



**World Bank Administrative Tribunal**

**2012**

**Order No. 2012-4**

**Yang-Ro Yoon (No. 20),  
Applicant**

**v.**

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

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

**Yang-Ro Yoon (No. 20),  
Applicant**

v.

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

1. This order is rendered by the Tribunal in plenary session, with the participation of Judges Stephen M. Schwebel (President), Florentino P. Feliciano (Vice-President), Mónica Pinto (Vice-President), Jan Paulsson, Francis M. Ssekandi and Ahmed El-Koshi.

2. This Application, the Applicant's twentieth before the Tribunal, was received on 23 March 2012. The Applicant was represented by George Pieler, Attorney at Law. The Bank was represented by David R. Rivero, Chief Counsel (Institutional Administration), Legal Vice Presidency.

3. In this Application, the Applicant seeks revision, on the basis of Article XIII of the Tribunal's Statute, of the Tribunal's judgment in *Yoon (No. 13, No. 14, No. 16, No. 17 and No. 18)*, Decision No. 447 [2011]. The pertinent portion of that judgment relates to the decision to deny the Applicant access to, and her "dramatic expulsion" from, the Joint Bank-Fund Library ("Joint Library") located on the premises of the International Monetary Fund ("IMF"). The Applicant contends in the present Application that, in the course of subsequent proceedings before Peer Review Services in a related matter, new evidence came to light which demonstrates that the Bank "wholly misrepresented the facts, and falsified the record" in order to conceal its role in the decision by the IMF to deny her access to the IMF's premises and to remove her from the Joint Library. The Applicant requests that Decision No. 447 be revised by the Tribunal on the basis of this new evidence.

4. Paragraph 1 of Article XIII of the Tribunal's Statute provides that:

A party to a case in which a judgment has been delivered may, 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 that party, request the Tribunal, within a period of six months after that party acquired knowledge of such fact, to revise the judgment.

5. In the present Application, the Applicant proffers evidence to demonstrate that the Bank played a more direct role in the decision of the IMF to deny her access to the Joint Library than the Bank alleged in proceedings leading to Decision No. 447. However, in Decision No. 447, the Tribunal clearly did not accept the Bank's contentions that it did not play a role, or that it had no role to play, in the decision to deny the Applicant access to the Joint Library. Among other things, it stated that: (1) "the Tribunal must presume — in the absence of any information from the Bank to the contrary — that the Bank had some control over [the Library]" (at para. 108); (2) "the Tribunal is not persuaded that the decision was entirely a decision of the IMF" (at para. 109); and (3) "the Tribunal finds that the Bank has demonstrated puzzling inconsistency as to its position on its ability to control access to the Joint Library (at para. 111)". The Tribunal's ruling on the matter of access to the Joint Library and the premises of the IMF was clearly in the Applicant's favor (*see* paras. 101-111).

6. In *Kwakwa (No. 2)*, Decision No. 350 [2006], para. 19, the Tribunal stated that:

To ensure that Article XIII does not wreak havoc with the rule of finality, enshrined in Article XI, the former must be recognized as available only in exceptional circumstances. The "new fact" must shake the very foundations of the Tribunal's persuasion; "if we had known that," the judges must say, "we might have reached the opposite result.

7. The Tribunal finds that the new evidence proffered by the Applicant would not have led the Tribunal to a conclusion different from that reached in Decision No. 447. Accordingly, the essential requirement of Article XIII of the Tribunal's Statute, namely, that the new fact "by its nature might have had a decisive influence on the judgment of the Tribunal", has not been met.

## DECISION

The Application is summarily dismissed.

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

/S/ Olufemi Elias  
Olufemi Elias  
Executive Secretary

At Paris, France, 27 June 2012