

**World Bank Administrative Tribunal**

**Reports**

**2002**

**Order No. 2002-11**

**[ED] (No. 4),  
Applicant**

**v.**

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

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

**World Bank Administrative Tribunal**

**[ED] (No. 4),  
Applicant**

**v.**

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

1. The World Bank Administrative Tribunal, composed of Francisco Orrego Vicuña, President, Thio Su Mien and Bola A. Ajibola, Vice Presidents, and A. Kamal Abul-Magd, Robert A. Gorman, Elizabeth Evatt and Jan Paulsson, Judges, has been seized of a fifth application, received on March 22, 2002, by [the Applicant] against the International Bank for Reconstruction and Development. On March 28, 2002, the Executive Secretary of the Tribunal informed the Applicant that the President of the Tribunal had asked him, pursuant to Rule 7, paragraph 11, of the Rules of the World Bank Administrative Tribunal, to take no further action thereon until the next session of the Tribunal.

2. The Applicant had submitted four earlier applications to the Tribunal, which resulted in judgments rendered on January 28, 2000 (Decision No. 219 [2000]), May 18, 2000 (Decision No. 227 [2000]), November 10, 2000 (Decision No. 236 [2000]), and December 4, 2001 (Decision No. 259 [2001]).

3. In Decision No. 227, the Tribunal ordered that a decision to declare the Applicant's position redundant be rescinded and it gave the Bank the option, pursuant to Article XII of the Tribunal's Statute as it was then in effect, of either reinstating the Applicant or paying him compensation in an amount determined by the Tribunal. The

decision by the Bank to choose the latter option was challenged by the Applicant in his fourth application, in part on the basis of Article XIII(1) of the Tribunal's Statute, which provides that a party to a case in which a judgment has been delivered may request that the judgment be revised in the event of the "discovery of a fact which by its nature might have had a decisive influence on the judgment of the Tribunal and which at the time the judgment was delivered was unknown both to the Tribunal" and to the "party to [the] case in which [the] judgment has been delivered." The Applicant argued that he had discovered a new fact demonstrating that the Bank's decision to pay him compensation in lieu of reinstating him was discriminatory.

4. The Tribunal, in Decision No. 259, dismissed the fourth application on jurisdictional grounds as being untimely, while also holding that Article XIII(1) was inapplicable for two reasons: one, the newly discovered fact referred to in that case could not have had any influence on the Tribunal's judgment in Decision No. 227 because it did not relate to anything decided in that judgment; and two, the discovery of an alleged new fact would not empower the Tribunal to override the express requirement in Article XII of its Statute, as it was in effect at the time Decision No. 227 was rendered, that the Tribunal give to the Bank the option of paying applicants compensation in lieu of reinstating them.

5. In the present application, the Applicant again invokes Article XIII(1) of the Tribunal's Statute, arguing that he has discovered a new fact which would have had a "decisive influence had it been known to Applicant and the Tribunal at the time [Decision No. 259] was considered."

6. Having considered the present application at its session of May 2002, the Tribunal concludes that it is devoid of all merit. The newly discovered fact referred to by the Applicant could not have had any, much less a decisive, influence on the Tribunal's judgment in Decision No. 259 because it does not at all relate to the question of jurisdiction or to the question of whether the Tribunal was empowered to override the express requirement of Article XII of its Statute as it existed at that time.

**Decision**

The Tribunal decides that the application be summarily dismissed.

/S/ Francisco Orrego Vicuña  
Francisco Orrego Vicuña  
President

/S/ Nassib G. Ziadé  
Nassib G. Ziadé  
Executive Secretary

At London, England, May 24, 2002