



UNITED NATIONS APPEALS TRIBUNAL
TRIBUNAL D'APPEL DES NATIONS UNIES

Judgment No. 2025-UNAT-1580



Before:	Judge Nassib G. Ziadé, Presiding Judge Katharine Mary Savage Judge Abdelmohsen Sheha
Case No.:	2025-2010
Date of Decision:	27 June 2025
Date of Publication:	3 September 2025
Registrar:	Juliet E. Johnson

Counsel for Appellant:	Self-Represented
Counsel for Respondent:	Yongsheng Cai, Talatu Akindolire & Cristian Gomez

JUDGE NASSIB G. ZIADÉ, PRESIDING.

1. On 26 March 2025, Mr. Jonathan Hall (Appellant) filed an appeal with the United Nations Appeals Tribunal (UNAT or Appeals Tribunal) of a Decision of the Joint Appeals Board (JAB or Board) of the International Seabed Authority (ISA).
2. In Decision ISBA/JAB/Joint Appellants/2025 (impugned Decision) of 24 February 2025, the JAB denied a joint request for suspension of action made by Mr. Hall and three other former staff members of ISA.¹ These four individuals had sought to suspend ISA's termination of their appointments (contested decision) and cessation of any recruitment or reclassification of their posts. In Mr. Hall's appeal, he requested that the UNAT quash the impugned Decision and order ISA to reinstate him to his post and to refrain from concluding the then-ongoing recruitment for his post.
3. On 31 March 2025, Mr. Hall filed a motion for interim measures (Motion) in connection with his appeal. This Motion also sought to suspend ISA's termination of his appointment and to prevent ISA from recruiting for, or reclassifying or restructuring, his post pending the outcome of a decision by the UNAT on his appeal.
4. For the reasons set forth herein, the UNAT dismisses the Motion and dismisses the appeal.

Facts and Procedure

5. On 18 December 2024, Mr. Hall accepted an offer of a fixed-term appointment from the former Secretary-General of ISA to serve as a Partnership Coordinator, Grade P3, at ISA in Kingston, Jamaica. The appointment was effective 1 January 2025 and was to expire on 31 December 2026.
6. On 1 January 2025, a new Secretary-General of ISA assumed her position.
7. On 3 January 2025, at 17:59, the new Secretary-General sent a letter, dated 2 January 2025, to Mr. Hall stating the following:

Upon a thorough review of our recruitment processes, it has come to our attention that the selection process for this position did not adhere to the established staff selection

¹ *Khalilah Hackman, Jonathan Hall, Giovanni Ardito, David Pusztai v. Secretary-General of the International Seabed Authority.*

system and practices. Furthermore, in alignment with our ongoing commitment to fiscal responsibility and efficiency, as well as ISA's human resource objectives for 2025.²

In light of these considerations, I regret to inform you that we are unable to proceed with the completion of the onboarding procedures for this position. As such, the letter of appointment previously issued to you by the former Secretary-General is hereby withdrawn.

8. On 6 January 2025, Mr. Hall requested administrative review of the decision to “withdraw” his appointment.

9. On 7 January 2025, Mr. Hall, together with three other similarly-affected staff, filed an application for suspension of action with the JAB.³

10. On 9 January 2025, the Secretary-General sent letters to all members of the JAB expressing appreciation for their invaluable contributions, but noting that as part of a strategic review, she “wish[ed] to restructure the secretariat and its internal boards and committees” which “include[d] re-appointment of new members and chairperson of the JAB”.

11. On 15 January 2025, in response to several e-mails from Mr. Hall and the other affected staff members about the status of their request for suspension of action, the former Chair of the JAB advised that he was no longer the Chair and could not assist.⁴

12. On 20 January 2025, Mr. Hall wrote to the Secretary-General, pursuant to ISA Staff Rule 11.2(a), to request an administrative review of the administrative decision to install another individual to the position of Partnership Coordinator that Mr. Hall had encumbered and to formally seek the reversal of such appointment.

13. On 23 January 2025, the Secretary-General issued Information Circular ISBA/ST/IC/2025/3 in which she named a new Chair of the JAB.⁵

14. On 27 January 2025, Mr. Hall and two of the other affected staff members filed a motion for interim measures with the UNAT (Prior Motion).⁶

² This sentence appears to be missing a phrase, but it is the original text.

³ These former staff members are Khalilah Hackman, Giovanni Ardito, and David Pusztai. Mr. Ardito and Mr. Pusztai have also filed appeals of the impugned Decision with the UNAT.

⁴ Impugned Decision, para. 3.

⁵ *Ibid.*, para. 5.

⁶ Mr. Hall was joined by Ms. Khalilah Hackman and Mr. Giovanni Ardito.

15. On 6 February 2025, the Secretary of the JAB notified the Secretary-General that the JAB had constituted a panel to consider the requests for suspension of action for Mr. Hall and the other applicants.

16. On 19 February 2025, the UNAT issued Order No. 591 (2025) in which it dismissed the Prior Motion as moot. The UNAT noted that ISA had reconstituted the JAB and a panel had been appointed to consider Mr. Hall's request for suspension of action.⁷

17. On 24 February 2025, the JAB issued the impugned Decision. The JAB recalled that under the relevant ISA Staff Rule 11.2(c)(ii), a request for a suspension of action must meet two conditions: (i) the contested decision has not been implemented; and (ii) its implementation would result in irreparable injury. The JAB concluded that suspension of action was not possible because the contested decision – the withdrawal or termination of the appointments of Mr. Hall and the three other similarly-affected staff – had already been executed.⁸

18. Moreover, the JAB concluded that the request to halt recruitment was moot because several of the positions were restructured and did not exist in the same form.⁹ The JAB thus dismissed the joint application for suspension of action.

19. The next day, on 25 February 2025, ISA posted a job opening for “Partnership Coordinator (P3)” for the period from 25 February 2025 to 10 April 2025, with the notice that the appointment was available for a finite period of one year, with renewal subject to various conditions.

20. On 1 March 2025, Mr. Hall filed a request for reconsideration with the JAB, noting that the advertisement of his post proved that in fact his position did still exist. Mr. Hall requested that the JAB reconsider its ruling and issue a decision to halt the ongoing recruitment.

21. On 4 March 2025, the JAB issued an Order on request for review (impugned Order) in which it found that the request for reconsideration was not receivable under the Rules of Procedure of the JAB.¹⁰

⁷ *Jonathan Hall, Khalilah Hackman, Giovanni Ardito v. Secretary-General of the International Seabed Authority*, Order No. 591 (2025), para. 37.

⁸ Impugned Decision, para. 52.

⁹ *Ibid.*, para. 53.

¹⁰ *Jonathan Hall v. Secretary-General of the International Seabed Authority*, Order on request for review (4 March 2025), para. 4.

22. The JAB further noted that a suspension of action proceeding did not anticipate full assessment of the merits of the case but was intended to determine whether there was a basis to suspend implementation of a decision on an urgent and preliminary basis. As such, new evidence or claims could not be introduced after the conclusion of the proceedings.¹¹

23. Mr. Hall subsequently sought recourse to the Appeals Tribunal by filing an appeal of the impugned Decision and related Order, which was registered as Case No. 2025-2010 with the UNAT. In addition, he filed the Motion under review.

24. Following receipt of the Secretary-General's response to his Motion, in which the Secretary-General raised a jurisdictional defense against the UNAT's consideration of that Motion, Mr. Hall made a request to submit additional pleadings. The Appeals Tribunal granted this request by Order No. 601/Corr.1 (2025) and set the matter for decision during the UNAT's 2025 Summer Session.¹²

Submissions

Mr. Hall's Motion for Interim Measures

25. Mr. Hall requests that the Appeals Tribunal (1) suspend the impugned Decision; (2) suspend the recruitment for the post of Partnership Coordinator and prohibit reclassification or restructuring of the position pending the conclusive resolution of his Appeal; and (3) grant any further relief the UNAT deems appropriate.

26. Mr. Hall contends that the withdrawal of his appointment is a contestable administrative decision which is unlawful and wrong as the Secretary-General (1) infringed the principle of *pacta sunt servanda* in purporting to unilaterally "withdraw" a mutually agreed Letter of Appointment, which was a binding contract between himself and ISA; (2) failed to adhere to the rules, regulations and procedures of ISA, specifically by identifying a non-existent technique ("withdrawal") as a means by which a separation may be effectuated.

¹¹ *Ibid.*, para. 7.

¹² *Jonathan Hall v. Secretary-General of the International Seabed Authority*, Order No. 601/Corr.1 (2025), para. 11.

27. Mr. Hall argues that as a result of the impugned Decision, he has suffered impacts to his mental and physical health, financial damage through the loss of current and future pension income, and long-term harm to him both socially and professionally.

28. Mr. Hall argues that pecuniary compensation could never fully address the harm he has experienced in terms of career disruption. He avers that the continued recruitment by ISA for his post renders the main relief that he seeks – reinstatement – impossible. Mr. Hall notes that the deadline for applications is 10 April 2025 and the recruitment process could still be suspended. There is urgency for the UNAT to scrutinize the impugned Decision to avoid prejudice to the remedy he seeks on appeal.

The Secretary-General’s Response to the Motion for Interim Measures

29. The Secretary-General submits that the impugned Decision and impugned Order rejecting Mr. Hall’s request for suspension of action are “orders” and not “judgments”, and the ISA Staff Rules and the JAB Rules do not provide for appeals of such orders.

30. The Secretary-General submits that while final JAB decisions on the merits are appealable before the UNAT, in accordance with ISA Staff Rules 11.2 and 11.3, the ISA Staff Rules and JAB Rules do not provide for appeals of orders rejecting suspensions of action.

31. The Secretary-General argues that applying by extension Article 10(2) of the Statute of the United Nations Dispute Tribunal (UNDT Statute) to this case, an order related to interim measures is “without appeal” and even more, no appeal could proceed if the challenged decision refers to cases of appointment, promotion or termination.

32. The Secretary-General avers that Mr. Hall is requesting the same relief requested in his Prior Motion, namely, to suspend the decision to withdraw his appointment and suspend the reclassification or restructuring of his former post, for which the UNAT has already rendered a decision. Accordingly, the Secretary-General contends that this latest Motion should be dismissed based on the principle of *res judicata* or preclusion, which states that once a decision has been rendered on a given matter, the matter cannot be raised again.

33. The Secretary-General submits that Article 2 of the Agreement between the United Nations and ISA (Special Agreement) extends the UNAT’s jurisdiction “to hear and pass judgment on an

application filed by staff members of the Authority” but does not provide for any motion for interim relief and therefore the application should be dismissed based on lack of jurisdiction.

34. The Secretary-General submits that if the UNAT were to find the Motion receivable, the Motion should be denied on its merits. Pursuant to Article 9(4) of the UNAT Statute, for an order of interim relief, the applicant must demonstrate two cumulative criteria: the relief is necessary to prevent irreparable harm and to maintain consistency with the UNDT judgment.

35. The Secretary-General avers that Mr. Hall has failed to present evidence of irreparable damage that would occur unless the requested relief is granted, and that economic loss alone does not constitute irreparable harm. The Secretary-General further avers that the two job openings are different in nature, and Mr. Hall’s focus on past harm rather than the risk of future irreparable harm does not meet the legal threshold for suspension of action.

36. The Secretary-General contends that as Mr. Hall is currently not in service and has no assigned duties, the request to suspend action is legally unsustainable, as suspension cannot reverse a decision that has already been executed.

37. The Secretary-General submits that the Motion should be dismissed since Mr. Hall’s appointment has already been withdrawn, the impugned Decision has been implemented as of 2 January 2025 and there is no urgency for suspension.

38. The Secretary-General argues that the decision to withdraw Mr. Hall’s appointment is *prima facie* lawful, as the withdrawal was a necessary corrective measure to address procedural violations by the former Secretary-General and that the current Secretary-General acted within her legal authority to rectify the issues, as the recruitment process was irregular and violated ISA Staff Rules.

39. The Secretary-General requests the Appeals Tribunal to dismiss the Motion in its entirety.

Mr. Hall’s Motion for Additional Pleadings

40. Mr. Hall contends that because the Secretary-General did not raise any jurisdictional arguments against his Prior Motion, and because the UNAT did not identify any jurisdictional grounds to bar that Prior Motion, this “confirms that the preliminary objections raised in the [Secretary-General’s] Response are nothing more than meritless afterthoughts”.

41. Mr. Hall claims that the only relevant question is whether *prima facie* jurisdiction is substantiated, which he claims is whether the underlying administrative measure of “withdrawal” of his appointment is an appealable administrative decision.

42. Mr. Hall argues that there is no textual basis to support the conclusion that a JAB Decision is not appealable,¹³ and that his appeal falls outside the ambit of the UNAT’s jurisdiction.

43. Mr. Hall further contends that Article 10(2) of the UNDT Statute excludes appeals against rulings that “order” interim measures, but not against “decisions” denying interim measures, and an analogy between the two should not be given effect as it would affect the plain language in the Article. Mr. Hall further contends that the ISA Staff Rules¹⁴ have since been amended and the exclusion was removed.

44. Mr. Hall submits that the Secretary-General is wrong in relying on the alleged lack of a specific reference to interim measures in the Special Agreement as a basis for dismissal. He claims that it is “trite international law that the grant of interim measures is an inherent power of international judicial organs”. In any event, he submits that the UNAT Statute confers authority on the Tribunal to grant interim relief.

45. Mr. Hall avers that the Secretary-General’s argument that this Motion should be denied on the grounds of *res judicata* is unfounded since Order No. 591 (2025) clearly stated that his Prior Motion was “moot” as the JAB had resumed its operations, and that the Order was *without prejudice* to the merits of the submissions.

The Secretary-General’s Response to the Motion for Additional Pleadings

46. The Secretary-General submits that Mr. Hall’s Motion is effectively challenging the merits of his appeal that is presently pending before the JAB. The UNAT has no jurisdiction to grant the relief requested in this posture.

¹³ Mr. Hall refers to ISA Staff Rule 11.3(a)(v), which permits the Secretary-General to appeal any decision of the JAB.

¹⁴ Mr. Hall refers to ISBA/ST/SGB/2020/1/Amend.3-Amendment to Staff Rule 11.2 (iii), which deleted language regarding a prohibition on appeals of the Secretary-General’s decision on a JAB recommendation to suspend action on a decision.

47. The Secretary-General submits that for requests for suspension of action, the longstanding jurisprudence of the UNDT demonstrates that the Tribunal will consider cumulatively (a) whether the contested decision is *prima facie* unlawful; (b) whether there is particular urgency in granting the request for suspension of action; and (c) whether irreparable harm would be caused by the implementation of the administrative action, and Mr. Hall has failed to satisfy these criteria.

48. The Secretary-General argues that Mr. Hall has not satisfied the cumulative criteria for an order granting interim measures under Article 9(4) of the UNAT Statute, as he did not demonstrate that irreparable harm would ensue if the UNAT rejected his request for temporary relief.

49. The Secretary-General contends that the JAB has not yet ruled on the substantive merits of Mr. Hall's appeal, so without a judgment, there is nothing to maintain.

50. The Secretary-General requests the Appeals Tribunal to find the Motion frivolous, in bad faith and non-receivable and should be dismissed in its entirety.

Mr. Hall's appeal

51. Mr. Hall submits that the events in this case are unprecedented, shock the conscience and require the Appeals Tribunal to put down a firm marker that the Secretary-General's interference with the judicial organs of ISA cannot be condoned.

52. Mr. Hall reminds that the Secretary-General overtly dismantled the JAB in order to deprive Mr. Hall and other aggrieved staff members of any means to protect their rights in the face of the Secretary-General's unlawful "withdrawal" of their appointments, an action that has no grounds in the ISA Staff Rules and Regulations.

53. Mr. Hall submits that the impugned Decision should be quashed in light of the unlawful dismantling of the JAB and the resultant deprivation of Mr. Hall's fundamental rights.

54. Mr. Hall points out that, pursuant to ISA Staff Rule 11.2(c), he was entitled to request a suspension of action of an administrative decision and that the JAB should have promptly constituted a panel to expeditiously address his request. In accordance with the JAB Rules, a panel should have been established by 14 January 2025, but instead, due to the Secretary-General's "strategic review", she interfered with the operations of the JAB to the detriment of his and others' rights.

55. Mr. Hall claims that from 9 January until 31 January 2025, the Secretary-General acted outside the law, and forced him into unprecedented unlawful circumstances where there was no way he could vindicate his rights before a first instance body.

56. Mr. Hall submits that in light of the deprivation of his rights, the JAB erred in failing to compensate him with moral damages in the impugned Decision.

57. Mr. Hall alleges that the ISA Information Circular constituting the new JAB is riddled with procedural irregularities, including by altering the mandate of the JAB members elected by the staff from two years to three years.

58. Mr. Hall submits that it is a foundational guarantee of due process that a designated respondent employer shall not unilaterally alter the composition of a judicial or quasi-judicial body which is seized of a pending application against that respondent party. Yet this is the astounding absurdity that has transpired.

59. Mr. Hall avers that international jurisprudence recognizes that removal of a judge without cause is one of the most serious attacks on judicial independence and neutrality. Judicial independence is derived from the requirement of an individual's right to a fair trial. From this perspective, the Secretary-General's alteration of the JAB amounted to a breach of the fundamental right to a fair trial.

60. Mr. Hall claims that the appointment of a former UNAT Judge as the new Chair of the JAB does not adhere to the fundamental guarantee of neutrality. Mr. Hall contends that pursuant to Article 4(4) of the UNDT Statute, which should apply *mutatis mutandis* to the JAB, former UNAT Judges are not entitled to be appointed to first instance tribunals. At the very least, the new Chair should have recused herself, instead she ruled on her own challenged appointment to her benefit.

61. Mr. Hall requests as relief that the UNAT quash the impugned Decision and order the Secretary-General to refrain from taking steps to withdraw his appointment, to promptly continue his onboarding, to refrain from recruiting for his post, and to refrain from reclassifying or restructuring his post. He also requests compensation for material damages, including pecuniary damages for the lost salary during the time the JAB was defunct (USD 10,000). He further requests a minimum of USD 10,000 for the breach of his fundamental rights and a minimum of USD 5,000 for moral damages due to miscarriage of justice. Lastly, Mr. Hall requests that the UNAT order the Secretary-General to issue a public written apology for the serious breaches of his fundamental

rights under the United Nations system. Mr. Hall also reserves the right to request compensation for an award of expenses incurred in this appeal.

The Secretary-General's answer

62. The Secretary-General submits that nothing in the ISA Staff Rules implies that current or former ISA staff members have a right of appeal against an interlocutory decision of the JAB or decisions issued by the JAB under ISA Staff Rule 11.2(c)(ii). The appeal manifestly does not relate to an “administrative decision” within the meaning of ISA Staff Regulation 11.2.

63. The Secretary-General submits that Article 2(1) of the UNAT Statute and Article 2(1) of the Special Agreement make clear that appeals can only be brought against final judgments.

64. The Secretary-General submits that Mr. Hall's appeal amounts to a re-litigation of the Prior Motion which was already resolved by the UNAT in Order No. 591 (2025).

65. The Secretary-General argues that Mr. Hall does not meaningfully engage with the lawfulness of the impugned Decision. Mr. Hall does not advance any allegations that the JAB acted in excess of its jurisdiction in denying his request for suspension of action.

66. The Secretary-General claims that the JAB did not err in denying the suspension of action request. The JAB was required to consider two elements under ISA Staff Rule 11.2(c)(ii), whether the contested decision had not been implemented and whether implementation of the decision would cause irreparable injury.

67. The Secretary-General points out that under UNDT jurisprudence, the suspension of action requires three cumulative conditions, whether the contested decision was *prima facie* unlawful, whether there was particular urgency in granting the request, and whether irreparable harm would result from implementation of the contested decision.

68. The Secretary-General submits that in light of this framework, there was no error by the JAB when it did not address the *prima facie* lawfulness of the contested decision, because Mr. Hall plainly could not meet one of the cumulative conditions for a suspension of action – that the contested decision had already been implemented.

69. The Secretary-General submits that Mr. Hall's other complaints, such as the composition of the JAB, are not subject to appeal before the UNAT.

70. The Secretary-General contends that Mr. Hall's arguments about the JAB's lack of neutrality are in essence a complaint about the fact that the JAB did not agree with him.

71. The Secretary-General avers that the JAB was not obliged to consider the suspension of action request within any definitive fixed period of time.

72. The Secretary-General contends that no amount of charged language from Mr. Hall directed at the JAB or the Secretary-General herself displaces his burden on appeal to demonstrate an error impacting the impugned Decision, which he has not met.

73. The Secretary-General submits that the appeal is a manifest abuse of process. The appeal purports to challenge an interlocutory decision without any legal basis to do so. ISA Staff Rule 11.2(c) plainly establishes that suspension of action was never open to Mr. Hall. In addition, Mr. Hall has filed the Motion, seeking substantially similar relief to the relief claimed in the appeal. Both of these pleadings challenge the contested decision, which is under review by the JAB on the merits now.

74. The Secretary-General argues that this non-receivable and meritless appeal is patently an abuse of process. ISA incurs an established flat fee per case and in these circumstances, the Secretary-General requests that this fee, or a portion thereof, should be borne by Mr. Hall. Such an award of costs would deter further wasteful litigation.

75. The Secretary-General requests that the UNAT dismiss the appeal as not receivable, or in the alternative, dismiss it on the merits, and award costs against Mr. Hall.

Considerations

76. The appeal of the impugned Decision and the Motion for interim measures present multiple interrelated issues. The appeal of the impugned Decision seeks to overturn the JAB's refusal to suspend ISA's termination of Mr. Hall's appointment and the JAB's refusal to order cessation of any recruitment or reclassification of his former post. This is in essence the same relief sought by the Motion, namely, to suspend ISA's termination of Mr. Hall's appointment and to prevent ISA from recruiting for, or reclassifying, his post pending the outcome of his appeal.

77. We first address the question of whether the UNAT has jurisdiction over the Motion. As described above, the Secretary-General contends that the UNAT lacks jurisdiction over that

Motion in light of Article 9(4) of the UNAT Statute. Prior rulings by the UNAT involving the United Nations Joint Staff Pension Board also raise this issue.¹⁵

78. Article 9(4) of the UNAT Statute provides that “[a]t any time during the proceedings, the Appeals Tribunal may order an interim measure to provide temporary relief to either party to prevent irreparable harm and to maintain consistency with the judgement of the Dispute Tribunal”. Based on this specific reference only to matters which are on appeal from the United Nations Dispute Tribunal, the Secretary-General contends that Article 9(4) is inapplicable to matters on appeal from the JAB. Because the relationship between the ISA and the United Nations, and perforce between the JAB and the UNAT, is governed by a Special Agreement, the argument goes, the absence of any specific language in the Special Agreement authorizing interim measures in appeals from the JAB precludes a determination that the UNAT has such authority. Supporting the Secretary-General’s argument are two somewhat analogous cases involving the United Nations Joint Staff Pension Board, in which the UNAT did hold that “the Appeals Tribunal may entertain a motion for interim measures filed by a party to a judgment issued by the United Nations Dispute Tribunal *only*. The Appeals Tribunal has no competence to review such a motion filed by an applicant from (...) any specialized agency that has accepted our jurisdiction”.¹⁶

79. We do not reach the same conclusion with respect to ISA and the JAB. ISA Staff Rule 11.3(e)(ii) specifically acknowledges the UNAT’s competence to “order an interim measure to provide temporary relief to either party to prevent irreparable harm and to maintain consistency with the decision taken at the first instance level”. It is on this basis that we hold that the UNAT does have jurisdiction to order interim measures in appropriate cases arising out of an appeal from an ISA dispute. In the present case, the UNAT has received an appeal arising out of an ISA dispute. Specifically, Mr. Hall has filed an appeal of the impugned Decision, in which the JAB denied his request for suspension of action. Given the pending appeal, the UNAT has jurisdiction over the Motion.

80. We thus turn to its merits. Article 9(4) of the UNAT Statute limits interim measures to the exceptional circumstance in which such relief is necessary “to prevent irreparable harm and to maintain consistency with the judgement of the Dispute Tribunal”. The same requirements are

¹⁵ *Rockcliffe v. United Nations Joint Staff Pension Board*, Order No. 288 (2017), para. 2; *Faye v. United Nations Joint Staff Pension Board*, Order No. 284 (2017), paras. 8-10.

¹⁶ *Rockcliffe Order*, *op. cit.*, para. 2 (emphasis added).

spelled out *mutatis mutandis* in ISA Staff Rule 11.3(e)(ii). Mr. Hall has failed to demonstrate such necessity. First, Mr. Hall does not seek an interim measure consistent with the decision of the JAB. In the impugned Decision, the JAB rejected both Mr. Hall's request to reinstate him to his former position of Partnership Coordinator and his request to halt recruitment for that post. Now Mr. Hall comes before us seeking the exact same relief by way of interim measures. If the UNAT were to grant his request, our order would be contrary to the impugned Decision, not consistent with it. This position, independently, compels us to deny the Motion.¹⁷

81. Moreover, Mr. Hall has not demonstrated that the interim measures sought are necessary to prevent irreparable harm. At its root, Mr. Hall's claim involves his entitlement to the Partnership Coordinator position for a two-year term. If he were to succeed on his ultimate claim, and it was determined that the revocation of his appointment was unlawful, he may be eligible for full compensatory relief from the ISA JAB or, on appeal, from the UNAT under Article 9(1) of the UNAT Statute. The harm is thus not "irreparable" as a matter of law.

82. With respect to the appeal from the impugned Decision, Mr. Hall presented this claim to the JAB in the form of a request for suspension of action under ISA Staff Rule 11.2(c) and (d). Those provisions authorize the JAB to order the Secretary-General to suspend action on a contested decision if it "determines that the decision has not been implemented and that its implementation would result in irreparable injury to the appellant".¹⁸ As the JAB observed, a suspension of action proceeding does not lead to a final resolution on the merits, but is instead a form of preliminary relief pending a final decision after further proceedings.¹⁹

83. An appeal from such an interlocutory decision is not within the limited jurisdiction of the Appeals Tribunal. The Special Agreement between ISA and the United Nations makes no provision for such appeal. Rather, an aggrieved party must wait for final resolution of the matter before an appeal may be perfected.

84. We also recall that, under the UNDT Statute, Article 2(2) prohibits appeals from decisions on applications of suspension of action during the pendency of management evaluation and Article 10(2) prohibits appeals against decisions on applications of interim measures. The underlying

¹⁷ *Mohamed Ben Madi v. Secretary-General of the United Nations*, Order No. 548 (2024), paras. 9-12; *Nwuke v. Secretary-General of the United Nations*, Order No. 100 (2012), paras. 6-7.

¹⁸ ISA Staff Rule 11.2(c)(ii).

¹⁹ *Jonathan Hall v. Secretary-General of the International Seabed Authority*, Order on request for review (4 March 2025), para. 7.

purpose of these provisions is to prevent a multiplicity of appeals on interlocutory rulings, and to allow resort to the Appeals Tribunal only after there is a conclusive decision on the merits. The UNAT jurisprudence is consistent that these statutory prohibitions will be adhered to, absent an indication that the UNDT exceeded its jurisdiction or competence.²⁰ That same principle applies by analogy for decisions of the JAB on suspension of action. Applying that standard here, the decision of the JAB to decline to order suspension of action did not exceed its competence or its jurisdiction. Rather, it was specifically empowered by the ISA Staff Rules to make that determination.²¹ There is no basis for the Appeals Tribunal to review that decision. The issues raised by Mr. Hall can be raised in a timely application from a decision on the merits if it is adverse to him.

85. Finally, we reject the Secretary-General's request for full or partial award of costs against Mr. Hall. Although there were repetitive elements in his pleadings, these submissions raised important jurisdictional questions of interest to ISA as well as to Mr. Hall, which the Appeals Tribunal has now resolved.

²⁰ *Kananura v. Secretary-General of the United Nations*, Judgment No. 2012-UNAT-258, paras. 19-22; *Nwuke v. Secretary-General of the United Nations*, Judgment No. 2013-UNAT-330, paras. 19-20.

²¹ ISA Staff Rule 11.2(c)(ii).

Judgment

86. Mr. Hall's motion for interim measures and his appeal of the impugned Decision are dismissed.

Original and Authoritative Version: English

Decision dated this 27th day of June 2025 in New York, United States.

(Signed)

Judge Ziadé, Presiding

(Signed)

Judge Savage

(Signed)

Judge Sheha

Judgment published and entered into the Register on this 3rd day of September 2025 in New York, United States.

(Signed)

Juliet E. Johnson, Registrar