

**Cour
Pénale
Internationale**

**International
Criminal
Court**

**Presidential Directive
ICC/PRESG/2003/001**

Date: 9 December 2003

**PROCEDURES FOR THE PROMULGATION OF ADMINISTRATIVE
ISSUANCES**

The President, in consultation with the Prosecutor, and for purposes of establishing an efficient system of administrative issuances in the Court and procedures for the promulgation and publication of such issuances, promulgates the following:

Section 1

Categories of Administrative Issuances

- 1.1. In accordance with the provisions of the present directive, the following administrative issuances may be promulgated:
 - (a) Presidential Directives;
 - (b) Administrative Instructions;
 - (c) Information Circulars.
- 1.2. Rules, policies or procedures intended for general application may only be established by duly promulgated Presidential Directives and Administrative Instructions. Such rules, policies or procedures shall respect the right of the Prosecutor to exercise full authority over the management and administration of the Office of the Prosecutor in accordance with articles 42 paragraph 2 and 38 paragraph 3 (a) of the Rome Statute.
- 1.3. Staff members at all levels shall be responsible for observing the provisions of administrative issuances promulgated in accordance with the present Directive.
- 1.4. The President shall be the final authority for the interpretation of all Administrative Issuances.

Section 2

Presidential Directives

- 2.1. A Presidential Directive shall be required for the promulgation of procedures for the implementation of regulations, resolutions and decisions adopted by the Assembly of States Parties, including:
- (a) Promulgation of guidelines for Financial Regulations and Rules and publication of consolidated texts thereof;
 - (b) Promulgation of Staff Regulations and rules and publication of consolidated texts thereof;
 - (c) Promulgation of regulations and rules governing programme planning, the programme aspects of the budget, the monitoring of implementation and methods of evaluation, and publication of consolidated texts thereof.
- 2.2. A Presidential Directive may also be promulgated in connection with any other significant policy decision, including matters concerning the proper administration of the Court.
- 2.3. A Presidential Directive shall, unless otherwise stated therein, be applicable to all Organs of the Court.
- 2.4. The President shall coordinate with and seek the concurrence of the Prosecutor before promulgating a Presidential Directive. If the Prosecutor determines that a Presidential Directive or its application contravenes his or her right to exercise full authority over the management and administration of the Office of the Prosecutor in accordance with article 42 paragraph 2 of the Rome Statute, he or she may suspend the application of the Presidential Directive with regard to the Office of the Prosecutor and shall notify the Presidency of this determination. After this notification, the President and the Prosecutor shall hold consultations without delay with a view to finding a mutually acceptable solution.
- 2.5. A Presidential Directive shall be signed and promulgated by the President on behalf of the Presidency.
- 2.6. A Presidential Directive shall be promulgated in English and French. It shall bear the symbol ICC/PRES/D/G/(year of issuance)/(issuance number)

Section 3

Administrative Instructions

- 3.1. The purpose of an Administrative Instruction, including administrative manuals, promulgated in accordance with the present Directive shall be:
- (a) to prescribe procedures for the implementation of Presidential Directives including procedures for the implementation of the Financial Regulations and Rules, and the Staff Regulations and Rules; or

- (b) to regulate the administration of practical and organizational matters of general concern, including setting forth office practices and procedures.
- 3.2. An Administrative Instruction shall be signed and promulgated by the Registrar or by other officials to whom the Registrar has delegated specific authority.
- 3.3. The promulgation of an Administrative Instruction shall require the prior consent of the President and the Prosecutor.
- 3.4. An Administrative Instruction shall be promulgated in English and French. It shall bear the symbol ICC/AI/(year of issuance)/(issuance number).

Section 4

Information Circulars

- 4.1. An Information Circular shall be limited to isolated announcements of one time or temporary interest which do not involve policies or regulatory matters covered under sections 2 and 3 above.
- 4.2. The President, the Prosecutor and the Registrar, or other officials to whom specific authority has been delegated by one of them, may sign and promulgate an Information Circular.
- 4.3. An Information Circular shall be issued in English and French. It shall bear the symbol ICC/INF/(year of issuance)/(issuance number).

Section 5

Consultation and Review

- 5.1. Officials proposing the promulgation of an administrative issuance shall ensure that it is prepared in proper consultation with all major organizational units concerned.
- 5.2. Without prejudice to Sections 1 through 4 above, officials responsible for promulgating administrative issuances shall see to it that issuances in effect within their respective spheres of competence are reviewed periodically so as to ensure that the rules, instructions and procedures that they prescribe are up to date, that obsolete administrative issuances are abolished with the minimum delay and that new issuances or amendments to existing issuances are promulgated as required.
- 5.3. Unless emergency situations make it impracticable, a proposal for an administrative issuance affecting questions of staff welfare, including conditions of work, general conditions of life and other personnel policies shall be sent to the Personnel Services Section, which shall ensure consultation with appropriate staff representative bodies in accordance with the applicable staff rules.

Section 6

Responsibility for control and clearance of Administrative Issuances

- 6.1. A proposal for an administrative issuance that has followed the consultative process set out in section 5 above shall be submitted to the Office of the Registrar for final processing. For this purpose, there shall be in this Office a central registry for all administrative issuances to assist in the discharge of the responsibilities under the provisions of the present Directive.
- 6.2. The central registry shall be responsible, *inter alia*, for reviewing any proposed new issuance and for ensuring:
 - (a) that its position in the hierarchy and the authority for its establishment are clearly identified;
 - (b) that it is not inconsistent with issuances higher in the hierarchy;
 - (c) that it specifies prior issuances that are superseded or amended;
 - (d) that the requirements of section 5 have been met;
 - (e) that it has been cleared by the Legal Advisory Services Section in order to ensure compliance with the Statute, Rules of Procedure and Evidence, other instruments and directives of the Court as well as the Court's format and editorial style; and
 - (f) that it is concise, clear and appropriately expressed and that it complies with the rules and Directives on the Court's editorial style.
- 6.3. An administrative issuance shall not be submitted for signature without certification that all the above requirements have been satisfied.
- 6.4. Upon signature, the original of the administrative issuance shall be deposited with, and registered by, the central registry. The administrative issuance shall be published and filed in a manner that ensures its availability.
- 6.5. The central registry shall maintain records of the procedural history of all the administrative issuances, mentioning, as appropriate, date of receipt of the initial draft, originating office, clearances obtained, authority for approval and date of promulgation. The central registry shall also maintain a register of all issuances promulgated, indicating the type of issuance, the date of promulgation, the subject-matter and amendments or changes thereto or the abolition thereof.

Section 7

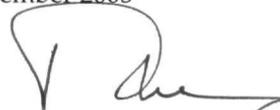
Rules of interpretation

- 7.1. In order to determine the precedence of conflicting administrative issuances, the following principles shall apply:
- (a) When there is a discrepancy or contradiction between administrative issuances of the same level, the most recent one shall prevail.
 - (b) When there is a discrepancy or contradiction between a general and a more specific administrative issuance dealing with related matters, the latter shall prevail.
- 7.2. When the above principles do not resolve the discrepancy or contradiction, the President shall decide which administrative issuance takes precedence, after consulting the authorities that issued the conflicting issuances.

Section 8

Final Provisions

8. The present Directive shall enter into force on 9 December 2003



Philippe Kirsch
President