



## Index of ICC Administrative Issuances

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The present Index is submitted by the ICCBA Legal Advisory Committee (“LAC”) following a review and analysis of the publicly available version of the *Vademecum of Administrative Issuances*. It is an update and extension of the earlier version of the index produced by the LAC in October 2017.

The ICC internal policy and administrative framework is governed by a set of administrative issuances (Presidential Directives, Administrative Instructions, Information Circulars, others) enacted by the Organs of the Court. Although these provisions primarily govern the administrative internal functioning of the Court, some of these have a direct impact on the work of Counsel and Support Staff. Namely, certain administrative issuances specify that they apply to Counsel, while others are of general relevance to the activities of the Court as a whole. The earlier version of the present index was limited to a selection of those administrative issuances which were deemed of relevance for Counsel and support staff. In order to enhance Counsel’s and support staff’s knowledge and understanding of the applicable policy and administrative framework of the International Criminal Court and in light of current discussions on the possibility of extending some aspects of the status of staff members to support staff, the present version is no longer selective and covers all administrative issuances in force at the Court at the time of its submission, i.e. April 2019.

An equivalent version of the Index is also available on the ICC website ([Vademecum of Administrative Issuances](#) page), but was not updated since 15 June 2015. The present updated version is a *pro bono* contribution of the ICCBA to the proper administration of the Court, consistent with its mandate of “*enhancing the quality of justice at the ICC required under the provisions of the Rome Statute and other recognized texts*” pursuant to Article 2(5) of the Constitution of the ICCBA. Its publication by the ICCBA shall not prevent the ICC from updating its own version of the present index by inserting the same or equivalent information in its *Vademecum* of administrative issuances.

The present Index may thus be updated with new issuances once available. All administrative issuances referred to in the present Index should be available online on the website of the Court at: <https://www.icc-cpi.int/resource-library/Pages/vademecum.aspx>

In its Judgment [No. 3907](#) of January 2018, the ILOAT – which is the ultimate body of appeal for administrative appeals and disciplinary decisions against staff members – ruled that non-compliance with the promulgation procedure set forth in Presidential Directive ICC/PRESG/2003/001 was a cause of unlawfulness of the resulting administrative issuances. A list of such administrative issuances which were not promulgated in accordance with the applicable procedure is appended to the present index and each

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reference to the provisions of the relevant administrative issuances is followed by “(!)” to warn users about their questionable legality.

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**NON-EXHAUSTIVE LIST OF MOST OBVIOUS INSTANCES OF  
NON-OBSERVANCE OF PRESIDENTIAL DIRECTIVE ICC/PRES/D/G/2003/001**

The below Chart provides a non-exhaustive list of instances of ICC administrative issuances presenting issues regarding the compliance of their promulgation with Presidential Directive ICC/PRES/D/G/2003. These are those marked with “(!)” in the above Index. The Chart is organized by reference to the various sections of relevance of ICC/PRES/D/G/2003/001 and, under each relevant section, by chronological order. The left column identifies each problematic administrative issuance. The right column explains the nature of the incompliance with ICC/PRES/D/G/2003/001.

<b>Administrative Issuances</b>	<b>Identified Issue</b>
<b>Section 1.1 of Presidential Directive ICC/PRES/D/G/2003/001</b>	
Standard Operating Procedure ICC/HRS/2007/7385 Guidelines on Special Post Allowances	These were promulgated by way of an undefined “Standard Operating Procedure”, which does not form part of the administrative issuances defined under section 1.1 of ICC/PRES/D/G/2003/001.
ICC Recruitment Guidelines for Established Posts	These were promulgated by way of an undefined administrative issuance falling in none of the categories provided under section 1.1 of ICC/PRES/D/G/2003/001.
<b>Section 4.1 of Presidential Directive ICC/PRES/D/G/2003/001</b>	
ICC/INF/2005/004, Job Evaluation Study 2005	Sections 5-13 provide the procedure applicable in case of upgrading/downgrading of positions, which should have been promulgated by way of administrative instruction pursuant to section 3.1(a) of PRES/D/G/2003/001.
ICC/INF/2006/003, Rules of Procedure of the Appeals Board	Pursuant to section 3.1 of PRES/D/G/2003/001, these should have been promulgated by way of Administrative Instruction.
ICC/INF/2006/008, Language Proficiency and Language Incentives – Guidelines	Pursuant to section 3.1 of PRES/D/G/2003/001, these should have been promulgated by way of Administrative Instruction.
ICC/INF/2006/009, Guidelines on Staff Training and Development	Promulgates procedures and policy applicable staff training and development. Pursuant to section 3.1 of PRES/D/G/2003/001, these should have been promulgated by way of Administrative Instruction.
ICC/HRS/2007/7229, Official Working Hours of the Court and Official Holidays	Pursuant to section 3.1 of PRES/D/G/2003/001, these should have

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	been promulgated by way of Administrative Instruction.
ICC/INF/2007/001, Appeals Procedures against disciplinary and administrative decisions	Describes the procedure applicable to staff appeals and disciplinary procedures. Pursuant to section 3.1 of PRES/D/G/2003/001, these should have been promulgated by way of Administrative Instruction.
ICC/INF/2007/003, Rules of Procedure of the Disciplinary Advisory Board	Pursuant to section 3.1 of PRES/D/G/2003/001, these should have been promulgated by way of Administrative Instruction.
ICC/INF/2007/004, Job Evaluation Study March 2007	Sections 3-4 provide the procedure applicable in case of upgrading/downgrading of positions, which should have been promulgated by way of administrative instruction pursuant to section 3.1(a) of PRES/D/G/2003/001.
ICC/INF/2008/003, Executive Statement on ICC SSS, Joint Threat Assessment Group, Joint Crisis Management Team and Information Security Management Forum	Describes the functions of SSS and various inter-organ fora created for the purpose of ensuring security at the Court and responding to crisis. Pursuant to section 3.1 of PRES/D/G/2003/001, these should have been promulgated by way of Administrative Instruction.
ICC/INF/2008/009, Reimbursement of amounts cancelled due to ICC's request	Provides procedure and criteria for reimbursement of expenses cancelled due to ICC's request. Pursuant to section 3.1 of PRES/D/G/2003/001, these should have been promulgated by way of Administrative Instruction.
ICC/INF/2011/006, Mandatory Security Arrangements	Provides strategic guidelines on the preparation and clearance of field missions. Pursuant to section 3.1 of PRES/D/G/2003/001, these should have been promulgated by way of Administrative Instruction.
ICC/INF/2014/006, Composition of the Property Survey Board	Sections 2-3 define the mandate and procedures of the Board, which should be governed by way of an Administrative Instruction under section 3.1 of PRES/D/G/2003/001
ICC/INF/2014/011 Rev. 1, Principles and Procedures applicable to Decisions arising from the <i>ReVision</i> Project	Provides procedure and criteria for the implementation of the restructuring of the Registry. Pursuant to section 3.1 of PRES/D/G/2003/001, these should have



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	been promulgated by way of Administrative Instruction. See ILOAT Judgment <a href="#">No. 3907</a> at 26.
ICC/INF/2015/008, UN Laissez Passer	Governs the procedure for the issuance of UN Laissez-Passer and the policy applicable to their use. These matters fall within the scope of administrative issuances pursuant to section 3.1 of PRES/D/G/2003/001.
ICC/INF/2016/011, Guidelines Language Proficiency and Language Incentives	Promulgates procedures and policy applicable to language incentive. Pursuant to section 3.1 of PRES/D/G/2003/001, these should have been promulgated by way of Administrative Instruction.
<b>Section 5.2 of Presidential Directive ICC/PRES/D/G/2003/001</b>	
ICC/AI/2007/001, Information Protection Policy	This Administration Instruction is largely obsolete – at least since entry into force of regulation 14 of the Regulations of the Registry in December 2013 – and has not been amended. See <a href="#">ICCBA’s Legal Analysis on ICC Information Protection Policy Framework</a> .
ICC/PRES/D/G/2014/002, ICC Anti-Fraud Policy	This presidential directive provides the leading principles governing the ICC Anti-Fraud Policy. Its section 6.1 provides that it shall be translated into relevant administrative issuances so as to ensure a comprehensive system combatting fraud, in particular the protection of whistle-blowers and financial disclosure. With the exception of ICC/AI/2015/005, none was promulgated. Its implementation is thus incomplete. See <a href="#">ICCBA’s Legal Analysis on ICC Internal Accountability Mechanisms and Policies</a>
ICC/PRES/D/G/2014/003, ICC Whistleblowing and Whistle-blower Protection Policy	This presidential directive provides the leading principles governing the ICC Whistleblowing and Whistle-blower Protection Policy. Its section 5.1 provides that it shall be translated into relevant administrative issuances so as to ensure a comprehensive system for the encouragement and protection of whistle-blowers. None was promulgated. This PD was thus not implemented. See <a href="#">ICCBA’s Legal Analysis on ICC Internal</a>

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	<a href="#">Accountability Mechanisms and Policies.</a>
ICC/AI/2018/002, Classification and Reclassification of Posts	Section 5.2 fails to draw the legal consequences from the distinction made by ILOAT in Judgment <a href="#">No. 3908</a> at 16-19 between initial appointments – where competitive selection applies – and appointments following reclassification or redistribution of functions – selection shall not apply -. Section 5.2 of this AI is thus obsolete and shall be amended.