



**Administrative Instruction  
Ref: ICC/AI/2013/005**

Date: 5 April 2013

**DURATION AND EXTENSION OF FIXED-TERM APPOINTMENTS  
AGAINST ESTABLISHED POSTS**

The Registrar, pursuant to section 3.2 of Presidential Directive ICC/PRES/D/G/2003/001 and for the purpose of implementing Staff Regulation 4.5 and Staff Rules 104.1, 104.2, 104.4 and 104.5, hereby promulgates the following:

Section 1

Scope

- 1.1 The purpose of this Administrative Instruction is to set out procedures for the duration of fixed-term appointments of staff members against established posts and their extensions.
- 1.2 The below-mentioned procedures for the duration of initial fixed-term appointments of staff members will be applicable as of the effective date of this Administrative Instruction for established posts to be advertised.
- 1.3 The procedures for extension of appointments of staff members serving the Court on established posts will be made in accordance with this Administrative Instruction in respect of appointments expiring after the effective date of this administrative instruction. However, the timeframes described in section 3 can only be fully observed for appointments expiring after six months after this Administrative Instruction has entered into force.
- 1.4 The provisions of this Administrative Instruction will not apply to fixed-term appointments funded by General Temporary Assistance (GTA) and short-term appointments.

Section 2

Duration of Appointments and Extensions

2.1 The initial fixed-term appointment of a staff member recruited to fill an established post shall be for a period of two years, subject to the expectation that the post in question will be needed for at least two years. The first six months of the appointment shall be subject to a probationary period as set out in Staff Rule 104.7 and Administrative Instruction ICC/AI/2013/004 on Probationary Period and Performance Appraisal.

2.2 The initial fixed-term appointment shall be extended for a period of three years, provided that there is a continuing need for the post of the staff member and that his or her performance continues to meet a satisfactory level.

2.3 After the first five years of continuous service with the Court, extensions of five years at a time shall be granted, provided that there is a continuing need for the post occupied by the staff member and that his or her performance continues to meet a satisfactory level.

2.4 Staff members who do not meet the five-year service requirement of section 2.3 will receive an extension of appointment of three years, provided that there is a continuing need for the post of the staff member and that his or her performance continues to meet a satisfactory level.

2.5 Periods of service on fixed-term appointment funded by GTA and/or short-term appointment(s) shall not be counted for the determination of the period of extension under this section.

### Section 3

#### Procedures for Extensions of Appointments

3.1 At least six months prior to the expiry of a staff member's appointment, the Human Resources Section (HRS) will notify the staff member's immediate supervisor that the staff member's appointment is due to expire, requesting a recommendation as to whether or not an extension should be offered and for how long.

3.2 The responsible manager shall submit to the Registrar or Prosecutor, as appropriate, or his/her formally delegated authority, the recommendation within one month of such notification. All recommendations, either to extend or not to extend a staff member's appointment must be properly substantiated, using the form attached as an annex to this Administrative Instruction. The Registrar or Prosecutor, as appropriate, or his/her delegated authority, will then make the decision within his or her discretion and in the interest of the Court.

3.3 If the Registrar or Prosecutor, as appropriate, or his/her delegated authority decides that a staff member's appointment should be extended, the staff member shall be offered an extension of appointment in accordance with section 2 of this Administrative Instruction. The staff member will be informed of the Registrar's or Prosecutor's decision by HRS, in the manner provided in subsections (a) and (b) below, at least three months prior to the expiry date of his or her appointment:

- (a) In cases in which an extension is offered, the staff member will be provided with a letter of extension of appointment for his or her signature.
- (b) In cases in which no extension is offered, the staff member will be informed before the notice period applicable to his/her contract, of the reason(s) in writing and advised of the administrative arrangements which he or she needs to follow prior to his or her separation from service.

3.4 A staff member may be offered an extension of appointment for a period shorter than indicated in section 2 in one of the following two situations:

- (a) In the case of performance shortcomings of the staff member, he/she may be offered an extension of appointment for a period shorter than indicated in section 2. In such cases, the extension may be for one year. In such cases, the staff member will be given in writing a clear indication of the nature of the performance concerns by his or her appraising officers. The staff member shall receive a work plan with performance objectives, and including actions expected to be taken to achieve these objectives. If the area of the concern is resolved prior to the end of the extension, and if no other performance concerns have arisen, the fact that a staff member has received a one-year extension will not be in itself a reason for non-extension. If the performance concerns have not been resolved at the end of the one-year extension, the staff member's appointment will not be extended; or
- (b) If, at the time of the request for extension, it cannot be anticipated that the Court will require the staff member's functions for the length of contract that would be warranted according to section 2.

3.5 In case where a recommendation for appointment extension for a period less than what is specified in section 2 is made by the responsible manager, or if the Registrar or Prosecutor, as appropriate, decides to extend an appointment for a period less than specified in section 2, justification shall be provided to the staff member concerned.

## Section 4

### Effective date

4.1 The present Administrative Instruction shall enter into force on 5 April 2013.



Silvana Arbia  
Registrar