World Bank Administrative Tribunal

2025

Decision No. 716

HY,
Applicant

v.

International Development Association,
Respondent

(Preliminary Objection)

World Bank Administrative Tribunal
Office of the Executive Secretary

HY,
Applicant

v.

International Development Association,
Respondent

1. This judgment is rendered by the Tribunal in plenary session, with the participation of Judges Janice Bellace (President), Seward Cooper (Vice-President), Lynne Charbonneau (Vice-President), Martha Halfeld Furtado de Mendonça Schmidt, Thomas Laker, Raul C. Pangalangan, and Joëlle Adda.

2. The amended Application was received on 22 September 2024. The Applicant represented himself. The International Development Association (IDA) was represented by David Sullivan, Deputy General Counsel (Institutional Administration), Legal Vice Presidency. The Applicant's request for anonymity was granted on 9 May 2025.

3. The Applicant challenges "the disclosure of [his] personal sensitive information by the World Bank."

4. On 22 October 2024, the IDA filed preliminary objections challenging the admissibility of the Applicant's claim on the grounds of untimeliness. This judgment addresses the IDA's preliminary objections.

FACTUAL BACKGROUND

5. The Applicant, a national of the Democratic Republic of Congo (DRC), joined the World Bank's Kinshasa Office in 2008 as a Short-Term Consultant in the Africa Region Public Reform and Capacity Building Unit. The Applicant went on to serve as an Extended-Term Consultant and Governance Specialist, and, in 2016, was promoted to Senior Governance Specialist with the Governance Global Practice. The Applicant left the World Bank in February 2019 following the end of his term appointment. The Applicant states that since departing the World Bank he "worked

as Advisor at the prime minister office of the DRC from 2020 to 2021" and "Advisor of the State Minister of Budget for the DRC Government from 2021."

6. On 27 April 2022, the Applicant received a Notice of Alleged Misconduct informing him of an investigation under Staff Rule 8.01 by the Integrity Vice Presidency (INT) into allegations that, "during [the Applicant's] World Bank Group (WBG) employment, [he] engaged in misconduct, including corruption, collusion, and abuse of position or misuse of WBG funds for personal gain of [himself] and/or another."

7. Following the conclusion of the INT investigation and INT's submission of its Final Report to the WBG Vice President, People and Culture (HRDVP), on 18 September 2023, the HRDVP sent the Applicant a decision letter regarding the allegations of misconduct against him. As stated in the HRDVP decision letter:

> Based on my independent review of INT's findings in the Final Report, inclusive of all supporting exhibits, I have determined that there is sufficient evidence to support a finding that you have engaged in misconduct […].

8. The HRDVP imposed the following disciplinary measures in her decision letter of 18 September 2023:

> (1) Loss of future employment and any contractual opportunities with the WBG;
> (2) Access restriction to all WBG premises; and
> (3) Written censure to remain in your personnel file.

9. On 21 September 2023, the Applicant emailed Human Resources (HR) Operations and stated:

> I would like to request the Staff Association and HR guidance and support regarding the Integrity allegations and decision letter.
>
> I totally disagree with these allegations and the way Integrity conducted the investigations.
>
> Please let me know how you can provide me with some information about the process to file the case to defend my rights.

10. On 22 September 2023, the HR Manager, Corporate Operations replied to the Applicant's 21 September 2023 email and stated:

> If you are dissatisfied with the outcome and decision of the [HRDVP] you may avail yourself of your remedies to the World Bank Administrative Tribunal within the requisite time limitations.

11. The Applicant did not contest the 18 September 2023 disciplinary decision. According to the Applicant, he "had the right to appeal this decision, however convinced that the disciplinary measures are personal and confidential, I didn't use my right to contest the World Bank decision."

12. The IDA states:

> The World Bank Group and the International Monetary Fund ("IMF"), the [Bank's] sister institution, hold their Spring and Annual meetings at the same time. Given the attendance of these meetings by high level ranking officials from all over the world, the IMF and the World Bank jointly request that their facilities be designated as foreign diplomatic missions by the Department of State for the purposes of obtaining United States Secret Service protection under 18 U.S.C. §3056A.

The IDA further states:

> Each institution is responsible for registering its own attendees, however, access passes granted to attendees by either institution also grant access to both institutions' premises, namely the IMF Headquarters (buildings 1 and 2) as well [as] the World Bank buildings which is noted in various communications to the attendees.

13. On 11 March 2024, the Executive Director for the IMF Africa Group II Constituency Office (IMF's ED Office) initiated delegate registration for the Applicant for the 2024 Spring Meetings. According to the IDA, "[a]s [the] Applicant's registration was initiated by the IMF's ED's office, entry badges are provided to the IMF's ED office for distribution to its delegates," and "[a]ll communications relating to the registration of its delegates are with the IMF's ED office."

14. The IDA states that, on 20 March 2024, "while entering [the] Applicant's name into their system, the IMF's Institutional Affairs Officer received a 'hit' indicating that [the] Applicant's

name was on a Do Not Admit ('DNA') list for the World Bank." According to the IDA, "[a]s per standard procedure between the institutions, the [IMF] Institutional Affairs Officer contacted the World Bank's Conferences Officer to confirm the information," and, on 25 March 2024, "[f]ollowing confirmation from the World Bank, […] the IMF Institutional Affairs Officer communicated to the ED Office that [the] Applicant was indeed on the World Bank's DNA list and therefore unable to access the premises."

15. On 27 March 2024, a Senior Advisor to one of the IMF's Executive Directors emailed an IMF contact and stated:

> As discussed, please find below email addresses of relevant authorities of the DRC to whom it would be appropriate to convey the *DNA* status of [the Applicant] for the Spring/Annual Meetings and probably related information that could be shared with them.
>
> […]
>
> DR Congo – [Minister of Finance] […]; Governor (World Bank) and Alternate Governor (IMF)
> DR CONGO – BCC - […]; Governor (IMF) and Alternate Governor (World Bank).

16. The record indicates that, on 8 April 2024, the IMF contact responded to the 27 March 2024 email and stated that the Bank's HR and security cannot discuss for privacy reasons why the Applicant does not have access to the buildings, that the Applicant has been told of the reason, that the DRC authorities may wish to contact the Applicant directly, and that the IMF would be canceling the Applicant's registration shortly.

17. According to the available record, none of the 25 March 2024, 27 March 2024, and 8 April 2024 emails indicate that the IMF's ED Office contacted the Applicant.

18. On 10 April 2024, the Applicant emailed the World Bank's HR Operations and stated:

> Dear HR Officer,
>
> Please, I have some questions about the Integrity allegations.

> Some people told me that I don't have the right to work for the [World Bank] and I can't even have access to the [W]orld [B]ank building following Integrity allegations.
>
> Please, can you share with me any information or notice about the restrictions related to Integrity allegations.

19. On 15 April 2024, HR Operations responded, providing the Applicant with a copy of the 18 September 2023 HRDVP decision letter.

20. The 2024 IMF and WBG Spring Meetings were held from 15 April 2024 to 20 April 2024.

21. The Applicant states that he "travelled to Washington from 15 to 24 April 2024 with the mandate to prepare the technical notes for the Minister of the Budget who is the member of team led by the Minister of Finance." According to the Applicant, his "responsibility did not require necessarily accessing to the World Bank premises," and he states that he "was working from the Hotel in Washington preparing the technical notes based on our discussions with the World Bank and the IMF team in Kinshasa." The IDA disputes that the Applicant traveled from Kinshasa to Washington, D.C. for the meetings.

22. The Applicant further states that, on 29 April 2024, after returning to Kinshasa, he "received a call from the Minister of the Budget telling me that I have to go on mission to Nairobi with him on April 30, 2024." According to the Applicant:

> However, [the Minister of Budget] was concerned about what he hears from the Minister of Finance who told him that he received the information letting him know that I have a problem with the World Bank about the disciplinary measures. The Minister of Budget wanted to know what happened in my relationship with the World [B]ank and he recommend me to contact the World [B]ank ED and IMF ED to get more details about the information he received from the Minister of Finance and finally to give him the conclusion of that situation.

23. The Applicant states that in May 2024 he emailed one of the World Bank's Executive Directors "to get information and documents related to the circumstance of the disclosure" but did not receive a response to his email. As stated in the Applicant's email of 15 May 2024:

> Hello Mr. Administrator,
>
> The Minister of State for the Budget, whose collaborator I am, recently questioned me on the basis of information obtained from the Minister of Finance, who was informed by the Administrator of the DRC at the International Monetary Fund (IMF) of a decision by the World Bank concerning me.
>
> Could you share with me the letter or related information to have a good understanding of it.

24. According to the Applicant, in June 2024 he "went to Geneva University Hospital […] and recently to Diamonds Hospital in Kinshasa for insomnia and health discomfort."

25. According to the Applicant, "[f]rom July 14 to August 4, 2024, [he] travelled to Washington to meet the IMF ED to get [i]nformation because the World Bank ED never responds to me." The IDA disputes that the Applicant traveled from Kinshasa to Washington, D.C. for this purpose.

26. On 31 July 2024, the Applicant emailed one of the Alternate Executive Directors of the IMF and stated:

> Hello Professor,
>
> I am a former staff member of the World Bank, I would like to meet you or talk with you during my stay in Washington.
>
> The Minister of State in charge of the Budget informed me of the message he had received from […], former Minister of Finance, relating to the World Bank's decision concerning me.
>
> I request the opportunity to discuss this message with you and thank you in advance.
>
> Please accept, Mr. Professor, the expression of my distinguished feelings.

27. On 2 August 2024, the Applicant and the Alternate Executive Director of the IMF had a meeting. Also on 2 August 2024, the Alternate Executive Director of the IMF emailed the Applicant and stated:

> I am delighted to have met you this afternoon.
>
> As agreed, I am sending you below the message concerning you that we received from the World Bank during the registration of participants in the work of the spring 2024 Assemblies.
>
> For your information: **"Per our discussion this morning, [the Applicant] from DRC has been registered for the spring meetings (see screenshot below). However, my counterpart from the Bank informed me that [the Applicant], a former World Bank staff member, was recently placed on the do not admit list and will thus not be able to access the SM [Spring Meetings] meetings venue."** (Emphasis in original.)

28. The Applicant states that in August 2024 he again emailed the World Bank Executive Director "to get information and documents related to the circumstances of the disclosure" but did not receive a response. As stated in the Applicant's email of 7 August 2024:

> I would like to make sure you received my email below sent to you in Mai [*sic*] 2024 regarding the information shared with the IMF and the authorities of the DRC Government about me by the World Bank regarding the registration for the Spring Meeting.

29. On 12 August 2024, the Applicant emailed HR Operations and stated:

> Dear HR Office,
>
> I deeply regret to realize that the World Bank has recently disclosed my personal and confidential information [contained] in the decision letter in [attachment], particularly the disciplinary measure related to the restriction of access to the World Bank office, that is supposed to be kept confidential.
>
> I'm surprised to realize that the World Bank disclosed recently this information to the International Monetary Funds (IMF) and the Government of the Democratic Republic of Congo (DRC).
>
> The sharing of this confidential information with the third party affected negatively my reputation and may compromise some opportunities.
>
> I would be satisfied if the World Bank may take appropriate action to stop the disclosure of this confidential matter.

The record does not indicate that the Applicant received a substantive response to this email, but, on the same day, HR Operations acknowledged receipt of the Applicant's email and copied the Corporate Case Management Team for the purpose of responding to the Applicant's inquiry.

30. On 20 August 2024, the Applicant emailed the Tribunal and stated, "I would like to file my complaint about the breaches of the confidentiality and the reputational damages caused to me by the [World Bank] through the disclosure of my personal and confidential information to the third-party ([I]nternational Monetary Fund and the DRC Government authorities)."

31. On 23 August 2024, the Tribunal Secretariat notified the Applicant via email that his submission of 20 August 2024 "did not meet the requirements set out in the Tribunal's Rules," and provided information for the Applicant "[t]o conform with the requirements to file an application." The email informed the Applicant that corrections to his submission should be provided by 23 September 2024 and also informed the Applicant of the Staff Association's contact information.

32. On 22 September 2024, the Applicant filed his amended Application with the Tribunal. The Applicant states:

> I'm contesting the disclosure of my personal sensitive information by the World Bank in violation of the legal committeemen [*sic*] of the Vice President Decision letter to not disclose the disciplinary measures, particularly the access restriction to all World Bank premises that has been disclosed to International Monetary Funds and the Government of the Democratic Republic of Congo.
>
> The World Bank shared this sensitive confidential information with the third parties who don't have the need to know this information, even the Minister of Budget, who is my current Employer in the DRC has been informed.

33. The Applicant claims compensation as follows:

> The amount of the compensation claimed based on the all damages caused to me by the World Bank is 2 millions USD (2,000,000.00 USD). This amount cover the loss of the financials opportunities and the loss of the employment opportunities due to the reputational damages and the loss of trust between some political authorities, people and me as well as the psychological damages caused to me.

34. Further with respect to relief, the Applicant states:

> I would like to request that the World Bank take the following actions to protect my personnel information:
>
> - The World Bank shall comply with its own rules and policy and observe the provisions of the fundamental human rights regarding the protection of the privacy, freedom and the protection of people against unemployment. Therefore, the World Bank should stop any disclosure of my personal information related to the disciplinary measures contained in the confidential decision letter in day to day operation;
>
> - The World Bank should take appropriate action to stop the ramification of the information disclosed to the IMF and the DRC Government to mitigate the damages caused to me;
>
> - I would like to request the anonymity regarding the message received from the IMF. I hereby wish that my name not be made public by the Tribunal.

35. The Applicant requests costs as follows:

> I would like to request the payment of the expenses caused by the World Bank, particularly the amount spent for traveling to Washington from July 14 to August 3, 2024 to get the notice of the information disclosed by the World Bank, the hotels expenses, the medical consultation, medication fees and the Lawyers assistance fees in Washington and Kinshasa for the total amount of 60,000.00 USD.

The Applicant further specifies in his application for costs that he seeks legal fees in the amount of $37,000.00 and "Reviewers fees" in the amount of $900.00.

36. In his amended Application, the Applicant sought provisional relief as follows:

> - The Tribunal might request from the World Bank to take appropriate action to mitigate the reputational damages caused to me by the breach of the confidentiality.
> Therefore, the World Bank should recall the message sent to the International Monetary Funds (IMF) and the DRC Government;
>
> - I would like to request from the World Bank to ask the recipients of the information disclosed to keep it confidential. This action may help to mitigate the ramification of the damages caused to me.

37. On 22 October 2024, the IDA filed its preliminary objections and provided comments on the Applicant's request for provisional relief.

38. On 30 October 2024, the Tribunal denied the Applicant's request for provisional relief because the Applicant failed to show that his request met the terms and purpose of Rule 13 of the Tribunal's Rules.

SUMMARY OF THE CONTENTIONS OF THE PARTIES

The IDA's Contention No. 1

The Application is untimely

39. The IDA asserts that, as early as 18 September 2023, the Applicant was on notice that he would not be granted access to WBG premises as part of the sanctions stemming from the INT investigation. The IDA further contends that this was confirmed to the Applicant on 22 September 2023 by the HR Manager, Corporate Operations and on 15 April 2024 by HR Operations.

40. The IDA asserts that the disclosure of the Applicant's "access restriction" to "the IMF and the government of the DRC occurred against the backdrop (and for the purposes) of the registration of participants for the 2024 Spring Meetings, which started on April 15, 2024," and the IDA avers that the Applicant's registration as a delegate for the 2024 Spring Meetings was submitted by the IMF's ED Office on 11 March 2024. Accordingly, to the IDA:

> The IMF's ED Office and subsequently [the] Applicant would have been notified by the IMF of [the] Applicant's DNA status and consequent bar from accessing the Spring Meetings venue (i.e., that his restricted access status was disclosed) at the very latest by April 15, 2024, and likely much earlier.

41. The IDA contends that "the *dies a quo* is established on the date that [the] Applicant knew, or should have known, that his access restriction was disclosed to the IMF." The IDA submits that it "is not in possession or control of the documents that would clearly establish the *dies a quo*," and as a result it "advances three possible dates, all of which clearly indicate that the Application is untimely."

42. The IDA submits that it can be inferred from the documents in its possession as well as the Applicant's actions that the Applicant knew as early as 25 March 2024 that he would not be able to access the premises for the Spring Meetings. The IDA submits that 25 March 2024 is the date that the IMF communicated to the IMF's ED Office that the Applicant was on the Bank's DNA list and therefore unable to access the premises.

43. The IDA further submits that 10 April 2024 could also establish the *dies a quo* as this is when the "Applicant, presumably after being informed of his DNA status, reached out to the World Bank's HR Operations requesting information relating to the access restrictions." The IDA references the language of the Applicant's 10 April 2024 email to HR Operations to show that the Applicant was aware of the disclosure of his restricted access status to the IMF and the DRC government.

44. Finally, the IDA avers that the Spring Meetings started on 15 April 2024 and the Applicant did not attend. To the IDA, "[t]he fact that [the] Applicant did not attend, or attempt to attend, the Spring Meetings is strong indication that he knew he would not be granted access to the premises," and thus 15 April 2024 could provide "the most advantageous calculation of the *dies a quo*" for the Applicant.

45. The IDA stresses that the IMF's ED Office was notified on 25 March 2024 of the Applicant's DNA status and resulting access bar from the Spring Meetings. The IDA submits:

> It seems incredibly far-fetched that the foregoing information would not have been promptly shared by the IMF's ED Office with the very individual (or relevant contacts who would in turn communicate this information to the very individual) whom it submitted this registration on behalf of and whom this bar concerned, i.e., [the] Applicant. To do otherwise would have resulted in [the] Applicant's mistaken belief that he was able to attend the Spring Meetings.

To the IDA, that the Applicant states that he traveled to Washington, D.C. to assist the Minister of Budget with the Spring Meetings but "did not attend or attempt to access the Spring Meetings venue" demonstrates that the Applicant "knew that he was barred from access (i.e., that [the IDA] had disclosed his access restriction to the IMF)."

46. Additionally, the IDA disputes the Applicant's position that he was informed on 29 April 2024 that the Minister of Finance received information regarding the disciplinary measures, and the IDA contends that the Applicant's 10 April 2024 email to HR Operations "illustrates that [the] Applicant already knew on April 10, 2024 (i.e., 19 days before April 29, 2024) that his access restriction had been disclosed."

47. Further, the IDA "raises concerns" and questions the Applicant's credibility in respect of his purported travel to Washington, D.C. The IDA claims that the Applicant did not travel to Washington, D.C. from Kinshasa in April 2024 and July–August 2024, and submits that the Applicant "fails to mention that he resides in Washington, D.C." Specifically, the IDA asserts that the Applicant provided documentation to show that he departed Washington, D.C. on the relevant dates but not that he traveled from Kinshasa to Washington, D.C. The IDA further highlights that the Applicant lists a U.S. address and phone number on his Application, and the IDA avers that "[i]t is doubtful that [the] Applicant 'travel[l]ed to' Washington, D.C.," given that he provides an address in his Application "which is a less than 20-minute drive to central Washington, D.C." To the IDA, this "is a serious misrepresentation on the part of [the] Applicant" and shows his "complete lack of credibility."

The Applicant's Response

The Application is timely

48. The Applicant avers that the IDA recognizes that it is not in "possession or control of the documents that would clearly establish the Dies a Quo to confirm that the application is outside of the time limit," and he submits that the IDA assumed three dates based on "assumptions and doubts to support its argument." He contends that "[t]here is a general lack of credible argument and the lack of uprightness in the [IDA's] objections." The Applicant submits that he never communicated with the ED prior to August 2024 and that he "received the notice of the information based on my request following meeting the ED in Washington [in] August 2024."

49. The Applicant emphasizes that he is not contesting the HRDVP's 18 September 2023 decision letter but rather "the disclose [*sic*] of the strict confidential information related to this

decision letter." He submits that "[t]he lack of transparency and fair in processing my personal information by the World Bank didn't allow me to be aware of the information shared by the World Bank," and he avers that "[t]he lack of transparency led me to request the information from the IMF's ED in August 2024, not in April 2024" as stated by the IDA.

50. With respect to the IDA's contention that the Applicant knew of the disclosure by 15 April 2024, the date of the Spring Meetings, the Applicant submits that the IDA "had assumed that [I] attempt to attend the spring meeting." The Applicant submits that from 15 to 24 April 2024 he traveled to Washington, D.C. "with the mandate to prepare the technical notes for the Minister of the Budget who is the member of team led by the Minister of Finance," and he submits that he "was working from the Hotel in Washington preparing the technical notes based on our discussions with the World Bank and the IMF team in Kinshasa." The Applicant purports that, given the HRDVP's decision letter, he "was not coming to Washington to access the World Bank offices." He submits that it is not true that he attempted to attend the Spring Meetings and notes that he "never went to [the] World Bank offices or IMF for requesting the badge."

51. The Applicant contends that, while he was in Washington, D.C. from 15 to 24 April 2024, the Minister did not keep him informed of any information related to the disclosure. The Applicant submits that, on 29 April 2024, after returning to Kinshasa, he received a call from the Minister of Budget informing him that he had to go to Nairobi with the Minister of Budget, and the Applicant claims that the Minister of Budget also informed him that "he was concerned about what he hears from the Minister of Finance who told him that he received the information letting him know that I have a problem with the World Bank about the disciplinary measures." The Applicant further asserts that on 29 April 2024 the Minister of Budget informed him

> for the first time about the partial information surrounded by many concerns about my relationship with the World Bank, which he had received from the Minister of Finance, as well as he recommended that I must contact the International Monetary Fund and the World Bank to obtain more details of this information and after that, report to him, he even asked me to collect the fullest details from the Director of the IMF.

The Applicant alleges that "the strictly confidential facts concerning [the Applicant] was disclosed to the Minister of Finance by the IMF Executive Director, [and] that the latter had received them in turn from the World Bank."

52. The Applicant contends that on 15 May 2024 he sent a message to one of the World Bank's EDs requesting information regarding what the Minister of Budget had heard from the Minister of Finance. The Applicant avers that he traveled to Washington, D.C. from 14 July 2024 to 4 August 2024 and met with the IMF ED on 2 August 2024, because he never received a response from the World Bank ED, and "to discuss about the information I received from the Minister of Budget." The Applicant asserts that, following this request, the "IMF ED sent to me through an e-mail the notice of the information disclosed by the World Bank." With respect to his trip to Washington, D.C. in July–August 2024, the Applicant submits that the IDA's contention that he did not travel "is really false, because the trip was well and truly done," and he asserts that he has provided supporting documentation to demonstrate this travel. The Applicant also avers that, on 12 August 2024, "the specific message relating to the information disclosure was sent to the World Bank HR […] on the basis of the notice provided to me by the IMF Executive Director."

53. The Applicant contends that he submitted his Application on 18 August 2024, and that the notice of the information disclosure was received in Washington, D.C. on 2 August 2024. The Applicant avers that the IDA has not provided evidence by way of a "notification by message likely to shed light on" the allegations, "whether it be a message sent to [the Applicant] by the IMF, by the Minister of Finance or even that of the budget." To the Applicant, the IMF ED shared on 2 August 2024 for the first time "the written notice of the confidential information disclosed by the World Bank to the government."

54. To the Applicant, his Application was submitted to the Tribunal within the 120-day deadline even assuming the relevant date is 29 April 2024 when he "learned for the first time from the Minister of Budget that a disclosure of strictly confidential information had been addressed to the Minister of Finance and the Governor of the DRC Central Bank by the head of the IMF." He asserts that, even if the Minister of Budget was aware of the "strictly confidential disclosed

information" before 29 April 2024, the IDA has not proven in any way the date on which the Minister of Budget informed the Applicant regarding the disclosure.

55. The Applicant maintains that "[t]he Word Bank has totally failed to support its allegations with credible arguments, true information and documented evidence." He asserts that there is no evidence that he was aware of the disclosure on 25 March 2024 and underscores that he was not copied on the IMF internal messages and that "[t]he World Bank is unable to provide proof of an email or any document informing [the Applicant] of the disclosure" on this date.

56. With reference to the 10 and 15 April 2024 communications with HR and the IDA's assertion that he was aware of the disclosure on these dates, the Applicant submits that his communications with HR concerned "an analysis carried out in the past with a lawyer specialized in legal issues of the international institutions in order to examine the possibility of appealing the decision letter of September 18, [2023]." The Applicant avers that, based on his communications with this lawyer, he "contact[ed] HR to obtain clarification and eventually the existence of a more detailed related document on the issue of loss of employability within the WBG." The Applicant asserts that his 10 April 2024 email to HR "makes no mention of the World Bank's disclosure of information."

57. To the Applicant, the IDA has failed to demonstrate that the Application is untimely and the IDA's contentions "are supported by the assumption, the doubts, misinterpretation." He submits:

> Despite its power, influence, and resources, the World Bank is unable to get from DRC Government or the IMF […] any credible documents and information to support its arguments regarding the date I was inform[ed] about the information disclosed.

The IDA's Contention No. 2

The filing date of the Application should be 22 September 2024

58. The IDA submits that, on 20 August 2024, the Applicant emailed a complaint to the Tribunal Secretariat, and the IDA contends:

> As the complaint did not meet the minimal requirements of an application, on August 23, 2024, the Secretariat did not register the complaint as a new case but rather provided [the] Applicant with a very long list of the deficiencies and invited [the] Applicant to submit these corrections by September 23, 2024.

Noting the Applicant's filing of the amended Application on 22 September 2024, the IDA contends that, for the purposes of establishing the timeliness of the Application, the filing date should be 22 September 2024 rather than 20 August 2024.

59. The IDA asserts that the Tribunal's Statute and the Tribunal's Rules differentiate between substantive and procedural criteria to be met for a filing to be considered sufficient to constitute a timely filed application. In the IDA's view, "[a] failure to meet the substantive requirements of a filing cannot reasonably justify circumventing the procedural requirement of a timely filing," for this "would wholly undermine the statutory requirement to timely challenge an administrative decision, the definitive nature of unchallenged decisions, and due process for the parties."

60. The IDA avers that, "given the extensive deficiencies noted by the Secretariat," the filing date should be established as 22 September 2024, which, in the IDA's view, is "the date on which the Secretariat received a duly filed Application." The IDA submits that regardless, even "under the most advantageous calculation of the *dies a quo*, [the] Applicant should have been aware by the start of the Spring Meetings on April 15, 2024, that he was on the DNA list." To the IDA, the Applicant should have filed his Application by 13 August 2024 but did not do so and the Application is thus time-barred and inadmissible.

The Applicant's Response

61. Regarding the IDA's assertion that the filing date should be considered 22 September 2024, the Applicant submits that the IDA "addresses chimerical theories, which do not correspond with the spirit of Article 2 of the WBAT [World Bank Administrative Tribunal] statute."

THE TRIBUNAL'S ANALYSIS AND CONCLUSIONS

WHETHER THE APPLICANT FILED HIS APPLICATION IN A TIMELY MANNER

62. The Tribunal considers that the main issue is whether the Applicant filed his Application in compliance with the statutory requirements of the Tribunal.

63. Article II(2) of the Tribunal's Statute sets out the requirements for admissibility to the Tribunal. It states:

> No such application shall be admissible, except under exceptional circumstances as decided by the Tribunal, unless:
>
> (i) the applicant has exhausted all other remedies available within the Bank Group, except if the applicant and the respondent institution have agreed to submit the application directly to the Tribunal; and
>
> (ii) the application is filed within one hundred and twenty days after the latest of the following:
>
> (a) the occurrence of the event giving rise to the application;
>
> (b) receipt of notice, after the applicant has exhausted all other remedies available within the Bank Group, that the relief asked for or recommended will not be granted; or
>
> (c) receipt of notice that the relief asked for or recommended will be granted, if such relief shall not have been granted within thirty days after receipt of such notice.

64. In its jurisprudence, the Tribunal has emphasized the importance of the time limits prescribed by Article II(2)(ii). In *Agerschou*, Decision No. 114 [1992], para. 42, the Tribunal explained that the prescribed time limits are "important for a smooth functioning of both the Bank and the Tribunal." *See also GT (Preliminary Objection)*, Decision No. 674 [2022], para. 26; *Tanner*, Decision No. 478 [2013], para. 45.

65. In *DZ (No. 2) (Preliminary Objection)*, Decision No. 590 [2018], para. 88, the Tribunal stated that

> there is a time period within which a claim has to be pursued before the Tribunal or other internal bodies. Timely resolution of claims is an essential feature of the Bank's internal justice system. A staff member has to pursue a claim within the time frame articulated by the Tribunal or other bodies, counting from the day staff members knew or should have known of the claim.

See also FM (Preliminary Objection), Decision No. 631 [2020], para. 100; *Brace (Preliminary Objection)*, Decision No. 621 [2019], para. 45.

66. The Tribunal recalls that, in his Application, the Applicant states:

> I'm contesting the disclosure of my personal sensitive information by the World Bank in violation of the legal committeemen [*sic*] of the Vice President Decision letter to not disclose the disciplinary measures, particularly the access restriction to all World Bank premises that has been disclosed to International Monetary Funds and the Government of the Democratic Republic of Congo.
>
> The World Bank shared this sensitive confidential information with the third parties who don't have the need to know this information, even the Minister of Budget, who is my current Employer in the DRC has been informed.

67. The IDA contends that the Application is inadmissible because the Applicant's claim is time-barred. The IDA submits that "the disclosure of [the Applicant's] 'access restriction' to both the IMF and the government of the DRC occurred against the backdrop (and for the purposes) of the registration of participants for the 2024 Spring Meetings." The IDA avers that, "[i]n this case, the *dies a quo* is established on the date that [the] Applicant knew, or should have known, that his access restriction was disclosed to the IMF," and the IDA maintains that, "as [the IDA] is not in possession or control of the documents that would clearly establish the *dies a quo*, [the IDA] advances three possible dates, all of which clearly indicate that the Application is untimely."

68. The IDA contends that the three possible dates are (i) 25 March 2024, the date on which the IMF communicated to the IMF's ED Office that the Applicant was on the World Bank's DNA list and unable to access the premises; (ii) 10 April 2024, the date when the Applicant contacted HR Operations regarding his access restriction "presumably after being informed of his DNA status"; and (iii) 15 April 2024, the start date of the World Bank and IMF Spring Meetings and the date which the IDA views as the latest and most advantageous for the Applicant. The IDA submits

that the Applicant failed to file an application with the Tribunal within 120 days of 15 April 2024 as required by Article II(2) of the Tribunal's Statute and that his Application is thus barred.

69. The Applicant contends that the relevant date for purposes of timeliness is 2 August 2024, which he asserts in his Application is the date "the notice of the information disclosed by the World Bank to the International Monetary Funds (IMF) and to the Government of the DRC has been received by me in Washington." The Applicant avers that this 2 August 2024 email from the IMF's Alternate Executive Director represents the first notice of the IDA's disclosure of confidential disciplinary measures to third parties. Further, the Applicant submits that it was only during a call on 29 April 2024 that he "learned for the first time from the Minister of Budget that the strictly confidential facts concerning me was disclosed to the Minister of Finance by the IMF Executive Director, [and] that the latter had received them in turn from the World Bank," and the Applicant asserts that thereafter he sought information concerning the alleged improper disclosure. In the Applicant's view, his Application is not time-barred under a 120-day clock commencing from either date.

70. In view of the foregoing contentions, the Tribunal considers that the dispositive issue at this stage is whether the Tribunal has jurisdiction to review the Application on the merits or whether it is time-barred. At the outset, the Tribunal observes that the Applicant is not challenging the 18 September 2023 HRDVP decision letter and the disciplinary measures imposed therein; rather, the Applicant alleges an IDA breach of confidentiality related to those disciplinary measures, occurring subsequent to the 18 September 2023 imposition of said measures. The Tribunal also recognizes that in cases involving allegations of covert or indirect harm, such as unauthorized disclosures or breaches of confidentiality, the triggering event may not be immediately apparent to the affected individual, or the date of communication or awareness of the alleged harm may be disputed by the parties as is the case in the present matter.

71. In determining the timeliness of the Application, the Tribunal recalls that, pursuant to its established jurisprudence, "[a] staff member has to pursue a claim within the time frame articulated by the Tribunal or other bodies, counting from the day staff members knew or should have known of the claim." *DZ (No. 2) (Preliminary Objection)* [2018], para. 88. In the instant case, therefore,

the Tribunal considers that the *dies a quo* is the date the Applicant knew or should have known of the alleged disclosure of his access restriction to the IMF or the DRC government.

72. The Tribunal recalls the 2 August 2024 email sent from the IMF's Alternate Executive Director to the Applicant, which stated:

> I am delighted to have met you this afternoon.
>
> As agreed, I am sending you below the message concerning you that we received from the World Bank during the registration of participants in the work of the spring 2024 Assemblies.
>
> For your information: **"Per our discussion this morning, [the Applicant] from DRC has been registered for the spring meetings (see screenshot below). However, my counterpart from the Bank informed me that [the Applicant], a former World Bank staff member, was recently placed on the do not admit list and will thus not be able to access the SM meetings venue."** (Emphasis in original.)

73. The Tribunal observes that the Applicant was informed of a disclosure of his access restriction to WBG premises in this 2 August 2024 email. However, the Tribunal observes that, in his submissions before the Tribunal, the Applicant also asserts that he became aware of the alleged breach during a call with the DRC Minister of Budget as previously noted. Specifically, the Tribunal observes that, in his Application, the Applicant states that "[t]he Minister of Budget for the DRC informed me about the information disclosed in May, 2024," and, in his later pleadings, states that, on 29 April 2024, he received a call from the Minister of Budget during which he was informed that the Minister of Budget "was concerned about what he hears from the Minister of Finance who told him that he received the information letting him know that I have a problem with the World Bank about the disciplinary measures."

74. Thus, in addition to the 2 August 2024 email to the Applicant, which he characterizes as formal notice regarding the alleged breach of confidentiality, the Tribunal recalls that the Applicant himself indicates that he was aware prior to this date in that he learned of the breach from the Minister of Budget via a call on 29 April 2024; and the Tribunal further recalls that the IDA contends that the Applicant was aware even earlier than 29 April 2024.

75. The Tribunal will now review the record and circumstances of the instant case to determine the *dies a quo* and assess the timeliness of the Application.

76. The Tribunal considers that certain facts are evident from the record before it in the instant case. First, the World Bank and IMF Spring Meetings occurred from 15 April 2024 to 20 April 2024, and the policies and procedures pertaining to these meetings provide that access passes granted to attendees by either institution grant access to the premises of both the World Bank and the IMF. Second, on 11 March 2024, the IMF's ED Office submitted the Applicant's registration for the 2024 Meetings, and the record further indicates that the Applicant had been registered by the IMF for these meetings in the previous two years. Third, the Applicant was designated by the DRC Ministry of Budget to carry out an official 12-day mission in Washington, D.C. from 11 April 2024 to 22 April 2024, "[t]o organize the participation of the Ministry of the Budget in the Annual Spring Meetings of the International Monetary Fund (IMF) and the World Bank Group." Fourth, on 20 March 2024, the Applicant, in the context of his registration as a delegate for the 2024 Spring Meetings, was flagged as on a DNA list of the World Bank. Fifth, between 25 March 2024 and 27 March 2024, the IMF contact communicated with the IMF's ED Office that the Applicant's registration for the 2024 Spring Meetings would be canceled due to his inability to access the premises of the meetings. Sixth, on 10 April 2024, the Applicant emailed the World Bank's HR Operations and stated:

> Please, I have some questions about the Integrity allegations.
>
> Some people told me that I don't have the right to work for the [World Bank] and I can't even have access to the [W]orld [B]ank building following Integrity allegations.
>
> Please, can you share with me any information or notice about the restrictions related to Integrity allegations.

77. In view of the above facts, the Tribunal considers that the Applicant's email to the Bank's HR Operations of 10 April 2024 requires scrutiny. The Tribunal first notes that the date of this email, 10 April 2024, is one day prior to the start date of the Applicant's official 12-day mission in Washington, D.C. with the DRC government "[t]o organize the participation of the Ministry of the Budget in the Annual Spring Meetings of the International Monetary Fund (IMF) and the

World Bank Group." The Tribunal next notes that, in the 10 April 2024 email, the Applicant inquires with HR about the repercussions of the "Integrity allegations" and expressly raises concerns about access restrictions to World Bank premises. The Tribunal finds these factors indicative of a connection between the Applicant's 10 April 2024 email to HR Operations and the 2024 Spring Meetings. The Tribunal also observes that the Applicant states in this email that "[s]ome people told me that I don't have the right to work for the [World Bank] and I can't even have access to the [W]orld [B]ank building following Integrity allegations." In the Tribunal's reading, it is the Applicant's reference to "[s]ome people told me" that is highly relevant to assessing whether by this date the Applicant knew of the alleged breach of confidentiality as the IDA contends.

78. The Tribunal observes in this regard that the Applicant states with respect to the 10 April 2024 email to HR Operations:

> I knew the disciplinary measures contained in the decision letter of September 18, 2023 (loss of employment and any contract opportunity and ban on access to World Bank facilities). The email message sent to HR is the result of an analysis carried out in the past with a lawyer specialized in legal issues of the international institutions in order to examine the possibility of appealing the decision letter of September 18, [2023].
>
> Following a careful analysis of the integrity allegations, the lawyer noted that I was barred from appealing and the only option left to me was to go before the federal court of the United States.
>
> As the one and only way of retraction left to me was to go before the United States federal court, a proposal that I had not found appropriate to pursue, since the consequence of the decision letter was not dramatic and especially since the content of the decision letter was strictly confidential, that is why I found it inappropriate to initiate an action at the Federal Court.
>
> Consequently, the lawyer then told me that I was not entitled to work at the [B]ank and I would not have access to the facilities of the World Bank. And since I could not bring the matter before the Federal Court regarding the letter decision, a question hung this time around the lawyer's statement resulting in the loss of employment and any contractual opportunity within the WBG.
>
> However, this statement from the lawyer prompted me to contact HR to obtain clarification and eventually the existence of a more detailed related document on the issue of loss of employability within the WBG.

The Tribunal notes that the Applicant has provided no supporting documentation of his claim that his 10 April 2024 email to HR was in response to a legal analysis.

79. The Tribunal recalls that the disciplinary sanction to which the alleged breach of confidentiality pertains was imposed on 18 September 2023. The Tribunal further recalls that on 21 September 2023 the Applicant emailed HR Operations and sought "guidance and support" from HR and the Staff Association with respect to the INT allegations and the HRDVP decision letter. The Applicant noted in that email that he "totally disagree[d] with these allegations" and requested "some information about the process to file the case to defend my rights." Further, the Tribunal recalls that the Applicant himself states in his Application that he "had the right to appeal this decision, however convinced that the disciplinary measures are personal and confidential, I didn't use my right to contest the World Bank decision."

80. In view of his 21 September 2023 email to HR and the Applicant's own statements regarding his reasons for not contesting the HRDVP's disciplinary decision, the Tribunal is not persuaded by the Applicant's assertion that the 10 April 2024 email to HR Operations concerned "an analysis carried out in the past with a lawyer […] in order to examine the possibility of appealing the decision letter of September 18, [2023]," or his contention that, based on his communications with this lawyer, he "contact[ed] HR to obtain clarification and eventually the existence of a more detailed related document on the issue of loss of employability within the WBG."

81. Rather, in the Tribunal's view, the Applicant's 10 April 2024 email appears to be prompted by an awareness of the IDA's disclosure of his access restriction to the IMF, which the record establishes occurred around this time in the context of the 2024 Spring Meetings. In particular, the Tribunal observes that, on 27 March 2024, the IMF's ED Office inquired with the IMF contact as to why the Applicant was placed on the DNA list and was told that Bank HR and security could not divulge the reasons but that the Applicant had been informed of his DNA status and the reasons. Further, the Tribunal recalls that, on 27 March 2024, the IMF's ED Office provided the IMF contact with "email addresses of relevant authorities of the DRC to whom it would be appropriate to convey the *DNA* status of [the Applicant] for the Spring/Annual Meetings and probably related

information that could be shared with them." Finally, the Tribunal recalls that the record indicates that, on 8 April 2024, two days before the Applicant's email to HR Operations, the IMF contact responded to the IMF's ED Office and stated that, for privacy reasons, Bank HR and security could not discuss the reason for the Applicant's access restriction but that he had been informed of the reason and the DRC authorities may wish to directly contact the Applicant.

82. The Tribunal recognizes that, as the Applicant asserts, his 10 April 2024 email to HR "makes no mention of the World Bank's disclosure of information." However, given the circumstances and chronology laid out above concerning the 2024 Spring Meetings and the attendant disclosure of the Applicant's DNA status, as well as the Applicant's own statement that he refrained from contesting the disciplinary decision because he was "convinced that the disciplinary measures are personal and confidential," the Tribunal considers that the Applicant's 10 April 2024 email to HR Operations and reference to "[s]ome people told me" indicates that the Applicant knew of the alleged improper disclosure by this date.

83. Further, the Tribunal observes that, while the record reflects discussions and communications in March/April 2024 regarding the Applicant's registration for the WBG and IMF Spring Meetings, it does not contain any direct communication during this time period from the IMF to the Applicant regarding any disclosure of his access restriction to WBG premises. More important, on the facts of the instant case, the Tribunal considers that the Applicant's own inquiry of 10 April 2024 indicates that he was indeed aware of the contested disclosure. Taking the circumstances of this case as a whole, the Tribunal is satisfied that by this date the Applicant had constructive knowledge, or presumed awareness or should have known, of the disclosure which he is now contesting before the Tribunal.

84. In view of the foregoing discussion, the Tribunal finds that it is the 10 April 2024 email from the Applicant to HR Operations which constitutes the *dies a quo*, and that the Applicant had 120 days from this date—until 8 August 2024—to file his Application with the Tribunal.

85. In the instant case, the Tribunal finds that, even affording the Applicant the more favorable filing date of 20 August 2024 when he first contacted the Tribunal to file his complaint, pursuant

to Article II(2) of the Tribunal's Statute, the Application is time-barred and inadmissible as it was filed more than 120 days after 10 April 2024 when the Applicant knew or should have known of his claim.

DECISION

The Application is dismissed.

/S/Janice Bellace
Janice Bellace
President

/S/ Zakir Hafez
Zakir Hafez
Executive Secretary

At Vienna, Austria, 23 May 2025