

## Summary of HI v. IBRD (Preliminary Objection), Decision No. 700 [2024]

The Applicant challenged the Bank's decision not to extend his term appointment. The Bank submitted preliminary objections, contending that the Applicant's claim was untimely and that the Applicant did not allege any exceptional circumstances to excuse the untimeliness.

The Tribunal first considered whether the Application was filed in a timely manner. The Tribunal noted that, on 8 July 2020, the Applicant received written notice that his term appointment would not be extended beyond 18 March 2021. Therefore, the Applicant should have filed his Application by 5 November 2020, 120 days after receiving the written notice. He did not do so. Instead, he filed his initial application with the Tribunal on 2 February 2021, 209 days after receiving notice that his term appointment would not be extended. The Tribunal thus found that the Applicant did not file his Application in a timely manner.

The Tribunal next considered whether there existed exceptional circumstances to excuse the late filing with the Tribunal. The Applicant contended that there were exceptional circumstances to excuse the late filing of his non-extension claim based on three distinct circumstances: (i) he did not know the Tribunal existed, (ii) he consulted with the Staff Association the same week the notice of non-extension was issued and was not referred to the Tribunal, and (iii) the COVID-19 pandemic.

Taking each ground in turn, the Tribunal considered that the Applicant's first assertion that he "had no knowledge or information about the existence of the Tribunal" did not constitute an exceptional circumstance. Second, the Tribunal determined that the alleged failure on the part of the Staff Association to advise the Applicant of his right to bring his claim before the Tribunal was not, in the Tribunal's view, an exceptional circumstance such as would be sufficient to justify the late filing of the Application. Third, the Tribunal found that the Applicant's contention that "[i]t was very difficult for [him] to get advice on where to go with [his] case" because he was working from home due to the COVID-19 pandemic could not be considered an exceptional circumstance to excuse the late filing of the Application, noting that the Applicant's electronic communications with the Staff Association during the relevant time demonstrated his ability to take the necessary steps to seek assistance and advice.

The Tribunal appreciated that the news of non-extension of his appointment was a time of considerable upset and distress for the Applicant. With the non-extension of his appointment, he and his family risked being returned to the Republic of Yemen, a country that has suffered catastrophically from the ravages of war in recent years. Notwithstanding the difficult humanitarian situation with which he was confronted, none of the reasons offered by the Applicant excused his failure to take reasonable steps at the relevant time to learn of the appropriate forums available for him to seek redress.

**Decision:** The Application was dismissed.

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).