

L.T. Mpoy-Kamulayi (No. 7) v. IBRD, Decision No. 477 [2013]

The Applicant challenged the February 2012 decision of the Acting Chief Ethics Officer to refuse to investigate his allegations of misconduct.

The Applicant explained that he pursued certain claims against the Bank before the Appeals Committee, Peer Review Services and then the Tribunal. He stated that during these proceedings, Mr. David Rivero, Chief Counsel (Institutional Administration), Legal Vice Presidency, willfully made false statements in collusion with other staff members of the Bank and some witnesses appearing for the Bank committed perjury. He asked the Acting Chief Ethics Officer to investigate but she refused. The Acting Chief Ethics Officer explained to him that allegations of misconduct during the proceedings of the Tribunal should be raised before the Tribunal, as such matters are outside the scope of the mandate of the Office of Ethics and Business Conduct (EBC). She added that under Article XI of the Tribunal's Statute the Tribunal's judgments are final and "parties should not subsequently raise in a different forum the same issues that were before the Administrative Tribunal and thereby circumvent Article XI."

The Tribunal emphasized that: "This rule of finality of the Tribunal's judgments is essential to the operation of the Bank's internal justice system. Once the Tribunal has spoken, that must end the matter; no one must be allowed to look back to search for grounds for further litigation." The Tribunal noted that the limited exception to this principle of finality under Article XIII of its Statute was not applicable in the present case.

The Tribunal considered that the Applicant was attempting to circumvent the finality of its decisions by asking EBC to second-guess its deliberations and judgments. The Tribunal concluded that EBC rightly rejected the Applicant's attempt.

Decision: The Application was dismissed.