

Summary of Brar v. IBRD, (Preliminary Objection) Decision No. 647 [2021]

The Applicant challenged 12 different decisions made by the Bank covering the period from December 2017 through May 2018 in connection with the end of his term appointment as Country Manager (CM) of Sierra Leone and non-shortlisting decisions and non-feedback decisions for four different CM positions. The Bank submitted preliminary objections challenging the admissibility of some of the Applicant's claims on the grounds of untimeliness and failure to exhaust internal remedies.

The Tribunal categorized the Applicant's claims into three categories: (i) claims arising in respect of a published media article, (ii) claims arising in respect of the applications for CM, and (iii) remaining miscellaneous claims.

The Tribunal first considered whether the Applicant timely exhausted internal remedies with regard to the three claims arising in respect of the published media article. The Tribunal noted that the Applicant explicitly and timely submitted his "divestment of duties claim" before Peer Review Services (PRS) but failed to timely submit the other two media article claims before PRS. The Tribunal rejected the Applicant's contention that the "other media article claims" were "part and parcel" of the divestment of duties claim because, according to the Applicant, documents relevant to those claims were attached to both the Applicant's Request for Review to PRS and the Bank's Response to PRS. Accordingly, the Tribunal found that the divestment of duties claim was admissible and the other media article claims were inadmissible.

The Tribunal next considered whether the Applicant timely exhausted internal remedies with regard to the claims arising in respect of the CM applications. Based on the record, specifically the dates whereby the Applicant was informed of the non-shortlisting decisions as well as the dates he requested feedback and filed his Request for Review, the Tribunal found that the Applicant had timely exhausted internal remedies with respect to his non-shortlisting claims for the Republic of Yemen and Lao PDR CM positions and his non-feedback claims for the Republic of Yemen, Lao PDR, and Mongolia CM positions.

Finally, the Tribunal considered whether the Applicant timely exhausted internal remedies with respect to the remaining miscellaneous claims. Based on the record, the Tribunal found that the Applicant failed to timely exhaust internal remedies for the remaining miscellaneous claims.

Decision: The Tribunal accepted jurisdiction over the Applicant's (i) divestment of duties claim, (ii) non-shortlisting claims for the Republic of Yemen and Lao PDR CM positions, and (iii) non-feedback claims for the Republic of Yemen, Lao PDR, and Mongolia CM positions. The Tribunal dismissed the Applicant's other claims as inadmissible due to failure to timely exhaust internal remedies.

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.