

Summary of DP (No. 2) v. IBRD, Decision No. 576 [2017]

Invoking Article XIII of the Tribunal's Statute, the Applicant sought revision of *DP*, Decision No. 547 [2016] with respect to the Tribunal's judgment that the Applicant's 2014 Overall Performance Evaluation (OPE) and performance rating were not arbitrary, unfair or unbalanced and that the Applicant had not substantiated her allegation of harassment or made a *prima facie* case that she was the subject of discrimination or retaliation. The Bank submitted a preliminary objection.

The Tribunal held that the facts submitted by the Applicant did not meet the legal bases to warrant a revision under Article XIII. Regarding the Applicant's claim that Talent Reviews were withheld from her and the Tribunal, the Tribunal noted that these documents were produced by the Bank and reviewed by the Tribunal. Regarding the Applicant's claim that external feedback on her 2014 OPE was withheld, the Tribunal recalled that it had accepted that the Applicant had received positive feedback from external providers. Therefore, neither the Talent Reviews nor the external feedback constitutes new facts under Article XIII(1). The Tribunal further found that: (i) the Applicant's examples of the alleged bad faith litigation practices by the Bank related to issues that were addressed by the Tribunal in its judgment; (ii) the Applicant's allegations of bias of certain feedback providers had not been raised during the first proceedings; (iii) and her remaining allegations regarding misconduct, violations of the Staff Rules, failure to be truthful, and disregard for the duty of cooperation did not constitute new facts that might have had a decisive influence on the judgment of the Tribunal.

Having found that the Applicant's submissions did not meet two of the legal bases to warrant a revision under Article XIII, the Tribunal held that the issue of timeliness was moot. Nevertheless, the Tribunal observed that the six-month deadline to request a revision refers to "six months after that party acquired knowledge of such fact." The Tribunal found that the Applicant could not refer to the Bank's litigation practices as a basis for requesting revision of the judgment, when such practices would have been known to the Applicant prior to the delivery of the judgment.

Decision: Application dismissed.