

RULES OF PROCEDURE OF THE ADMINISTRATIVE TRIBUNAL*
(As amended on 22 September 2014, on 6 November 2019, and on 19 June 2020)

TITLE I

ORGANIZATION

Article 1

1. **Composition of the Tribunal.** Pursuant to Article III(1) of the Statute of the Administrative Tribunal, the Tribunal shall be composed of seven Members who shall be nationals of member countries of the Bank or of the Corporation, but no two of them shall be nationals of the same country. Members of the Tribunal shall be persons of recognized professional competence and integrity who have the necessary qualifications to occupy a similar position in the highest judicial courts of their countries or who are jurisconsults of recognized competence.
2. **Ineligibility.** Members of the Tribunal shall not be selected from current or former Bank or Corporation employees; nor shall they, within five years after having been Members of the Tribunal, become employees of the Bank or of the Corporation, or provide services to third parties doing business with the Bank or the Corporation in connection with initiatives of the Bank or the Corporation.
3. **Appointment.** Members of the Tribunal shall be appointed by the Board of Executive Directors of the Bank from a list of candidates presented to it by a Nominating Committee for the Administrative Tribunal established as provided in Annex 1 to the Statute. The Members shall be appointed for one non-renewable term of six years.
4. **Replacement.** The replacement of the Members upon expiration of their term of appointment, resignation or termination for unjustified absences, disability or death, shall be governed by Article III(6, 7 & 8) of the Statute.

Article 2

Quorum. Four Members shall constitute a quorum of the full Tribunal. In decisions taken by a panel three Members shall constitute a quorum.

Article 3

1. **Taking of decisions.** The Tribunal, as constituted for any session, shall take all decisions by majority vote. In the event of an equality of votes, the President of the Tribunal or the presiding Member shall have the decisive vote.
2. **Deliberations.** All deliberations of the Tribunal shall be secret.

Article 4

1. **Election of President and Vice-President.** In May of each year, the Tribunal shall elect a President and a Vice President, who will respectively hold office from 1 July of that year until 30

* The captions are for ease of reference only, do not form part of the rules and do not constitute an interpretation thereof.

June of the following year, unless in the meantime either should cease to be a Member of the Tribunal. The President and the Vice-President may be re-elected.¹

If the President is unable to perform his or her duties, they shall be performed by the Vice-President. If in turn the Vice-President is unable to serve, the duties of the President shall be performed by the longest-serving Member of the Tribunal and, in the event of equal length of service, by the older Member.

2. **Duties of the President.** The President shall represent the Tribunal in all institutional matters and shall preside over its meetings. The President shall also supervise the work of the Executive Secretariat. When the Tribunal is not in session, the President of the Tribunal or the presiding Member of a panel, shall decide all issues that may arise in the processing of a case.

Article 5

1. **Executive Secretariat.** The Tribunal shall have an Executive Secretariat headed by an Executive Secretary designated under Article V(1) of the Statute.

2. **Functions of the Executive Secretary.** The Executive Secretary shall be responsible for the administrative work of the Tribunal and of the organization, custody and care of its documents and files. In particular, the Executive Secretary shall:

A. Make for each case filed with the Tribunal a case file to record all actions taken in processing a complaint. The Executive Secretary shall also record the dates on which the office receives, and transmits every document related to a case, as well as the dates on which the parties receive such documents and the means through which they were delivered.

B. Receive and transmit all briefs and documents and give all notices in accordance with Article 38.

C. Keep all records of proceedings, numbering consecutively each page of the briefs and documents added to each case file. Regarding the Complaint and Answer briefs, as well as on other briefs, the Executive Secretary may, if found useful, note the time of day when they were submitted.

D. Serve as clerk to the Tribunal and as such, attend all hearings of the Tribunal and sign the records and judgments.

E. Take such action as necessary, under the direction of the President, to expedite the proceedings.

F. Assure that the Statute and Rules of the Tribunal, as well as its judgments, are published and distributed among the staff of the Bank and of the Corporation.

G. Perform all functions assigned by the Tribunal or its President, as appropriate, in order to assist the Tribunal in discharge of its functions.

¹ As amended on 22 September 2014. Further amended on 6 November 2019 to take effect on 1 January 2020.

3. **Inability to act.** If the Executive Secretary is temporarily unable to perform his or her duties, they shall be performed by a person appointed by the President of the Tribunal.

Article 6

1. **Sessions.** The President of the Tribunal shall convene the sessions of the Tribunal and the presiding Member of a panel convene its sessions by giving advance notice of at least 30 calendar days to all those required to attend indicating the matters and subjects to be considered.

2. **Location of Sessions.** The Tribunal as well as its panels shall hold their sessions at the principal office of the Bank unless the presiding Member considers that the efficient conduct of the proceedings warrants holding a session elsewhere. One or more Members of the Tribunal or of a panel may participate in a session by means of teleconference, videoconference or similar communications equipment allowing all persons participating in the meeting to hear each other at the same time and to have simultaneous interpretation, when necessary. Participation by such means shall constitute attendance for the purposes of a quorum.

3. **Inability of Members to attend.** Members who are unable to attend a session shall so advise the President of the Tribunal immediately through the Executive Secretary.

Article 7

1. **Jurisdiction.** The Tribunal shall hear and pass judgment upon any complaint by which an employee of the Bank or of the Corporation alleges non-observance of a contract of employment or terms and conditions of appointment.

2. **Definitions.** The words “contract of employment” and “terms and conditions of appointment” include all pertinent regulations and rules in force at the time of the alleged non-observance, including the rights or benefits established by a Bank Staff Retirement Plan. The word “employee” means a current or former staff member of the Bank or of the Corporation, the persons who are or have been contracted temporarily by the Bank or the Corporation or a current or former consultant of the Bank or of the Corporation, a retired staff member receiving a pension from a Plan, or a person who is entitled to file a claim upon a right of one of the persons included in the term “employee.”

TITLE II

DISQUALIFICATIONS, SELF-DISQUALIFICATIONS AND CHALLENGES

Article 8

Disqualifications. The following circumstances constitute disqualifications from hearing a particular complaint:

- A. Having an interest in the matter;
- B. Having been a counselor, advisor, attorney, expert or witness in the matter either prior to or during the administrative procedure or in the course of the judicial procedure; or
- C. Being a relative of any of the parties within the fourth degree of consanguinity or second degree of affinity.

Article 9

Self-Disqualifications. When a Member of the Tribunal believes there is a circumstance of any kind which prevents him or her from the taking of an unbiased and objective decision, such Member shall disqualify himself or herself from hearing the case and shall communicate the decision to the President of the Tribunal.

Article 10

1. **Challenges.** The parties may challenge a Member of the Tribunal for any of the reasons stated as grounds for disqualification, as well as for any of the following:

- A. Being a close friend of or manifestly unfriendly to any of the parties;
- B. Being a relative of any of the counselors, advisors, attorneys or representatives of a party within the fourth degree of consanguinity or second degree of affinity; or
- C. Having expressed an opinion on a case currently before the Tribunal.

2. **Form and content.** The challenge shall be filed in writing as soon as the party concerned becomes aware of the existence of the cause. The challenge shall include the relevant documentary evidence and shall indicate such other evidence as the party intends to offer.

3. **Procedure.** When the challenge has been filed, notice shall be given to the challenged Member and to the other party, both of whom will have 15 calendar days to file comments. Thereafter, in the event the Member declines to withdraw, evidence may be submitted for a period of ten calendar days, at the end of which the President of the Tribunal shall issue a ruling within a prudent length of time. If the challenge concerns the President, the matter will be decided by the Vice-President. If the challenge is upheld, the Member challenged shall be barred from hearing the case.

TITLE III

PROCEDURE

Article 11

1. **Suspension of the Implementation of a Decision.** If an employee believes a decision of the Bank or the Corporation would cause irreparable harm, he or she may apply to the Tribunal in the Complaint or in a preliminary Complaint for the stay of that decision. The President of the Tribunal after hearing the Bank or the Corporation on the matter, and upon finding a likelihood of irreparable injury, may decide to suspend the challenged decision on such conditions as the President may deem appropriate. The President or the Tribunal may review and modify the stay considering not only the likelihood of irreparable injury but also the evidence in support of the claims in the Complaint as well as the evidence in the Answer of the Bank or the Corporation.

2. **Preliminary Request for the Production of Documents.** An employee whose complaint could meet the admissibility requirement of Article II(2) of the Statute, after filing a preliminary Complaint, may request the Tribunal to order the production of documents to which he has been unable to gain access, or has been denied access, and that may be found in an office or unit of the Bank or the Corporation and which are important to the preparation of a complaint to the Tribunal. The President of the Tribunal, or one of the Members designated for this purpose, after

hearing the Bank or the Corporation, shall review the request in light of the norms governing the production of documents by the Bank or the Corporation as well as the importance of the documents to the preparation of the complaint and shall rule on the matter. In the same ruling, if deemed appropriate, the presiding Member may extend the deadline for filing the complaint.

Article 12

1. **Formal Requirements of the Complaint.** The Complaint shall be written with sufficient clarity so as to enable the Tribunal to ascertain what the Complainant states and requests, and shall contain:

A. The name, nationality, address, contact details, and occupation of the Complainant and profession of the person representing him or her, as well as the nature of that representation.

B. The identification of the office or unit to which the Complainant belonged at the time of the decision challenged, the date and type of appointment or contract, the title and job description of the position held at the time of the decision challenged, and the official or officials who took part in the decision.

C. A clear statement of the facts on which the Complaint is based. Each fact or set of circumstances making a single point shall be set out in a separate paragraph, as far as possible.

D. The legal grounds for the Complaint, namely:

(a) a listing of the clauses of the contract of appointment alleged to have been violated, or the provisions of the Agreement Establishing the Bank or the Corporation or their written and approved Policies, Rules and Regulations, or the Rules and Regulations of their Boards of Governors or Boards of Executive Directors, or the Administrative and Personnel Policies which it is alleged were infringed; and

(b) an explanation of the manner in which each violation or infraction is alleged to have taken place.

E. A clear and precise listing of the petitions laid before the Tribunal, specifying:

(a) the decision(s) the Complainant is contesting and, if appropriate, the rescission of which is requested of the Tribunal;

(b) the obligations the Complainant wants fulfilled and the method of compliance requested;

(c) the compensation or redress claimed; and

F. The signature of the Complainant and, where applicable, that of the representative or attorney designated by him.

2. **Documents to be Attached.** Documents cited by the Complainant in support of the claims shall be attached to the Complaint as annexes, in the original or in the form of a true and full copy, unless part of the document is obviously irrelevant. The Complainant shall provide an index of the annexes attached, which shall be numbered sequentially.

3. **Request for Production of Documents.** In the Complaint, the Complainant may request the Tribunal to order the production of documents to which he or she has been unable to gain access, or has been denied access, and that may be found in an office or unit of the Bank or the Corporation. The President of the Tribunal or one of the Members designated for this purpose, after hearing the Bank or the Corporation, shall review the request in light of the norms governing the production of documents by the Bank or the Corporation as well as the importance of the documents, and shall rule on the matter.
4. **Proof of Administrative Remedies.** The Complainant shall attach certification that the required administrative remedies have been concluded.
5. **Filing of the Complaint.** The Complaint with its annexes shall be filed electronically, including by e-mail, with the Office of the Tribunal's Executive Secretariat (tribunal@iadb.org) or, if this is not practicable, by mail to the Office located at the Bank's headquarters. If the Complainant lives in a place other than Washington, D.C., the Complaint may be filed, with its annexes, at the nearest Bank office, by registered mail or by courier. In these cases, the date shown on the note acknowledging receipt by the Bank's office, the postmark date or the receipt date of the courier shall be the date of filing.²
6. **Electronic filing.** All filings may be done by electronic means and may be signed electronically.³

Article 13

Causes of Action. The Complainant shall claim in the Complaint all causes of action supporting the petitions to the Tribunal. Causes of action not claimed in the Complaint shall not be considered in the judgment.

Article 14

Deficient filing. If the formal requirements of Article 12 are not met, the Executive Secretary shall point out the deficiencies to the Complainant and give him a reasonable time, not less than 30 calendar days, to correct the deficiencies. If this is done within the established time, the Complaint shall be deemed to have been filed on the original date. Otherwise, with the approval of the President of the Tribunal, the Executive Secretary shall rule that the Complaint be regarded as not having been filed.

Article 15

Notice of the Complaint. Within seven calendar days from the filing of the Complaint or the completion of the corrections referred to in the preceding Article, the Executive Secretary shall serve on the General Counsel of the Bank or of the Corporation a copy of the Complaint and its annexes.

Article 16

1. **Admissibility of Complaint.** A Complaint shall be admissible only in the following cases:

² As amended on 19 June 2020.

³ As amended on 19 June 2020.

A. When the Complaint is filed with the Tribunal within 120 calendar days of the date of exhaustion of all other remedies required within the formal system for the resolution of employee grievances as provided by the policies of the Bank or the Corporation as conditions for access to the Tribunal, including that such remedies must be exercised within their respective time periods.

B. When the Complaint concerns policies interpreted by a Plan Administration Committee, such Complaint shall be admissible only from a final decision of the Plan Administration Committee, and such Complaint is filed with the Tribunal within 120 calendar days from notice of such decision to the Complainant. The final decision of the respective Administration Committee shall be annexed to the Complaint.

C. When the Complaint contests a decision of the Administration imposing a disciplinary sanction as contemplated in the Code of Ethics and Professional Conduct of the Bank and in its Procedures, or in the relevant ethics and disciplinary codes or policies of the Corporation, and such Complaint is filed with the Tribunal within 120 calendar days from notice of such decision to the Complainant. A copy of such decision shall be filed with the Complaint.

2. **Extension of the Time to File.** The 120-day time limit established in Article 16(1) can be extended to one year if the heirs of a deceased employee or the trustee of an employee who is not in a position to manage that employee's affairs, files the Complaint in the name of said employee.

3. **Motion to Dismiss on Account of Inadmissibility.** If the Bank or the Corporation files a motion to dismiss the Complaint on account of inadmissibility for failure to comply with one or more of the requirements set forth in this Article, the Executive Secretary shall grant the Complainant 15 calendar days to comment on such motion to dismiss. Once the Complainant has filed comments, or if the 15 calendar days have passed without the filing of comments, the President of the Tribunal, after consultation with the other Members, shall decide the question of admissibility.

The President of the Tribunal shall rule: that the Complaint is inadmissible, in which case he or she shall order the proceedings filed for the record; that the Complaint is admissible, in which case he or she shall order the continuation of the process; or that the issue of admissibility shall have to be addressed in the judgment, once the Tribunal has before it the full record of the case.

Article 17

Answer. The Respondent, whether the Bank or the Corporation, shall have 30 calendar days within which to file an Answer to the Complaint. The Answer shall satisfy, *mutatis mutandis*, the formal requirements of Article 12. If the Answer fails to meet those requirements, Article 14 shall apply.

Article 18

1. **Replication.** Within seven calendar days from the filing of the Answer, the Executive Secretary shall transmit a copy of it and its annexes to the Complainant, who may submit comments in the form of a Replication within 15 calendar days.

2. **Rejoinder.** The Replication shall be transmitted in the same manner to the Respondent, who may in turn submit its comments in the form of a Rejoinder within 15 calendar days.
3. **Purpose.** The Replication and the Rejoinder dealt with in this Article are intended merely to confirm, clarify, or rectify the statements on questions of fact and of law set out in the Complaint and the Answer. Consequently, they may not include new petitions or change the issues disputed in the Complaint and the Answer.
4. **Copies.** Both the Replication and the Rejoinder shall be filed in one original and three copies.

Article 19

1. **Panels.** When the above procedure has been completed or the relevant deadlines have expired without a Replication or a Rejoinder having been filed, the President of the Tribunal shall, unless the particular case is deemed to involve exceptional circumstances that merit consideration by the full Tribunal, appoint a panel of three Members to hear and decide the case. At the same time, the President of the Tribunal shall designate the Member who will preside over the panel.
2. **Exceptional Circumstances.** The exceptional circumstances referred to in section 1 above, include, among others, the fundamental rights involved, the number of Complainants, the originality of the issues in dispute or where an earlier precedent may need to be reconsidered, the importance and impact of the decision to be adopted by the Tribunal, and any whistleblower activity alleged to have led to reprisals against the Complainant.

Article 20

1. **Evidence.** The President of the Tribunal, or the Member presiding over a panel, will open the probative phase of the proceedings, unless there is no controversy regarding the facts, the issue being solely a matter of law.
2. **Offer of Evidence.** Having been notified that they may offer evidence, the parties shall have 15 calendar days to:
 - A. Submit further documentary evidence. It will not be necessary to authenticate documents whose authenticity has not been challenged.
 - B. Submit a list of witnesses. Regarding each witness the party shall submit the questions the witness is to be asked. The questions must be clear and precise and each question must address only one disputed fact, event or idea. On each disputed fact each party may offer a maximum of three witnesses. The Presiding Member may, in exceptional cases, increase the number of witnesses.
 - C. Submit or request reports from expert witnesses.
 - D. Request on-site inspections.
 - E. Propose any other kind of evidence deemed relevant.
3. **Filing of Comments.** Following notification of offer of evidence filed by the other party, each party shall have ten calendar days to file comments.

4. **Copies.** The offers of evidence as well as to the filing of comments thereon shall be filed in one original and three copies.

5. **Admissibility of Evidence.** After considering the petitions and comments of the parties, the presiding Member shall rule on the admissibility of the evidence proffered and order such evidence to be produced. All relevant evidence shall be admissible unless it is unnecessary because it relates to facts that have not been controverted or would be redundant in light of other evidence already produced. Only the evidence ruled admissible by the presiding Member shall be admitted in the proceedings, except as otherwise provided by Article 23(2) and Article 25.

6. **Testimony.** Testimony from witnesses may be heard by one or several Members of a panel, or of the Tribunal as appropriate.

7. **Expert Witnesses.** The testimony of experts shall be governed *mutatis mutandis* by the rules applicable to witnesses.

8. **Taking of Testimony by Electronic Means.** The Member presiding over the hearing may authorize the taking of testimony through videoconference, teleconference or other such means.

9. **Hearing.** The presiding Member shall set the day and the time of the hearings. The Executive Secretary shall so notify the parties and deliver to them, at least 30 calendar days in advance, the request for attendance of the witnesses whose testimony has been admitted.

10. **Oath (or promise).** Witnesses, including the Complainant who testifies, shall take the following oath: "I swear (promise) to tell the truth, the whole truth and nothing but the truth."

Experts shall make the following declaration: "I swear (promise) to give my opinion in accordance with my sincere belief and understanding."

11. **Examination of Witnesses.** The presiding Member may allow the parties to examine the witnesses on the points of evidence for which the testimony was admitted. Witnesses may also be examined by the Members of the Tribunal or the panel. The sequence in which the witnesses are heard shall be determined by the person presiding over the hearing. The person presiding over the hearing, after both parties have expressed their views but before the witness answers a question, shall rule on any objections raised by them about the conduct of the hearing or regarding the questions put to the witnesses.

Article 21

Transcript. The Executive Secretary shall prepare a transcript of the hearings of witnesses and shall make a copy available to the parties. A complete recording of the hearing shall be kept by the Executive Secretariat and be available to the parties and the Tribunal.

Article 22

Comments on the Evidence. Once the evidence has been received and the parties have been provided with the transcript of the hearing of witnesses and experts, they shall have 15 calendar days to file briefs commenting on the probative value of the evidence produced. The presiding Member may, at the request of either party or *motu proprio*, extend this time limit.

Article 23

1. **Examination of the Case.** Once the briefs commenting on the evidence have been received or the deadline for submitting them has expired without any being filed, the presiding Member shall examine the case file in order to determine whether sufficient information is available to properly render a judgment. If so, he shall instruct the Executive Secretary to list the case for decision by the Tribunal.

2. **Additional Evidence.** If the presiding Member determines that additional information is necessary, he will instruct the Executive Secretary to obtain such information from the parties, or from witnesses and/or experts. In this case, the proceedings ordered by the presiding Member shall be governed *mutatis mutandis* by Article 20, and the parties shall be given a new opportunity to comment on the evidence.

Article 24

1. **Listing for Decision.** Having listed the case for decision, the Executive Secretary shall so advise the parties. No additional briefs or documents may be filed after the case has been listed for decision, except for the request referred to in the next section or unless the presiding Member otherwise permits or requires.

2. **Request for Oral Argument.** Within ten calendar days of this notification, either of the parties may request the presiding Member to hear oral argument at a hearing to be scheduled for that purpose during the appropriate session of the Tribunal. The presiding Member may also order oral argument *motu proprio*.

3. **Notice.** As soon as the dates of the session in which the oral argument will be heard have been set, the Executive Secretary will notify the parties, indicating the venue as well as the day and the time.

4. **Hearing of Oral Argument.** The hearing of oral argument shall be public and each party will be entitled to address the Tribunal or panel for up to 30 minutes, beginning with the Complainant. Following the address of the Respondent, each party may make a reply of up to ten minutes, in the same order. The Members of the Tribunal or panel may ask questions of the parties. In exceptional circumstances the Tribunal panel may issue a reasoned ruling ordering that the oral argument be heard in private. The presiding Member shall direct the hearing with broad powers and may lengthen or shorten these time frames.

Article 25

Need for Additional Evidence. At any time during its deliberations on a case, the Tribunal, or the panel, shall examine the facts and law relied upon by the parties and shall decide whether any additional evidence is needed, evidence which, if ordered, may be heard by the panel, or the Tribunal, or by one of its Members designated for that purpose.

TITLE IV

JUDGMENT

Article 26

1. **Nature of Judgments.** Judgments shall be final and without appeal.

2. **Voting and Drafting.** The Tribunal or the panel shall take decisions by a majority vote. The majority shall also decide on the text of the judgment. In the event of an equality of votes, the presiding Member shall have the decisive vote.
3. **Basis for Decision.** The judgment shall state the basis for the decision and shall be issued within a reasonable period of time after conclusion of the proceedings.
4. **Concurring and Dissenting Opinions.** Concurring and dissenting opinions will be set out in the judgment.
5. **Signatures.** The judgment shall be signed by all Members who participated in the deliberation of the case and by the Executive Secretary.
6. **Delivery of Copies of Judgment.** A copy of the judgment shall be delivered to each of the parties to the case.
7. **Archiving and distribution.** The original of the judgment, attested by the Executive Secretary, shall be filed in the archives of the Bank. Copies shall also be distributed electronically.
8. **Correction of Errors.** Arithmetical and clerical errors in the judgment or those arising from any oversight or omission may be corrected by the Tribunal, on its own initiative or at the request of one of the parties. The parties shall have 30 calendar days to request corrections from the date they are notified of the judgment. In no case may corrections alter or modify the decision set out in the judgment.

Article 27

Alternative Compensation. If the President of the Bank or the General Manager of the Corporation determines that rescission or specific performance ordered in a judgment are not practicable or not in the best interests of the Bank or the Corporation, the respective Institution shall petition the Tribunal in writing within 30 days of notification of the judgment, to fix the amount of compensation to be awarded to the Applicant in lieu of such rescission or specific performance.

Having heard the other party or parties, the presiding Member will convene the Tribunal or the panel to decide regarding the Bank's or the Corporation's request.

TITLE V

PROCEDURE FOR REVISION OF THE JUDGMENT

Article 28

1. **Requirements.** Any of the parties may request revision of a judgment issued by the Tribunal, but only in the event that a fact or a document is brought to the attention of the Tribunal and which by its nature might have had a decisive influence on the judgment and which at the time of the judgment was unknown to the Tribunal and to the party making the application for the revision, provided such lack of knowledge was not due to fault or deceit by that party.
2. **Deadline.** Revision shall be requested within 30 calendar days from the date the fact or document is discovered and, in any event, within one year from the date that notice of the judgment was given to the party making the request.

3. **Procedure.** The procedure for revision shall be, *mutatis mutandis*, the one set out in Title III.

TITLE VI

THIRD PARTY INTERVENTION

Article 29

1. **Voluntary Intervention.** Any employee to whom the Tribunal is open under the last clause of Article II(1) of the Statute may apply to intervene in a case being heard by the Tribunal, regardless of the stage of the proceedings, if the employee believes that his or her rights may be affected by the judgment of the Tribunal.
2. **Requirements.** The request for intervention shall meet *mutatis mutandis* the requirements of Article 12.
3. **Third Party Notification.** Any person whose rights might be affected by the judgment of the Tribunal may be called upon to intervene in the proceedings, either at the request of a party or on the initiative of the President of the Tribunal.
4. **Procedure.** The Executive Secretary shall make the President's ruling or the request known to the parties, who shall have ten calendar days to comment. Thereafter, the presiding Member shall issue a final ruling regarding the intervention, which shall be transmitted to the requesting person and the parties. If the President should admit the intervention, the intervener shall be provided with a full copy of the record of the case to that date, will be given notice of all briefs submitted and all rulings issued thereafter, may present evidence under Article 20, and may take part in the oral argument under Article 24.

TITLE VII

GENERAL PROVISIONS

Article 30

1. **Utilization of briefs.** Briefs and their annexes submitted to the Tribunal are for the use only of the Tribunal and the other parties in that specific case.
2. **Confidential Information.** When the parties provide information they regard as confidential, they shall specifically so inform the Executive Secretary. The Member presiding over the proceedings, having consulted the other Members of the Tribunal or panel shall determine whether the information so submitted can be regarded as being confidential. The Executive Secretary shall safeguard this evidence and shall make a record of it in the case file. The parties may examine this evidence only in the office of the Secretariat of the Tribunal.

If one of the parties considers that certain information is so confidential that it ought not to be disclosed to the other parties, the presiding Member will require that such information be submitted for his or her sole inspection and decide upon its disclosure.

Article 31

1. **Anonymity.** A Complainant who wishes that his or her name not appear in the documents that the Tribunal publishes may request anonymity at the time when the Complaint is filed with

the Tribunal or at any time before the case is listed for decision by the Tribunal. Immediately thereafter the request for anonymity shall be transmitted to the Bank or the Corporation for comment within a period of time determined by the presiding Member.

2. **Authorization.** The presiding Member may grant a request for anonymity in cases in which publication of the Complainant's name is likely to be seriously prejudicial to the Complainant.

3. **Denial of Anonymity.** If the presiding Member should decide against granting anonymity, the Complainant shall be allowed a time certain to decide whether to continue with the Complaint or to withdraw it. In the latter case the proceedings will be ordered filed for the record.

Article 32

1. **Joinder of Cases.** If the issues of fact and of law coincide in separate cases, the President of the Tribunal, *motu proprio* or at the request of a party, may authorize the joinder of cases.

2. **Separation of Cases and Scope of Evidence.** In those cases in which several Complainants file a joint Complaint, the President of the Tribunal may, notwithstanding, order the separation of the cases when their joint processing would be undesirable, on account of diverse circumstances of fact or of law. The President may also rule that all or part of the evidence be produced in one of the cases and be valid for the remaining cases.

Article 33

1. **Suspension of Time Limits.** In any case, and particularly in cases of the protected categories referred to in Article IX of the Statute, the Tribunal may decide to suspend the application of the provisions regarding time limits.

2. **Computation of Time Limits.** In computing the time periods specified in these Rules all calendar days shall be counted. If the expiration of a time period falls on a non-business day at the headquarters of the Bank or of the Corporation in Washington, D.C. or at the location of a Bank office where a filing or other proceeding is to take place, the time period shall be extended to the next working day at such office.

Article 34

1. **Working Languages.** The working languages of the Tribunal shall be Spanish and English. However, when the Complainant requests that the proceedings be conducted in one of the other official languages of the Bank or the Corporation, the Tribunal may agree to the use of that language in written and oral proceedings.

2. **Language of Judgments.** The judgments of the Tribunal shall be issued in Spanish and English. However, when appropriate, the Tribunal may instruct the Executive Secretary to have a particular judgment issued in one of the other official languages of the Bank or the Corporation.

3. **Extension of Time Limits for Translation.** The time limits of these Rules may be extended by the Executive Secretary when there are documents that need to be translated.

Article 35

Communications with the Members. All communications addressed to the Members of the Tribunal directly or indirectly connected with cases being heard by the Tribunal shall be channeled through the Executive Secretary.

Article 36

Matters Not Specifically Provided For. Any issue or circumstance which may arise and which is not specifically provided for in these Rules shall be decided by the Tribunal, or the panel, in each particular case.

Article 37

Powers of Attorney. Powers of attorney executed in connection with a Complaint brought before the Tribunal, as well as the appointment of legal counsel, may be certified by the Executive Secretary or by a notary public.

Article 38

1. **Notices.** Notifications shall be given: personally; through the Bank's or the Corporation's mail system; via messenger; by facsimile or email; or via registered mail. Whenever the General Counsel of the Bank or of the Corporation or the attorney appointed by them is to be notified in person, it shall suffice for the notice to be delivered to the offices of the appropriate Legal Department, to a responsible official of that Department. The Executive Secretary shall require from the parties acknowledgment of receipt of all notices delivered by electronic means and shall record in the case file the date on which the notifications were received.

2. **Effect of Notice to Counsel.** Notifications given to the representative or to the lawyer of a party shall be regarded as having been given to the party itself.

Article 39

Amicus Curiae. The Tribunal may permit any person or entity with a substantial interest in the outcome of the case to participate as a "friend-of-the-court." In particular, it may permit the duly authorized representative of the Staff Association of the Bank, or of the Corporation, to do so.

Article 40

Amendment of the Rules. These Rules may be amended by the Tribunal with the affirmative vote of at least four of its Members.

Article 41

Entry into force. These Rules will enter into force on 1 April 2013 and shall apply to all Complaints filed after that date.
