The Bench
Newsletter of the World Bank Administrative Tribunal
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Upcoming Events

Session Overview

On September 17, 2025, join the virtual presentation that will share key developments and summarize the Tribunal's newest decisions.

November 2025 Session Dates

The Tribunal's next session will begin on November 10, 2025.

45th Anniversary Celebration

The Tribunal's 45th anniversary celebration will take place November 17–18, 2025.

Tribunal Upholds Termination for Sunglasses Theft

In *HZ v. IBRD*, the applicant challenged the misconduct findings against him and the disciplinary sanctions imposed, claiming also that the disciplinary process involved procedural irregularities.

Those findings and sanctions arose from an incident in which the applicant, returning to his duty station from a mission, stole a pair of sunglasses from the airport's duty-free shop. In a private meeting, the client country's Ministry of Foreign Affairs informed the Bank's Resident Representative about the incident, noting that the theft had been captured on video. The Resident Representative reported the matter to the Ethics and Business Conduct Department (EBC).

Although the applicant admitted to the theft, explained that the incident was influenced by stress and other factors, and reimbursed the cost of the sunglasses, EBC found that his actions violated the standards expected of Bank employees. The applicant received an Option Letter giving him the option to resign before the HRDVP made a decision on the matter, but the applicant chose to continue with the investigation process. The HRDVP ultimately decided on termination, a hiring restriction, a permanent access restriction to Bank premises, and a written censure to remain in the applicant's record.

In challenging the misconduct decision, the sanctions imposed, and the process, the applicant claimed that his actions did not constitute misconduct because they occurred outside of work. He maintained that, even if his actions amounted to misconduct, the Bank did not adequately consider the mitigating factors, imposed disproportionate sanctions, and did not follow proper disciplinary procedures. The Bank, in turn, emphasized that the theft adversely reflected on the World Bank's integrity and reputation.

In its review, the Tribunal first affirmed that,

> **"a staff member's conduct, including conduct outside of work, may come under the disciplinary jurisdiction of the Bank if it reflects adversely upon the reputation or integrity of the Bank."**

It then determined that the applicant's actions constituted misconduct, noting also that the applicant's "actions affected the World Bank's relationship with a client country's government."

The Tribunal considered the seriousness of the applicant's conduct, the fact that he admitted to having stolen before, the extenuating circumstances raised by the applicant, the interests of the World Bank, and the situation of the applicant. It further reviewed comparative disciplinary data showing consistent sanctions for similar misconduct. The Tribunal found that the sanctions imposed were not significantly disproportionate to the offense.

Considering the convening of the Misconduct Advisory Committee and the email communications demonstrating that the applicant's Manager was properly consulted, the Tribunal found the EBC record to be adequate. The Tribunal acknowledged that an HR official had initially cited an incorrect Staff Rule when presenting the applicant with the option to resign but observed that HR promptly corrected the error. Satisfied that the Bank followed its decision-making process and respected the applicant's due process rights, the Tribunal dismissed the application.

Tribunal Overturns Termination Decision Based on Flawed Performance Evaluation

The applicant in *HU v. IBRD* received a performance rating of 2 for FY23, which led to his placement on an Opportunity to Improve Performance plan (OTI) and, ultimately, to termination of his employment. Before approaching the Tribunal, the applicant challenged his performance evaluation, rating, and OTI with Administrative Review (AR), and requested Performance Management Review (PMR) of his rating and OTI.

The AR determined that the applicant had not received due process and found insufficient justification for the rating of 2; similarly, the PMR report noted a lack of adequate notice to the applicant about his rating and its consequences. Both the AR and the PMR recommended changing the applicant's rating to a 3 and revising the performance evaluation text to reflect the positive feedback he'd received. The PMR report also recommended changes to the OTI to better define deliverables for the applicant. Management did not accept the AR recommendation to change the performance rating, and the VP rejected the PMR recommendations. Around the time of these decisions, the applicant also received notice of the termination of his employment.

In reviewing the applicant's challenges of the termination decision, the VP's decision not to implement the PMR recommendations, and the OTI, the Tribunal assessed whether the termination decision was an abuse of discretion. Because that decision arose from the applicant's FY23 performance evaluation and rating, and placement on an OTI, the Tribunal also reviewed those. It found that the applicant's evaluation did not include positive feedback from feedback providers, and that it was "almost entirely negative." Observing that the "performance evaluation does not reflect that any weight has been given to the positive feedback regarding the [a]pplicant," the Tribunal found that the evaluation "lacked a reasonable and observable basis." With that determination, the Tribunal also found that the rating of 2, the placement on the OTI, and the termination decision could not stand.

> **"[T]he Tribunal cannot find fairness and balance with respect to the written performance evaluation under review in the instant case because the written performance evaluation does not reflect that any weight has been given to the positive feedback regarding the [a]pplicant."**
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> – *HU*, Decision No. 713, para. 130

Additionally, the Tribunal found due process violations in that the Bank did not provide the applicant with timely adequate notice of his purported performance deficiencies and that they might lead to an adverse decision, and in that the Bank failed to give the applicant an opportunity to defend himself.

> **"In the Tribunal's view, the record does not reflect the level of clear and specific ongoing feedback in FY23 that would have enabled the [a]pplicant to anticipate the nature of his year-end discussion and performance rating."**
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> – *HU*, Decision No. 713, para. 145

As remedies, the Tribunal ordered that the termination decision be rescinded. It also ordered the Bank to reinstate the applicant to his prior position or to a similar position, or to pay the applicant three years' salary for the improper termination decision; to assign the applicant, if reinstated, a new performance rating above 2; and to remove from the applicant's personnel file any records of the termination decision, the rating of 2, and the OTI. Finally, the Tribunal ordered the Bank to pay the applicant one year's salary for due process violations and to pay all of the applicant's legal fees and expenses.

Tribunal Stresses Need for Scrutiny of Evidence and Respect for Due Process in Reversal of Sexual Harassment Finding

The applicant in *IA v. IBRD* challenged the determination that he had engaged in misconduct and the resulting disciplinary sanctions. Following complaints that the applicant had sexually harassed two staff members in the office where he was Country Director and that he had used profanity, the Ethics and Business Conduct Department (EBC) opened an investigation. EBC interviewed multiple witnesses, concluding in its Final Investigation Report that sufficient evidence showed that the applicant had directed sexually suggestive looks at the complainants and had used profanity.

> **"Where there is an absence of any contemporaneous evidence related to generalized allegations, the Tribunal finds it all the more essential that, in its capacity as neutral fact-finder and collector of both exculpatory and inculpatory evidence […], EBC demonstrate in its Final Investigation Report that it has carefully cross-referenced and weighed the probative value to be assigned to each witness's testimony."**
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> – *IA*, Decision No. 718, para. 141

The Corporate Support Vice President, International Finance Corporation (COSVP)—the decision-maker in the applicant's case—agreed with EBC's findings, basing her decision on the preponderance of the evidence standard effective as of May 17, 2023. She imposed sanctions including demotion to a non-managerial, non-supervisory position; reduction in future pay; ineligibility for promotion; and written censure. After the applicant filed his application, the Tribunal granted a stay of the proceedings so the COSVP could review the evidence under the higher substantial evidence standard in place at the time of the alleged behavior. In a new decision letter, the COSVP upheld the finding of misconduct and the imposed sanctions.

In considering the facts in the case, the Tribunal examined the witness testimony EBC relied upon to make its finding of sexual harassment. The Tribunal noted the importance of cross-referencing and weighing the value of each witness's testimony and determined that EBC did not sufficiently demonstrate that it had done so. Instead, the Tribunal concluded that the witness testimony did not support EBC's findings and, thus, that the Bank did not meet its burden of proof.

As to the applicant's alleged use of profanity, the Tribunal observed that the COSVP's second decision letter was unclear about whether the alleged use of profanity was meant as a separate misconduct finding. Because of that ambiguity, the Tribunal determined that the finding of misconduct and any sanctions based on that finding could not be upheld.

Finding no substantial evidence to support the finding that the applicant had engaged in misconduct, the Tribunal also determined that the sanctions imposed could not stand. In addition, the Tribunal found that the Bank—by not allowing the applicant to comment on new and revised evidence, and by referring to and relying on prior unsubstantiated misconduct allegations—had violated the applicant's due process. As remedies, the Tribunal ordered the Bank to rescind the misconduct findings and sanction; restore the applicant's grade level and pay him the salary, benefits, and retroactive salary increase he would have received without the sanction; remove all records relating to the allegations from the applicant's personnel file; pay the applicant 12 months' net salary for due process violations; and pay all legal fees and costs.

> **"Staff members are entitled to know, with specificity, the conduct for which they are being sanctioned and the rules which they are found to have violated. A finding of misconduct and the imposition of sanctions should not have to be inferred from general language."**
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> – *IA*, Decision No. 718, para. 152

Judgments Address Redundancy, Timeliness, and the Scope of Release Agreements

The World Bank Administrative Tribunal heard eight cases and issued one order in its May 2025 session. Five cases, *HS v. IBRD*, *HU v. IBRD*, *HV v. IBRD*, *HZ v. IBRD*, and *IA v. IBRD*, were heard on the merits. Three cases involved preliminary objections: *HW v. IBRD*, *HY v. IDA*, and *IB v. IBRD*.

In *HS v. IBRD*, the Tribunal upheld the Bank's redundancy decision, finding it reasonable and procedurally sound, with no evidence of retaliation, discrimination, or hostile work environment. The Tribunal determined that there was a flawed shortlisting process for a position but determined that the compensation already awarded was fair; all other claims, including claims relating to data privacy, were dismissed.

The Tribunal upheld the preliminary objections in each of the jurisdictional cases. In *HW v. IBRD*, the Tribunal dismissed all claims as untimely, noting the applicant missed the 120-day filing deadlines for challenging her non-extension, performance management, and misconduct allegations and that engagements with internal offices did not extend these deadlines. *HY v. IDA* involved an applicant who challenged the alleged disclosure of his access restriction to external parties. The Tribunal found the application untimely, as the applicant was aware of the alleged disclosure by April 10, 2024, but filed after the 120-day limit. Finally, in *IB v. IBRD*, the Tribunal dismissed the application, upholding the validity of a mutually agreed separation agreement that included a release of claims. The applicant's dissatisfaction with the agreement did not constitute duress, and all related claims were waived.

The text and summaries of all the Tribunal's judgments and orders may be found here.

The Tribunal Holds Its May 2025 Session in the Vienna Country Office

In pursuit of its ongoing commitment to engage with country office staff, the Tribunal convened its May 2025 session in Vienna, Austria. Over the course of a week, the Tribunal met daily to deliberate on the cases scheduled for decision. A highlight of the visit was the "Meet the Judges" event, held on May 19, 2025, for the Vienna Country Office staff. This special occasion provided an invaluable opportunity for staff members to interact directly with the Tribunal judges. Each judge delivered a presentation on a topic designed to enhance understanding of the Tribunal's role, mandate, and procedures, offering insights into its operations and the principles guiding its work. The event also featured a question-and-answer session, allowing staff to engage with the judges, seek clarification, and discuss matters of interest. This open dialogue underscored the Tribunal's dedication to transparency and accessibility.

The Tribunal's outreach efforts are particularly significant given that, over the past five fiscal years, country office staff have accounted for nearly half of all Tribunal applicants—reflecting a notable increase in representation from previous years. By continuing to expand its engagement, the Tribunal reaffirms its commitment to serving and supporting staff across all country offices.

Top row (from left to right): Rob Newman, Judge Joëlle Adda, Zakir Hafez, Judge Thomas Laker, Tara Ippoliti, Kaara Martinez, Mohammad Faal
Bottom row (from left to right): Judges Martha Halfeld Furtado de Mendonça Schmidt, Lynne Charbonneau, Janice Bellace, Seward Cooper, Raul Pangalangan

Judge Laker: A Profile in Justice

The Tribunal welcomed three new judges in April 2024, including Judge Thomas Laker. Judge Laker, a national of Germany, is highly regarded for his extensive experience in formal conflict resolution within both national and international civil service systems. Throughout his distinguished career, Judge Laker has held several prominent judicial and leadership positions, making significant contributions to the development and administration of justice across a range of organizations.

Internationally, Judge Laker's expertise is exemplified by his service as Judge and President of the United Nations Dispute Tribunal in Geneva. In this role, he was responsible for adjudicating employment-related disputes, ensuring fairness and due process within the United Nations system. His leadership helped reinforce the UNDT's reputation for impartiality, efficiency, and integrity, and he played a key role in shaping its procedures and jurisprudence.

Within Germany, Judge Laker served as Presiding Judge at the Administrative Court in Hamburg, where he oversaw complex cases involving public administration. He also worked at both the Administrative Appeals Court and Social Security Court in Hamburg. His work in Hamburg demonstrated his deep understanding of administrative law and his commitment to upholding transparency and justice in public institutions.

Judge Laker's expertise extends to several international bodies. He serves as Chairperson of the Joint Appeals Board of the International Tribunal for the Law of the Sea and acts as Chairperson of the Panel of Adjudicators for the Organization for Security and Co-operation in Europe, highlighting his ability to address complex legal issues in a multinational context. He is also a member of the administrative tribunals of several major international organizations, including the North Atlantic Treaty Organization, the United Nations Relief and Works Agency for Palestine Refugees in the Near East, the European Bank for Reconstruction and Development, and the Council of Europe. In these roles, Judge Laker has adjudicated cases affecting the rights and responsibilities of staff members, contributing to the fair and effective resolution of employment disputes.

Beyond his judicial work, Judge Laker has made important contributions to legal scholarship. He has conducted research on the administration of justice and co-authored the "Handbook on the Internal Justice System at the United Nations," a key resource for understanding internal dispute resolution mechanisms within the United Nations. Through his diverse roles and scholarly achievements, Judge Laker has demonstrated a steadfast commitment to justice, impartiality, and the rule of law which he brings to his work on the Tribunal.

Judge Adda Joins the Tribunal

The Tribunal welcomed its newest member in May 2025: Judge Joëlle Adda. Judge Adda is a distinguished jurist with broad experience in international and French legal systems. Judge Adda served as a full-time judge and President of the United Nations Dispute Tribunal in New York, strengthening its independence and efficiency. In France, she was President of the Administrative Court of Lille and Presiding Judge at the Administrative Court of Appeal of Paris, handling complex public law cases. Judge Adda also led legal and regulatory affairs as Legal Director of Société du Grand Paris and Head of Legal Affairs at ARCEP, contributing to major reforms. She taught administrative litigation and public international law for over 15 years at leading universities, including Panthéon-Assas, Sciences Po, and worked in the European Commission's Legal Service and France's National Court of Asylum.

Save the Date for the Tribunal's 45th Anniversary Celebration!

On November 17 and 18, 2025, the Tribunal will host its 45th anniversary celebration in Washington, D.C. Open to all staff members, the anniversary celebration will provide staff members the opportunity to learn about the role and work of the Tribunal and developments within international administrative law. Staff members will have the opportunity to meet and ask questions of the Tribunal as well as of the broader international administrative law community, including judges from the administrative tribunals of other international institutions.

Registration and further information can be found here.