

### **AI (No. 3), Decision No. 495 [2014]**

On 15 September 2008, the Applicant filed an application with the Tribunal raising three principal claims alleging that: (i) the Bank breached promises to make him the Global Manager of the International Comparison Program (“ICP”) and to propose him for promotion to level GH; (ii) the Bank discriminated against him and did not give him the ICP Global Manager title because of his race and origin as a “black Sub-Saharan African”; and (iii) the Bank retaliated against him because he filed an appeal with the Appeals Committee. On 23 March 2010, the Tribunal rendered its judgment on this first application, in which it dismissed all of the Applicant’s claims. *See AI, Decision No. 402 [2010]*.

On 30 November 2009, the Applicant filed a second application with the Tribunal challenging the Bank’s decision to terminate his employment for unsatisfactory performance. On 29 October 2010, the Tribunal rendered its judgment and concluded that the Bank’s termination decision amounted to an abuse of discretion. The Tribunal awarded the Applicant compensation in the amount of three years’ salary, net of taxes; and costs and expenses in the amount of \$10,000. *See AI (No. 2), Decision No. 437 [2010]*. According to the Bank, the compensation awarded “amounted to almost half a million dollars.”

By the present Application, invoking Article XIII of the Tribunal’s Statute, the Applicant sought the revision of two judgments of the Tribunal. The Tribunal referred to Article XI of its Statute, which provides that: “Judgments shall be final and without appeal.” The Tribunal recalled its holding in *van Gent (No. 2)*, Decision No. 13 [1983], para. 21:

Article XI lays down the general principle of the finality of all judgments of the Tribunal. It explicitly stipulates that judgments shall be “final and without appeal.” No party to a dispute before the Tribunal may, therefore, bring his case back to the Tribunal for a second round of litigation, no matter how dissatisfied he may be with the pronouncement of the Tribunal or its considerations. The Tribunal’s judgment is meant to be the last step along the path of settling disputes arising between the Bank and the members of its staff.

The Tribunal noted that the Statute provides a sole exception to this principle of finality, which is the power of revision under Article XIII. Referring to *Skandera*, Decision No. 9 [1982], para. 7, the Tribunal observed that a number of its prior judgments make clear that “the powers of revision of a judgment are strictly limited and may be exercised only upon compliance with the conditions set forth in Article XIII.”

The Tribunal found that there were no new decisive facts which would warrant a revision of the two judgments pursuant to Article XIII. Accordingly, the Tribunal dismissed the Application.

This summary is provided to assist in understanding the Tribunal’s decision. It does not form part of the reasons for the decision. The full judgment of the Tribunal is the only authoritative document. Judgments are available at: [www.worldbank.org/tribunal](http://www.worldbank.org/tribunal)