baseless, non-receivable and abusive. The Respondent emphasizes that Order No. 14 (2025) conclusively resolved the disqualification issue, that internal communications among Board members are confidential, and that repetitive unsolicited submissions jeopardize the integrity of the proceedings.

Considerations

8. Rule 26 of the JAB Rules of Procedure vests the Chair with authority to decide requests for disqualification. The Rules do not provide for disclosure of internal communications between members of the Board to the parties. Such communications form part of the confidential deliberative process and litigants have no entitlement to compel their production.

9. Order No. 14 (2025) has already determined the Appellant's disqualification requests. The Appellant has not produced any 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, engendering all the consequences therefor.

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. 14 (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 30th day of September 2025

Judge Martha Halfeld Furtado de Mendonça Schmidt

Chair, Joint Appeals Board

International Seabed Authority