WORLD BANK ADMINISTRATIVE TRIBUNAL REPORTS

CUMULATIVE INDEX
DECISION 1-456
INDEX BY SUBJECT

Note 1. The index is largely limited to identification of the legal issues raised in the decisions of the Tribunal. Facts and parties’ arguments are indexed only to the extent that they are necessary for an understanding of the legal issues. Where article numbers have been included in the index they refer to the article numbers as used in the case under consideration. It should be noted that the documents in question, in particular the Staff Rules, are subject to continuous revision and both the substance and numbering of articles will change from one case to another. Article numbers in square brackets indicated the numbering of a later version of a Rule addressed previously by the Tribunal.

Note 2. References are to the decision number in bold followed by the paragraph number.

Note 3. It should be emphasized that, except where a clear indication to the contrary is given, terms used in the index are neutral, indicating only that a point has been discussed, and not the outcome of that discussion.

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*Note:* In 2009 the Appeals Committee was renamed Peer Review Services (PRS) (Staff Rule 9.03)

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Note: It was established in Carew (Decision No. 142, [1995], para. 32) and confirmed inter alia in Mustafa (Decision No. 207 [1999], para. 17) that when the Tribunal reviews disciplinary cases, it “examines (i) the existence of the facts, (ii) whether they legally amount to misconduct, (iii) whether the sanction imposed is provided for in the law of the Bank, (iv) whether the sanction is not significantly disproportionate to the offence, and (v) whether the requirements of due process were observed.” The index indicates under the present heading the points in the decisions where each of these elements is addressed. For more detailed indexing of the substance, reference should be made to separate headings such as “disciplinary proceedings/due process (Staff Rule 8.01, para. 5 [para. 4]) (including allegations relating to breach)”
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Note: The leading case is Decision No. 5 (Saberi). “Abuse of discretion” has been regularly elaborated in the jurisprudence to include decisions which are arbitrary, discriminatory, improperly motivated or carried out in violation of a fair and reasonable procedure.

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Note: REVISE Performance evaluation was introduced in ... in replacement for performance review reports (PRR). It was replaced in 2004 by Performance Evaluation and Planning (PEP). PPR, OPE and PEP are all covered by this heading.

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Note: The principle that a consistent practice pursued by the Bank in the belief that it was legally obliged to do so was became an integral part of the terms and conditions of service was established in Decision No. 1 (de Merode) the relevant section of which has been regularly quoted with approval in subsequent cases. These references are not included in the index which focuses on examples of the application of the principle and its occasional reformulation.

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: Note: It was established in Chhabra (No. 2) that the Tribunal’s task was limited to determining whether the Review Panel’s conclusion could be reasonably sustained on the basis of the evidence before it and whether it had acted in accordance with the relevant legal rules and procedural requirements.
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