



**World Bank Administrative Tribunal**

**2011**

**No. 456**

**BR,  
Applicant**

**v.**

**International Bank for Reconstruction  
and Development,  
Respondent**

**World Bank Administrative Tribunal  
Office of the Executive Secretary**

**BR,  
Applicant**

**v.**

**International Bank for Reconstruction  
and Development,  
Respondent**

1. This judgment is rendered by a Panel of the Tribunal, established in accordance with Article V(2) of the Tribunal's Statute, composed of Stephen M. Schwebel (President of the Tribunal) as President, Florentino P. Feliciano (a Vice-President of the Tribunal) and Ahmed El-Kosheri, Judges.

2. The Application was received on 24 February 2011. The Bank raised a preliminary objection to the admissibility of the Application. This judgment disposes of that objection. The Applicant was not represented by counsel. The Bank was represented by David R. Rivero, Chief Counsel (Institutional Administration), Legal Vice Presidency.

3. While the Applicant did not request it, the Tribunal decided that anonymity should be accorded due to the circumstances of this case.

4. In view of the manner in which the Applicant has presented her case, it is not easy to identify the specific administrative decision she seeks to challenge. Viewing her grievance in the most sympathetic light, the Applicant's claims may be considered to relate to the following: (i) allegations that staff members at the Bank have placed an "electrochemical sensor" in her body by which she is being subjected to assault and harassment through "remote neural monitoring"; (ii) the Bank's decision in June 2010 to restrict the transmittal of the Applicant's e-mail messages to other staff members; (iii) the

Bank's decision in July 2010 to condition any future employment opportunities for the Applicant upon "consultation" with Human Resources, in view of concerns about her health; and (iv) the Bank's decisions in July 2010 to restrict the Applicant's access to Bank premises, and to require that she be accompanied by someone from Human Resources.

#### FACTUAL BACKGROUND AND PRELIMINARY OBJECTION

5. The Applicant was a Short-Term Consultant hired on a series of contracts with the Bank starting February 2006. Her last appointment expired on 30 June 2010. It appears that the Applicant took to sending frequently a large number of e-mail messages (at least several hundred) to staff members in the Bank concerning allegations that certain staff members at the Bank were abusing "intelligence technologies" through which she was subject to "somatic surveillance." According to the Applicant, this "remote neural monitoring" was enabled by the placement of "electrochemical sensors" inside her body, which the responsible persons used to assault and attempt to kill her, and also modify the perception of time as well as weather patterns. In one of her e-mail messages, the Applicant requested that the Bank would "ensure [her] stay in the institution to be able to pursue and resolve the conflict."

6. On 29 June 2010, the Bank wrote to the Applicant urging her to seek medical help and informed her that "given concerns about your health situation raised by your messages, it would be difficult for the World Bank to provide you with a contract at this moment." On 1 July 2010, the Applicant was advised that (i) her e-mail messages would be routed to a special service account and would not be delivered to those staff members to whom they were addressed; (ii) "the [Human Resources] system will show a message

that no contracts would be given without prior consultation”; and (iii) her access to Bank premises would be restricted, and she would be accompanied whenever she was on the Bank’s premises.

7. After filing her Application with the Tribunal on 24 February 2011, the Applicant submitted a Request for Review with the Peer Review Services (“PRS”) on 11 March 2011. PRS identified the Applicant’s claims as relating to

the measures imposed by the Human Resources Corporate Services last July 2010 as a result of the request for investigation forwarded with regards to the abuse and the leak of the intelligence technologies and the obstruction of justice by involved individuals. The measures imposed by the Human Resources Corporate Services include the required medical clearances prior to employment opportunities, required special security during visits, special clearance prior to entry into the institution and required routing of communication to a special account.

On 22 March 2011, the Applicant was informed that PRS could not accept her request for review as she failed to file the request in a timely manner.

8. Before the Tribunal, the Applicant seeks, *inter alia*, compensation, “appropriate administrative sanction and immediate clearance of the measures.”

9. The Bank argues that the Applicant’s claims are inadmissible because they fail to meet the requirements of Article II, paragraphs 1 and 2, of the Statute of the Tribunal. It argues that the Applicant has failed to exhaust all available internal remedies. The Applicant only sought review of her claims by PRS after she had filed her Application with the Tribunal. The Bank argues that the Applicant neither secured its agreement to file the Application directly with the Tribunal, nor asserted any exceptional circumstances by which the requirement to exhaust internal remedies could be waived.

10. The Bank further argues that the Applicant’s claims relating to administrative decisions taken in July 2010, such as those restricting her access to Bank premises and

other measures taken by the Human Resources Vice Presidency, Corporate Operations (“HRSCO”), should be time-barred.

11. Finally, the Bank argues that “most of the Applicant’s allegations, such as the misuse of ‘intelligence technology’ to modify weather patterns, as well as the claims concerning her injuries allegedly inflicted by invisible individuals, are unrelated to the Applicant’s contract of employment” and are outside the subject-matter jurisdiction of the Tribunal.

12. In response, the Applicant argues that her claims fall within the subject-matter jurisdiction of the Tribunal. She argues that her claims relate to (i) violations of national and international law, (ii) threats to public safety, (iii) threats to the normal operation of the institution, (iv) threats of retaliation, and (v) non-disclosure of information amounting to violations of the procedures of the organization. She claims that she has exhausted all internal remedies by seeking the services of the Ombudsman, Mediation, the Office of Ethics and Business Conduct, PRS and the Legal Department.

13. The Applicant submits that the actions that she is challenging are continuing, and refers to a number of events that occurred between January and April 2011. The Applicant argues that her claims should be admissible in view of the exceptional circumstances presented by nature of the violations she contests.

#### THE TRIBUNAL’S ANALYSIS AND CONCLUSIONS

14. The Tribunal considers that the Applicant’s claims relating to the “misuse of intelligence technology” and the placement of an “electronic sensor” in her body, and the effects thereof, are unsustainable, regardless of when the events took place, and accordingly are dismissed.

15. The Tribunal will consider next the admissibility of the Applicant's claims relating to administrative decisions taken by the Bank, in particular those taken by HRSCO in June and July 2010. Article II, paragraph 2, of the Statute of the Tribunal provides that:

No such application shall be admissible, except under exceptional circumstances, as decided by the Tribunal, unless:

- (i) the applicant has exhausted all other remedies available within the Bank Group, except if the applicant and the respondent institution have agreed to submit the application directly to the Tribunal; and
- (ii) the application is filed within one hundred and twenty days after ... the occurrence of the event giving rise to the application.

16. The administrative decisions pertaining to the Applicant's access to Bank premises, restrictions on the transmittal of her e-mail correspondence to Bank staff members, and restrictions on future employment opportunities, were taken in June and July 2010. The Applicant challenged these decisions in her Application with the Tribunal in February 2011, and then in a Request for Review with PRS in March 2011, both outside the 120-day time limit. The Applicant did not secure the agreement of the Bank to dispense with this time limit.

17. The Applicant claims that "the exceptional circumstances that resulted from the nature of the violations, the abuse of the system of technology in an international developmental organization and the extent of repercussions of the abuse of the system of technology to personal and national security and to the institution" serve to waive the requirement for timeliness before the Tribunal. However, the exceptional circumstances presented by the Applicant pertain to those claims which the Tribunal dismissed in paragraph 14 above as unsustainable. The Applicant has not presented exceptional circumstances that explain her delay in challenging the administrative decisions taken by

HRSCO or her failure to exhaust internal remedies. The Tribunal thus concludes that these claims are inadmissible.

DECISION

For the reasons given above, the Tribunal dismisses the Application.

/S/ Stephen M. Schwebel  
Stephen M. Schwebel  
President

/S/ Olufemi Elias  
Olufemi Elias  
Executive Secretary

At Washington, DC, 25 May 2011