

Order on request for extension of time limit to respond

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

v.

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

1. On 7 January 2025, Ms. Khalilah Hackman, Mr. Jonathan Hall, Dr. David Puztai, 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 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 11 February 2025, the Secretary-General submitted her reply to the application for suspension of action, following an extension granted by the Chair of the Panel until that date. The Chair subsequently directed the Appellants to submit their comments on the Secretary-General's reply, as well as on the alleged restructuring and reclassification of roles within the Secretariat, by 20 February 2025 (the "Deadline for Comments").
12. On 19 February 2025, the Appellants submitted a request for an extension of the Deadline for Comments until 24 February 2025. They cited the need to consider the implications of a ruling issued by the United Nations Appeals Tribunal ("UNAT Ruling"), obtain legal advice, and provide more comprehensive submissions. They further referenced unanswered procedural requests and an unforeseen family emergency affecting one of the Appellants as additional grounds for the extension.
13. On this date, 19 February 2025, the UNAT considered the Appellants' application for suspension of action moot.
14. The deadline fixed for the Appellants to submit their comments already took into consideration the principle of equality of treatment with the time limits fixed for the Secretary-General to submit her response. Furthermore, it is emphasized that this matter concerns an application for suspension of action, not an application in substance. The purpose of such proceedings is to determine interim relief based on urgency and prima facie considerations, rather than to conduct an in-depth examination of the merits of the case.
15. The Appellants have had ample opportunity to present their arguments, having already commented on the issues raised in the application and the Secretary-General's response.

ORDER

16. For the aforementioned reasons, the Appellants' request for an extension of the Deadline for Comments until 24 February 2025 is hereby denied.
17. The proceedings shall continue in accordance with the existing timeline set by the Chair.

19 February 2025

A handwritten signature in blue ink, reading "M Halfeld", on a light-colored background.

Martha Halfeld
Chair, Joint Appeals Board and Chair of the Panel