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 indicate 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. 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.

abandonment of office: see termination for abandonment of office (Staff Rule 7.01, para. 9) (including allegations relating to due process/abuse of discretion/fairness)

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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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- Reinclishment of US citizenship, effect
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- Staff request for change to text
- Expert witness

The text also refers to external services, including allegations relating to due process, and provides definitions and procedures. It mentions the Bank's right to make salary deductions for replacement of non-recoverable Bank equipment, obligations to repay rental advance/loan, and the right to reentry.

In terms of career management, it discusses improper motivation/bad faith of line managers, failure to place at requested institution, and HR manager involvement. It also addresses the composition of investigating teams and findings of investigation based on personal interpretation of limited evidence.

Fact-finding investigation is mentioned, and the report includes references to the Jennings Report into facts relating to Conthe case (Decision No. 271).

The text also covers fairness, impartiality, non-discrimination, and proper process, referring to grounds for fairness, presumption of innocence, and legal/legitimate expectation.

Finally, it includes terms related to performance evaluations, such as plausibility of claim relating to sufficiency for establishment of Tribunal’s jurisdiction.
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