



**Cour  
Pénale  
Internationale**  

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**International  
Criminal  
Court**

Le Greffe  
The Registry

## **Staff Rules of the International Criminal Court**

**(As amended, entered into force on 27 July 2015, see  
ICC/AI/2015/004/Cor.1)**

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## **SCOPE AND PURPOSE**

These Staff Rules shall apply to staff members of the Court holding a fixed-term appointment. Staff members of the Court holding a short-term appointment shall be governed by separate rules drawn up by the Registrar, with the agreement of the Presidency and the Prosecutor. The Staff Rules shall apply, *mutatis mutandis*, to the staff of the Secretariat of the Assembly of States Parties. In case of conflict between the Staff Rules and the provisions relating to the staff of the Secretariat of the Assembly of States Parties contained in resolution ICC-ASP/2/Res.3 and its annexes, the latter shall apply.

## **CHAPTER I: DUTIES, OBLIGATIONS AND PRIVILEGES**

### **Rule 101.1: Status of staff**

Staff members of the Court are international civil servants. Their responsibilities as staff members of the Court are not national, but exclusively international.

### **Rule 101.2: Core values**

Consistent with the core values listed in staff regulation 1.2, any form of discrimination or harassment, including sexual or gender harassment, or physical or verbal abuse at the workplace or in connection with work, shall be prohibited.

### **Rule 101.3: General rights and obligations**

#### Independence

- (a) The interest of the Court and the obligations that staff members have towards it shall always take precedence over their other interests or ties. Staff members shall ensure their independence from any person, entity or authority outside the Court.
- (b) Membership of a political party shall be permitted, provided that such membership does not entail action, or an obligation to take action, by the staff member contrary to staff regulation 1.2 (h). The payment of normal financial contributions to a political party shall not be an activity inconsistent with the principles set out in staff regulation 1.2 (h).

#### Legal obligations

- (c) Staff members shall comply with local laws and honour their private legal obligations, including, but not limited to, the obligation to comply with orders of competent courts.

#### Financial obligations

- (d) Staff members may be required to reimburse or compensate the Court, either partially or in full, for any financial loss suffered by the Court as a result of gross negligence, malice, fraud or failure to observe any obligation under the instruments of the Court, such as the Staff Regulations and Rules, the Financial Regulations and Rules, and administrative issuances.

### Function

- (e) Each staff member shall be required to perform the duties related to his or her position as set forth in the letter of appointment. A staff member, however, may be entrusted temporarily with the execution of any other duties in line with his or her competencies if required by the operational needs of the Court. This may include the temporary replacement of an absent staff member with a higher or lower grade or in a different category.
- (f) Should a staff member be called upon to temporarily replace an absent staff member with a higher grade or in a different category, such temporary replacement shall not become a vested right and shall not affect the staff member's return to his or her former position.

### Specific instances of prohibited conduct

- (g) Staff members shall not disrupt or otherwise interfere with any meeting or other official activity of the Court, nor shall they threaten, intimidate or otherwise engage in any conduct intended, directly or indirectly, to interfere with the ability of other staff members to discharge their official duties.
- (h) Staff members shall not intentionally misrepresent their functions, official title or the nature of their duties to third parties.
- (i) While staff members' personal views and convictions, including their political and religious convictions, remain inviolable, staff members shall ensure that those views and convictions do not adversely affect their official duties or the interest of the Court. They shall conduct themselves at all times in a manner befitting their status as international civil servants and shall not engage in any activity that is incompatible with the proper discharge of their duties with the Court. They shall avoid any action, in particular any kind of public pronouncement, that may adversely reflect on their status or on the integrity, independence and impartiality that are required by that status.

### **Rule 101.4: Confidentiality**

- (a) As required by the letter of appointment, staff members shall not, unless specifically authorized, at any time, directly or indirectly, use, disclose, furnish, or make accessible to any third party confidential information of the Court of which they have become aware during the course of their employment.
- (b) The Registrar, in consultation with the Presidency and the Prosecutor, may create criteria for the classification of information as confidential, together with procedures to be followed for the safekeeping, handling, release or disclosure of confidential information.
- (c) Without prejudice to the operation of paragraphs (a) and (b), staff members shall keep confidential any information regarding the Court's operations, including but not limited to evidence and information relating to victims and witnesses as well as to staff members of the Court, where, by the very nature of that information, a staff member knows or ought reasonably to know that it should be kept confidential.
- (d) The obligations of staff members regarding confidentiality shall not cease upon separation from service.

#### **Rule 101.5: Honours, gifts and remuneration**

- (a) Acceptance by staff members of any honour, decoration, favour, gift or remuneration from any Government or from any non-governmental source shall require the prior approval of the Registrar or the Prosecutor, as appropriate. Approval shall only be granted in exceptional cases and where such acceptance is not incompatible with the interests of the Court and with the staff member's status as an international civil servant. However, staff members may occasionally accept, without prior approval, minor gifts of essentially nominal value having regard to the duty station concerned, provided that all such gifts are promptly disclosed to the Registrar or the Prosecutor, as appropriate, who may direct that the gift be entrusted to the Court or returned to the donor.
- (b) Staff members, as part of their official duties, shall be expected, from time to time, to attend governmental or other functions such as meals and diplomatic receptions. Such attendance shall not be considered acceptance of a favour, gift or remuneration within the meaning of the Staff Regulations and Rules.
- (c) Staff members shall neither offer nor promise any favour, gift, remuneration or any other personal benefit to another staff member or to any third party with a view to causing him or her to perform, fail to perform or delay the performance of any official act. Similarly, staff members shall neither seek nor accept any favour, gift, remuneration or any other personal benefit from another staff member or from any third party in exchange for performing, failing to perform or delaying the performance of any official act.

#### **Rule 101.6: Conflict of interest**

- (a) Staff members shall abstain from any conduct which may be directly or indirectly in conflict with the discharge of their official duties.
- (b) Staff members who have occasion to deal in their official duties with any matter involving a profit-making business or other concern in which they hold a financial interest, directly or indirectly, shall immediately disclose the nature of that interest to the Registrar or the Prosecutor, as appropriate. Except as otherwise authorized by the Registrar or the Prosecutor, as appropriate, staff members shall either dispose of that financial interest or formally excuse themselves from participating in the matter.
- (c) The Registrar, in consultation with the Prosecutor, shall establish procedures for the filing and utilization of financial disclosure statements.

#### **Rule 101.7: Outside employment and activities**

##### Outside employment

- (a) Staff members of the Court shall not engage in any outside occupation or employment, whether remunerated or not, without the prior approval of the Registrar or the Prosecutor, as appropriate.

### Outside activities

- (b) Staff members shall not, except in the normal course of official duties or with the prior approval of the Registrar or the Prosecutor, as appropriate, engage in any of the following acts if they relate to the purpose, activities or interests of the Court:
  - (i) Issue statements to the press, radio or other agencies of public information;
  - (ii) Accept speaking engagements;
  - (iii) Take part in film, theatre, radio, television or video productions;
  - (iv) Submit statements, comments, articles, books or other material for publication, including publication on any form of electronic media.
- (c) The Registrar, in consultation with the Prosecutor, shall establish procedures whereby staff members may seek in confidence clarification as to whether proposed outside activities would conflict with their status as international civil servants.

### **Rule 101.8: Use of property and assets**

#### Use of property

- (a) Staff members of the Court shall only use the property and assets of the Court for official purposes and shall exercise reasonable care when utilizing such property and assets.

#### Intellectual property

- (b) All rights, title and property, including but not limited to copyright and patent rights, and other intellectual property rights, pertaining to any work performed by staff members as part of their official duties, shall be vested in the Court.
- (c) Staff members shall not intentionally alter, destroy, misplace or render useless any official document, record, file or evidence which has been entrusted to them by virtue of their official duties, and which is intended to be kept as part of the records of the Court.

### **Rule 101.9: Accountability**

- (a) Staff members of the Court shall be accountable to the President, the Registrar or the Prosecutor, as appropriate, for the proper discharge of their functions. Staff members shall be required to uphold the highest standards of efficiency, competence and integrity in the discharge of their functions, and their performance shall be appraised periodically to ensure that the required standards of performance are met.
- (b) Staff members of the Court shall be at the disposal of the Registrar or the Prosecutor, as appropriate, for the performance of official functions; however, the Registrar, in consultation with the Prosecutor, shall establish a normal working week and shall establish official holidays for the Court. Exceptions may be made by the Registrar or the Prosecutor, as appropriate, and staff members shall be required to work beyond the normal working hours when requested to do so.

## **CHAPTER II: CLASSIFICATION OF POSTS**

### **Rule 102.1: Classification of posts**

- (a) The system of classification of posts shall be maintained to ensure the assignment of appropriate grades and titles to all posts in the Court.
- (b) Under principles laid down by the Assembly of States Parties, posts shall be classified according to the nature of their duties and responsibilities, in conformity with the United Nations common system of salaries, allowances and benefits (hereinafter: “the United Nations common system standards”).
- (c) The following categories of posts shall apply at the Court:
  - (i) General Service category;
  - (ii) Professional and higher categories.

## **CHAPTER III: SALARIES AND RELATED ALLOWANCES**

### **Rule 103.1: Salary structure**

Each category of staff shall be composed of grades denoting the job level. Each grade shall be divided into steps representing salary increments.

### **Rule 103.2: Salary of staff members in the General Service category**

The salary scales for staff members in the General Service category at each duty station of the Court shall set out for each grade and step the salary of such staff members, in conformity with the United Nations common system standards.

### **Rule 103.3: Salary of staff members in the Professional and higher categories**

- (a) The salary of staff members in the Professional and higher categories shall comprise a base salary and a post adjustment.

#### Base salary

- (b) The salary scales for staff members in the Professional and higher categories shall set out the base salary at the single and dependency rates for each grade and step, in conformity with the United Nations common system standards.
- (c) A staff member shall be entitled to the single rate if he or she does not have a dependent spouse or a dependent child as defined in staff rule 103.17 paragraphs (a)(iii) and (a)(iv) respectively. A staff member shall be entitled to the dependency rate if he or she has a dependent spouse or a dependent child, except if both spouses are staff members in the Professional and higher categories within organizations applying the United Nations common system standards, and they have one or more dependent children, the dependency rate shall apply to the spouse having the higher base salary only.

#### Post adjustment

- (d) The base salary of staff members in the Professional and higher categories at each duty station of the Court shall be adjusted by the relevant post adjustment multiplier in conformity with the United Nations common system standards.
- (e) While the salary of a staff member shall normally be subject to post adjustment for assignments of one year or more to a duty station, alternative arrangements may be made by the Registrar, in consultation with the Prosecutor, under the following circumstances:
- (i) A staff member who is assigned to a duty station with a lower post adjustment multiplier than the one applied at the duty station where he or she has been serving may continue to receive the previously applied post adjustment for a period of up to six months while members of his or her immediate family remain at the previous duty station;
- (ii) For staff members assigned to a duty station for less than one year, the Registrar, in consultation with the Prosecutor, shall establish guidelines determining when, in lieu of an appropriate subsistence allowance, to apply the post adjustment, and,

if applicable, to pay an assignment grant under staff rule 107.14 and the hardship and non-removal elements of the mobility, hardship and non-removal allowances under staff rule 103.14.

#### Rental subsidy

- (f) At duty stations where the average rental cost is used in calculating the post adjustment index, staff members who have to rent housing accommodation at substantially higher market rates may be paid a supplement to the post adjustment in the form of a rental subsidy under conditions established by the Registrar, in consultation with the Prosecutor, in conformity with the United Nations common system standards.

#### **Rule 103.4: Pensionable salary**

The gross pensionable salary for staff members in the General Service category and in the Professional and higher categories shall be determined in conformity with the United Nations common system standards.

#### **Rule 103.5: Currency for payment of salaries and allowances**

- (a) The salary and allowances of staff members in the General Service category shall be paid in the currency of the applicable salary scale.
- (b) The salary and allowances of staff members in the Professional and higher categories shall be paid in the Court's operational currency and, if necessary, shall be converted into that currency according to the applicable operational rate of exchange at the time of payment.

#### **Rule 103.6: Computation of fractional payments of salaries and allowances**

Computation of fractional payments of salaries shall be based on the following methodology:

- (i) A year consists of 261 working days (365 days less 104 weekend days);
- (ii) A month consists of 21.75 salary days (261/12);
- (iii) To determine the daily and monthly salary rates, the annual salary is divided by 261 and 12 respectively; and
- (iv) To determine the hourly salary rate, the daily salary rate is divided by 7.5.

#### **Rule 103.7: Payment of salary and salary advances**

- (a) Staff members' salaries shall be paid monthly, at the end of each month.
- (b) A salary advance may be made to a staff member:
  - (i) Upon separation from service, where final settlement of pay accounts cannot be made at the time of departure, subject to the advance not exceeding 80 per cent of the estimated final net payments due; and

- (ii) In cases where a new staff member arrives at a duty station without sufficient funds, in such amount as the Registrar or the Prosecutor, as appropriate, deems necessary.
- (c) The Registrar or the Prosecutor, as appropriate, may authorize a salary advance in exceptional and compelling circumstances where a request supported by sufficient justification has been received from the staff member.
- (d) A salary advance shall normally be recovered in full from the staff member's monthly emoluments, starting with the payroll cycle following that in which the advance is made.

**Rule 103.8: Salary increments**

If a staff member performs the obligations under his or her letter of appointment satisfactorily, he or she shall be entitled to receive a salary increment as of the first calendar day of the month in which he or she completes twelve months of continuous employment and annually thereafter, except that:

- (i) No increment may be implemented for a staff member whose service ceases during the month in which the increment would otherwise have been due;
- (ii) For certain steps specified in the salary scales of the Professional and higher categories, salary increments shall be effective as of the first calendar day of the month in which they completed twenty-four months of continuous employment at the previous step.

**Rule 103.9: Change in grades or categories**

- (a) When a staff member changes to a different grade with a higher base salary, he or she shall be entitled to be placed at a step which results in an increase in base salary at least equal to the amount that he or she would have received by being placed at two higher steps at the lower grade.
- (b) Following a staff member's change in grade or category, his or her salary increment cycle shall be adjusted accordingly.

**Rule 103.10: Representation allowance**

A non-pensionable allowance may be paid to staff members at functional levels determined by the Assembly of States Parties to compensate for such special costs as may be reasonably incurred, in the interests of the Court, in the performance of duties assigned to them. The maximum allowance per grade shall be included in the programme budget as approved by the Assembly of States Parties.

**Rule 103.11: Special post allowance**

- (a) Staff members may be required to assume temporarily, as a normal part of their regular duties and without extra compensation, the duties and responsibilities of higher level posts.



- (b) A staff member who is called upon to assume the full duties and responsibilities of another post classified at a higher grade than his or her own for a temporary period of three months or more and performs such duties and responsibilities satisfactorily, may be granted a non-pensionable special post allowance.
- (c) The amount of the special post allowance shall be equivalent to the salary increase, including post adjustment and dependency allowances, if any, which would be applicable upon changing to a different grade with a higher salary, in accordance with staff rule 103.9.

**Rule 103.12: Language incentive for staff members in the General Service category**

- (a) A language allowance shall be paid to staff members in the General Service category upon successfully passing the prescribed test demonstrating proficiency in a second official language of the Court. Staff members whose mother tongue is an official language of the Court shall pass the prescribed test in a second official language. Staff members whose mother tongue is not an official language shall pass the prescribed test in an official language other than that in which proficiency is required for their job.
- (b) A second language allowance, equal to half the amount of the first language allowance shall be paid for proficiency demonstrated by passing the prescribed test in a third official language. Staff members whose mother tongue is an official language shall pass the prescribed test in a third official language to receive the second language allowance. Staff members whose mother tongue is not an official language shall pass the test in two official languages other than that in which proficiency is required for their job. No staff member shall be paid a language allowance for more than three official languages.
- (c) Staff members in receipt of a language allowance may be required to undergo further tests to demonstrate their continued proficiency in the use of two or more official languages.
- (d) The amount of the language allowance shall be determined in conformity with the United Nations common system standards.
- (e) The language allowance shall be taken into account in determining the United Nations Joint Staff Pension Fund, medical and group insurance contributions, overtime and night differential compensation, and payments and indemnities on separation.

**Rule 103.13: Language incentive for staff members in the Professional and higher categories**

The interval between salary increments for staff members in the Professional and higher categories shall be reduced from twelve to ten months and from twenty-four to twenty months, as applicable, upon successfully passing the prescribed test demonstrating proficiency in a second official language of the Court. Staff members whose mother tongue is an official language shall pass the prescribed test in one other official language. Staff members whose mother tongue is not an official language shall pass the prescribed test in a language other than that in which proficiency is required for their job. Staff members in receipt of the accelerated increment for language competency may be required to undergo further tests to demonstrate their continued proficiency in the use of two or more official languages.

#### **Rule 103.14: Mobility, hardship and non-removal allowances**

As an incentive to mobility and to compensate for hardship and non-removal of personal effects and household goods, a non-pensionable allowance composed of three elements – mobility, hardship and non-removal – shall be paid to staff members in accordance with procedures to be established by the Registrar, in consultation with the Prosecutor, and in conformity with the United Nations common system standards.

#### **Rule 103.15: Overtime and compensatory time off**

- (a) Staff members shall endeavour to perform their regular duties within their working schedule.
- (b) Staff members in the Professional or higher categories shall be required to perform their duties in line with their responsibilities outside their working schedule to the extent required by service. The Registrar and the Prosecutor, as appropriate, may exceptionally grant compensatory time off for overtime work.
- (c) Staff members in the General Service category who are requested by their supervisor to perform duties in addition to their working schedule shall be entitled to compensation for their overtime work. Subject to the exigencies of service, overtime shall normally be compensated by way of granting compensatory time off. If compensatory time off cannot be granted due to operational needs of the Court, overtime work may exceptionally be compensated by payment.

#### **Rule 103.16: Night differential payment**

- (a) Staff members of the General Service category shall receive, for any regular working hours between 6 p.m. and 9 a.m., a night differential payment at the rate of 10 per cent of their base hourly salary including language allowance, if any, except that no such differential shall be paid for any part of the tour of duty that begins between 6 a.m. and 9 a.m.
- (b) Staff members whose regular working hours entitle them to receive a night differential payment and who work overtime during hours for which night differential payment is payable, shall be entitled to receive both a night differential payment and overtime compensation for such overtime work.
- (c) Night differential payment shall be reckoned to the nearest half hour.

#### **Rule 103.17: Dependency benefit**

##### Definitions

- (a) For the purposes of this rule:
  - (i) “Primary dependent” is a dependent spouse and each dependent child;
  - (ii) “Spouse” is a partner by marriage recognized as valid under the law of the country of nationality of a staff member or by legally recognized domestic

partnership contracted by a staff member under the law of the country of his or her nationality;

- (iii) “Dependent spouse“ is a spouse whose occupational earnings, if any, do not exceed the lowest entry level of the General Service gross salary scales in force on 1 January of the year concerned for the duty station in the country of the spouse’s place of work. However, in the case of staff members in the Professional or higher categories, the spouse’s earnings threshold shall not at any duty station be less than the equivalent of the lowest entry level at the base of the salary system, in conformity with the United Nations common system standards;
- (iv) “Dependent child” is a staff member’s natural or legally adopted child or a staff member’s stepchild, if residing with the staff member, for whom the staff member provides main and continuing support. The dependent child shall be under eighteen years of age or, if the child is in full-time attendance at an educational institution, under twenty-one years of age.
- (v) “Secondary dependant“ is the father, mother, brother or sister of a staff member for whom the staff member provides one half or more of their financial support, and in any case at least twice the amount of the dependency allowance, provided that the brother or sister fulfils the same age and school attendance requirements established for a dependent child.

#### General provisions

- (b) Staff members may be paid a dependency benefit with regard to their primary dependant(s) and/or with regard to one secondary dependant, in conformity with the United Nations common system standards and subject to the conditions specified below.
- (c) The dependency benefits applicable to staff members shall be determined in conformity with the United Nations common system standards.
- (d) Claims for dependency benefits shall be made in writing and shall be supported by satisfactory documentary evidence. Staff members shall immediately report any change in status which may affect the payment of the dependency benefits.

#### Adjusted dependency benefit with respect to a spouse

- (e) In cases where the spouse’s annual gross occupational earnings are over the threshold stated in paragraph (a)(iii), an adjusted dependency benefit may be paid to:
  - (i) Staff members in the Professional and higher categories who have no dependent children; and
  - (ii) Staff members in the General Service category, with or without dependent children.

The adjusted dependency benefit shall equal the amount by which the sum of the earnings threshold plus the appropriate dependency benefit exceeds the spouse’s annual gross occupational earnings.

### Dependent child benefit

- (f) If a child is over eighteen years of age and is physically or mentally incapacitated to engage in substantial gainful employment, either permanently or for a long duration, the dependency requirements as to school attendance and age shall be waived.
- (g) A staff member claiming a child as a dependent shall certify that he or she provides main and continuous support for such child. In order to meet the requirement under paragraph (d) to provide documentary evidence, this certificate shall be supported by additional documentary evidence satisfactory to the Registrar or the Prosecutor, as appropriate, if a child:
  - (i) Does not reside with the staff member;
  - (ii) Is married; or
  - (iii) Is regarded as a dependant under the special conditions referred to in paragraph (f).
- (h) In respect of the first dependent child, a higher rate of dependency allowance may be paid, in conformity with the United Nations common system standards.
- (i) Staff members in the Professional and higher categories shall receive for a disabled dependent child:
  - (i) Double the amount of the regular dependency allowance if they are entitled to receive dependency allowance with respect to this child; or
  - (ii) An additional payment in the amount of the regular dependency allowance, if they are paid salary and post adjustment at the dependency rate on account of that child.
- (j) Staff members in the General Service category shall receive for a disabled dependent child a dependency allowance equal to double the amount of the regular child allowance.
- (k) At duty stations where a higher rate of dependency allowance is paid to General Service staff members in respect of the first dependent child, and the first dependent child is disabled, staff members shall receive for that child:
  - (i) The higher amount of dependency allowance payable for the first dependent child; and
  - (ii) An amount equivalent to the child allowance payable in respect of children other than the first dependent child.
- (l) Staff members shall declare to the Registrar or the Prosecutor, as appropriate, any governmental or similar dependency allowance that they or their spouses receive in respect of a dependant. The dependency benefit paid by the Court shall be adjusted accordingly.

### Secondary dependant benefit

- (m) If the staff member's brother or sister over eighteen years of age is physically or mentally incapacitated to engage in substantial gainful employment, either permanently or for a long duration, the dependency requirements as to school attendance and age shall be waived.
- (n) Staff members may only be paid one secondary dependant's allowance. A staff member in the General Service category shall not be paid a secondary dependant's allowance if he or she receives an allowance for a dependant spouse. A staff member in the Professional and higher categories shall be paid a secondary dependent's allowance only if there is no recognised primary dependent.

### **Rule 103.18: Education grant**

#### Definition

- (a) A "child" for the purposes of this rule is a staff member's natural or legally adopted child or a staff member's stepchild, if residing with the staff member, for whom the staff member provides main and continuing support.

#### Eligibility

- (b) A staff member shall be entitled to be paid an education grant in respect of each child provided that:
  - (i) The staff member is an internationally recruited staff member and resides and serves at a duty station outside his or her home country;
  - (ii) The child is in full-time attendance at an educational institution; and
  - (iii) The appointment of the staff member is for a minimum period of six months or the staff member has been continuously employed for at least six months.
- (c) If a staff member under paragraph (b) is reassigned to a duty station within his or her home country in the course of an academic year, he or she may receive the education grant for the balance of that academic year.

#### Duration

- (d) The education grant shall be paid:
  - (i) From the commencement of primary education, provided that the child is at least five years of age or reaches the age of five within three months of the beginning of the academic year;
  - (ii) Up to the end of the academic year in which the child completes four years of post-secondary studies, is awarded the first recognized degree, or reaches the age of twenty-five years, whichever comes first. However, if the child's education is interrupted for reasons of national service, illness or some other compelling

reason, the period of eligibility may be extended by the period of interruption up to twenty-eight years of age.

Admissible educational expenses

- (e) “Admissible educational expenses” are those educational expenses that are required to attend and follow the regular programme or curriculum of the educational institution on a full-time basis. Such expenses shall be limited to:
  - (i) Fees for enrolment, registration, examinations, tuition, prescribed textbooks, diplomas, and other costs directly related to the regular programme or curriculum of the educational institution;
  - (ii) Fees for lunch programmes up to and including the secondary level if provided by or through the educational institution and included in the billing for the child’s education;
  - (iii) Fees for daily group transportation to and from the educational institution, if provided by the educational institution or organized on an educational institution-wide basis by a concern other than the school itself;
  - (iv) Fees or costs for boarding where:
    - a. The child attends an educational institution outside the country of the staff member’s duty station; or
    - b. In the opinion of the Registrar or the Prosecutor, as appropriate, a staff member’s duty station has inadequate or no educational facilities suitable for the child, and the child attends an educational institution beyond commuting distance from the duty station.
- (f) In addition, expenses for private tuition in the mother tongue of the staff member shall be considered admissible educational expenses provided that:
  - (i) Tuition is given by a qualified teacher who is not a member of the staff member’s family;
  - (ii) The staff member serves in a country, the language of which is different from his or her mother tongue; and
  - (iii) The child attends a local educational institution in which instruction is given in a language other than the staff member’s mother tongue.

Amount of the education grant

- (g) Where the child attends an educational institution at the duty station, the education grant paid to a staff member for each academic year shall be 75 per cent of the admissible educational expenses as defined in paragraphs (e)(i) to (iii) and (f).
- (h) Where the child attends an educational institution outside the country of the duty station or where, in the opinion of the Registrar, in consultation with the Prosecutor, a staff

member's duty station has inadequate or no educational facilities suitable for the child and the child attends an educational institution beyond commuting distance from the duty station, the education grant paid to a staff member shall be:

- (i) 75 per cent of the admissible educational expenses including boarding, if boarding is provided by the educational institution; or
  - (ii) 75 per cent of the admissible educational expenses plus 100 per cent of the flat rate for boarding, in conformity with the United Nations common system standards, if boarding is not provided by the educational institution.
- (i) The total amount of the grant paid under paragraphs (g) and (h) shall not exceed the maximum amount for the country of the child's educational institution, set in conformity with the United Nations common system standards.
  - (j) The staff member shall declare any scholarship, bursary or similar grant that the staff member or the child receives. The total amount of such sums received shall be deducted from the total amount of admissible educational expenses before the calculation of the education grant entitlement.

#### Claims and payment of the education grant

- (k) Advances against and claims for the education grant shall be made in accordance with procedures established by the Registrar, in consultation with the Prosecutor.
- (l) The education grant shall be calculated using the currency of the educational expenses and paid to the staff member in the currency of his or her salary converted in accordance with the operational rate of exchange at the time that payment of the education grant is approved for payment.
- (m) Where the staff member's period of service, or the child's attendance, does not cover at least two thirds of the full academic year, the grant payable shall be adjusted pro rata for the proportion that the service or the attendance bears to the full academic year. No adjustment shall be made if the staff member dies while in service after the beginning of the academic year.

#### Travel

- (n) A staff member in receipt of an education grant may be entitled to travel expenses for the child between the educational institution and the duty station, in accordance with staff rule 107.8.

### **Rule 103.19: Special education grant**

#### Definition

- (a) For the purposes of this rule a "disabled child" is a child, as defined under staff rule 103.18(a), who, by reason of physical or mental disability, is unable to attend a normal educational institution, or, while attending a normal educational institution, requires special teaching or training to assist him or her in overcoming the disability.

### Eligibility

- (b) A staff member shall be entitled to be paid a special education grant in respect of each disabled child who is dependent on the staff member for main and continuous support.

### Duration

- (c) The entitlement shall commence on the date when special teaching or training is required and shall terminate when the disabled child is awarded the first recognized post-secondary degree, or up to the end of the academic year in which the disabled child reaches twenty-eight years of age, whichever is first.

### Special educational expenses

- (d) “Special educational expenses” are expenses incurred to follow an educational programme specifically designed to meet the needs of the disabled child so that the child can attain the highest level of functional ability.

### Amount of the special education grant

- (e) The amount of the special education grant shall be 100 per cent of special educational expenses up to the maximum amount for the country of the child’s educational institution, set in conformity with the United Nations common system standards.
- (f) The staff member shall satisfy the Registrar or the Prosecutor, as appropriate, that he or she has exhausted all other sources of payment for the disabled child’s education and training, including funds provided by Governments or insurance. The staff member shall declare any benefits available from such sources, and the total amount of the sums received shall be deducted from the total amount of special educational expenses before the calculation of the special education grant entitlement.

### Combination with the education grant

- (g) If a disabled child is able to attend a normal educational institution where special teaching, training or facilities are not provided, the staff member shall be reimbursed in accordance with the regular education grant entitlement, if any, under staff rule 103.18.
- (h) Notwithstanding paragraph (g), any special educational expenses incurred in relation to the disability of the child shall be reimbursed in accordance with paragraph (e).

### Claims and payment of the special education grant

- (i) Advances against and claims for the special education grant, as well as satisfactory supporting medical evidence regarding the child’s disability, shall be submitted in accordance with procedures established by the Registrar, in consultation with the Prosecutor.
- (j) The education grant shall be calculated using the currency of the educational expenses and paid to the staff member in the currency of his or her salary converted in accordance with the operational rate of exchange at the time that payment of the education grant is approved for payment.



## Travel

- (k) A staff member in receipt of a special education grant may be entitled to travel expenses for the child between the educational institution and the duty station, in accordance with staff rule 107.8.

### **Rule 103.20: Deductions and contributions**

- (a) From the total payments due to each staff member in each pay period, a deduction shall be made for contributions to the United Nations Joint Staff Pension Fund in accordance with the Regulations of the Fund.
- (b) In addition, deductions from the total payments due to each staff member in each pay period or from payments made on separation may be made for the following purposes:
  - (i) For contributions, other than those to the United Nations Joint Staff Pension Fund, for which provision is made under these Rules;
  - (ii) For indebtedness to the Court, including any payment made to a staff member in error, provided that the staff member has been informed;
  - (iii) For indebtedness to third parties when any deduction for this purpose is authorized under conditions established by the Registrar, in consultation with the Prosecutor;
  - (iv) For lodging provided by the Court, by a Government or by a related institution;
  - (v) For contributions to a staff representative body established pursuant to staff regulation 8.1, provided that each staff member has the opportunity to withhold his or her consent to, or at any time to discontinue, such deduction, by notice to the Registrar or the Prosecutor, as appropriate;

### **Rule 103.21: Retroactivity of payments**

A staff member who is not paid the salary, allowances or other benefits to which he or she is entitled shall be paid such salary, allowances or other benefits retroactively provided that the staff member makes a written claim within one year of the date on which the staff member should have been paid the salary, allowances or other benefits.

## **CHAPTER IV: APPOINTMENT AND PROMOTION**

### **Rule 104.1: Employment contract**

- (a) Subject to the conditions specified in paragraph (c), the employment contract between the staff member and the Court shall be concluded by an offer of appointment signed by the Registrar or the Prosecutor, as appropriate, or by an official in the name of the Registrar or the Prosecutor, and receipt by the Court of written acceptance.
- (b) The offer of appointment shall specify:
  - (i) The name and nationality of the staff member;
  - (ii) The duty station, the function, category, grade, step and starting rate of salary in accordance with the applicable salary scales, in conformity with the United Nations common system standards;
  - (iii) The notice period required for resignation;
  - (iv) Any special conditions which may be applicable, such as a probationary period, if any; and
  - (v) That the appointment shall be governed by the provisions of the Staff Regulations and Rules and any subsequent amendments thereto.
- (c) The employment contract shall be subject to the following conditions, unless otherwise provided for in writing by the Registrar or the Prosecutor, as appropriate:
  - (i) A medical clearance in accordance with the procedures established by the Registrar, in consultation with the Prosecutor;
  - (ii) A security clearance in accordance with the procedures established by the Registrar, in consultation with the Prosecutor;
  - (iii) A satisfactory outcome of the reference verification in accordance with the procedures established by the Registrar, in consultation with the Prosecutor;
  - (iv) The issuance of a valid visa and/or other relevant documents necessary to secure the presence of the staff member at the duty station by the appropriate authorities of the country of the duty station; and
  - (v) Reporting for duty at the duty station.
- (d) Upon reporting for duty, the staff member shall sign a letter of appointment containing, expressly or by reference, all of the terms and conditions of employment and confirming the starting date and the expiration date of the appointment.

### **Rule 104.2: Letter of appointment**

- (a) The letter of appointment shall specify:

- (i) The name and nationality of the staff member;
  - (ii) The duty station, the function, category, grade, step and starting rate of salary in accordance with the applicable salary scales, in conformity with the United Nations common system standards;
  - (iii) The starting date and the expiration date of the appointment;
  - (iv) The notice period required for resignation;
  - (v) Any special conditions which may be applicable, such as a probationary period, if any; and
  - (vi) That the appointment shall be governed by the provisions of the Staff Regulations and Rules and any subsequent amendments thereto.
- (b) In accepting an appointment, the staff member shall state that he or she accepts the terms and conditions set forth in the Staff Regulations and Rules.

**Rule 104.3: First day for pay purposes**

- (a) On appointment, the staff member's entitlement to salary, allowances and benefits shall begin on the date that he or she reports for duty.
- (b) When an internationally recruited staff member has an entitlement to travel on appointment under staff rule 107.1 (a)(i), this shall not affect the determination of the starting date for pay purposes, in accordance with paragraph (a). The staff member shall be paid an additional amount for days of authorized travel estimated on the basis of uninterrupted travel by an approved route and mode from the place of entitlement to the duty station. Such amount shall be calculated as follows:
- (i) For a staff member in the Professional and higher categories, on the basis of the staff member's base salary and post adjustment at the time of reporting for duty;
  - (ii) For a staff member in the General Service category, on the basis of the staff member's base salary and language allowance, if any, at the time of reporting for duty.

**Rule 104.4: Expiration of the appointment**

- (a) The appointment shall expire on the expiration date specified in the letter of appointment; however, in cases of contracts of six months or longer, the staff member shall receive confirmation of the expiration of the contract within the notice period applying to his or her contract. A staff member shall not expect continuation of his or her employment with the Court through an extension of the appointment, a subsequent appointment immediately following the previous appointment, re-employment or any other form of performance of professional activities.
- (b) Separation as a result of the expiration of an appointment shall not be a termination within the meaning of the Staff Regulations and Rules.

**Rule 104.5: Extension of appointment**

- (a) Notwithstanding staff rule 104.4, the Registrar or Prosecutor, as appropriate, may offer to extend a staff member's appointment. Normally, the staff member shall be informed of the intention to extend his or her appointment within a reasonable time before the expiration of the appointment.
- (b) In the event of an extension of appointment:
  - (i) The staff member shall be employed under the same terms and conditions as in the previous letter of appointment unless both parties agree in writing to change such terms and conditions;
  - (ii) The employment of the staff member shall be considered continuous.

**Rule 104.6: Re-employment and reinstatement**

- (a) A former staff member who is re-employed shall be given a new appointment. The terms of the new appointment shall apply fully without regard to any previous period of service. The re-employment of a staff member shall not be considered as continuous employment.
- (b) In the event that a staff member is re-employed within twelve months after separation from service or within any longer period following retirement or disability under the Regulations of the United Nations Joint Staff Pension Fund, he or she may be reinstated in accordance with paragraph (c).
- (c) On reinstatement, the staff member's service shall be considered as continuous, and the staff member shall return to the Court any monies he or she received on account of separation, including termination indemnity under staff rule 109.2, repatriation grant under staff rule 109.6 and payment for accrued annual leave under staff rule 109.7. The interval between separation and reinstatement shall be charged, to the extent possible, to annual leave, with any further period charged to special leave without pay. The staff member's sick leave credit under staff rule 106.4 at the time of separation shall be re-established. The staff member's participation in the United Nations Joint Staff Pension Fund shall be governed by the Regulations of that fund.

**Rule 104.7: Probationary period**

- (a) All new appointments may be subject to a probationary period of up to six months. In exceptional circumstances, the probationary period may be renewed once, and then only for an additional period of up to six months.
- (b) In the event of extended authorized absence, a staff member's probationary period shall be adjusted to compensate for the period of absence.

**Rule 104.8: Non-confirmation of the appointment at the end of the probationary period**

- (a) The Registrar or the Prosecutor, as appropriate, may decide not to confirm the appointment of the staff member if such staff member is unsuitable for his or her work with the Court or for any other reason mentioned under rule 109.2 (b) or (c).
- (b) In such cases, a staff member shall be informed of the non-confirmation of his or her appointment within a reasonable time prior to the expiration date of the probationary period.
- (c) In the event of non-confirmation of appointment at the end of the probationary period, the staff member shall not be entitled to a termination indemnity pursuant to staff rule 109.2.
- (d) The appointment of a staff member is automatically confirmed if he or she does not receive a non-confirmation notice.

**Rule 104.9: Locally recruited staff members**

- (a) Staff members recruited for posts in the General Service category shall be regarded as having been locally recruited unless they are recruited for a specific position for which:
  - (i) It is normally necessary to fill by recruitment from outside the area of the duty station, in accordance with guidelines established by the Registrar, in consultation with the Prosecutor; and
  - (ii) The letter of appointment designates them as having been internationally recruited for this specific position.
- (b) The status of a staff member in the General Service category recruited internationally shall be limited to that specific position, and the status may not be transferred to another position in the General Service category.
- (c) A locally recruited staff member in the General Service category shall be deemed to be an internationally recruited staff member upon transfer to the Professional category.
- (d) Notwithstanding paragraphs (b) and (c), a staff member who is a national of the country of the duty station or who resides in his or her home country while serving at the duty station shall not be entitled to all of the allowances and benefits of an internationally recruited staff member. The allowances and benefits to which such staff members may be entitled include travel on appointment, assignment grant and rental subsidy.

**Rule 104.10: Internationally recruited staff members**

- (a) Staff members recruited for posts in the Professional and higher categories shall be regarded as having been internationally recruited.
- (b) Notwithstanding paragraph (a), a staff member who is a national of the country of the duty station or who resides in his or her home country while serving at the duty station may not be entitled to all of the allowances and benefits of an internationally recruited staff member.

- (c) A staff member who changes his or her nationality or permanent residence status shall lose his or her entitlement to the allowances and benefits of an internationally recruited staff member if the continuation of such entitlement would be contrary to the purposes for which the allowances and benefits were created.

**Rule 104.11: Nationality**

- (a) In the application of the Staff Regulations and Rules, the Court shall not recognize more than one nationality for each staff member.
- (b) If a staff member is legally accorded nationality status by more than one State, the staff member's nationality for the purposes of the Staff Regulations and Rules shall be the nationality indicated in the letter of appointment.

**Rule 104.12: Family relationships**

- (a) No employment contract may be concluded with the father, mother, son, daughter, brother or sister of a staff member.
- (b) A staff member:
  - (i) Shall not be assigned to serve in a post which is superior or subordinate in the line of authority to his or her spouse;
  - (ii) Shall disqualify himself or herself from participating in the process of reaching or reviewing an administrative decision affecting the status or entitlements of his or her spouse.

**Rule 104.13: Medical examinations**

- (a) The appointment of all staff members shall be subject to clearance from the Court's Medical Officer, based on the results of a medical examination. Should the result of the examination be unfavourable, the Registrar or the Prosecutor, as appropriate, may withdraw the offer of appointment or amend its terms and conditions, in accordance in staff rule 104.1.
- (b) A staff member may from time to time be required:
  - (i) To undergo a medical examination satisfying the Court's Medical Officer that he or she is free from any ailment likely to impair his or her efficiency or the health of others;
  - (ii) To submit a medical report to the Court's Medical Officer as to his or her condition; or
  - (iii) To receive such inoculations as the Court's Medical Officer may consider necessary.

- (c) If, in the Court's Medical Officer's opinion, a medical condition impairs a staff member's efficiency or the health of others, the staff member may be directed not to attend work and asked to seek treatment from a medical practitioner. In such cases, the staff member's absence shall be regarded as certified sick leave in accordance with staff rule 106.4.
- (d) A staff member shall immediately notify the Court's Medical Officer of any case of contagious disease occurring in his or her household or of any quarantine order affecting the household. In such a case, the Medical Officer shall decide whether the staff member should be excused from attendance at work. If so, the staff member's absence shall be regarded as certified sick leave in accordance with staff rule 106.4.

**Rule 104.14: Staff member's beneficiaries**

- (a) Upon appointment, each staff member shall nominate in writing his or her beneficiaries. It shall be the responsibility of the staff member to notify the Court, in writing, of any revocations or changes in his or her beneficiaries.
- (b) Except where otherwise provided, in the event of a staff member's death, all monies owing to the staff member by the Court shall be paid to his or her beneficiaries referred to in paragraph (a).
- (c) If no beneficiaries have been named, or if there are no surviving beneficiaries, all monies owed to the staff member by the Court shall be paid to his or her estate.

**Rule 104.15: Obligation to supply information – notification**

- (a) Each staff member shall supply the Registrar or the Prosecutor, as appropriate, with any information that may be required for the purpose of determining the status of such staff member under the Staff Regulations and Rules, or for the purpose of completing administrative arrangements in connection with his or her appointment.
- (b) Each staff member shall promptly notify the Registrar or the Prosecutor, as appropriate, in writing of any subsequent changes.
- (c) A staff member who intends to acquire permanent residence status in any country other than that of his or her nationality, or who intends to change his or her nationality, shall notify the Registrar or the Prosecutor, as appropriate, of that intention prior to the change taking place.
- (d) A staff member who is arrested, charged with an offence other than a minor traffic violation, summoned before a court as an accused in a criminal proceeding, or convicted, fined or imprisoned for any offence other than a minor traffic violation shall immediately report that fact to the Registrar or the Prosecutor, as appropriate.
- (e) A staff member may at any time be required by the Registrar or the Prosecutor, as appropriate, or by a staff member with written, delegated authority from the Registrar or the Prosecutor, as appropriate, to supply information relating to his or her suitability for employment by the Court.

**Rule 104.16: Official status file**

- (a) A confidential official status file, containing records relating to the staff member's employment with the Court, shall be established and maintained for each staff member.
- (b) Staff members may view their official status file, in accordance with procedures established by the Registrar, in consultation with the Prosecutor.

**Rule 104.17: Appraisal of the performance of staff members**

- (a) The performance of each staff member shall be regularly appraised in accordance with procedures established by the Registrar, in consultation with the Prosecutor.
- (b) In this respect, performance appraisal reports shall be completed and discussed with the staff member for his or her comment. The immediate supervisor shall participate in the performance appraisal of the staff member.
- (c) The reports and any comments made by the staff member shall form part of the staff member's official status file.

**Rule 104.18: Recruitment and existing staff members**

Subject to the provisions of article 44 of the Rome Statute and without prejudice to the recruitment of new talent at all levels, the fullest regard shall be paid, in filling vacancies, to the requisite qualifications and experience of staff members already in the service of the Court.



## **CHAPTER V: ANNUAL AND SPECIAL LEAVE**

### **Rule 105.1 Official holidays**

Official holidays, normally numbering ten a year, shall be designated for each duty station. They shall not be charged to annual leave and their timing shall vary according to local conditions and customs.

### **Rule 105.2: Annual leave**

- (a) Staff members with full pay status shall accrue annual leave at the rate of two and a half working days for each calendar month of service, or any fraction thereof to the nearest half-day.
- (b) Annual leave may be taken in units of days and/or half-days, and only when authorized.
- (c) All arrangements as to leave shall be subject to the exigencies of service, which may require that leave be taken by a staff member during a period designated by the Registrar or Prosecutor, as appropriate. The personal circumstances and preferences of the individual staff member shall, as far as possible, be considered.
- (d) In exceptional cases, the Registrar or the Prosecutor, as appropriate, may withdraw approval for a staff member's annual leave prior to its commencement. In cases of emergency, a staff member may be recalled from annual leave by the Registrar or the Prosecutor, as appropriate. The Court shall reimburse a staff member for any non-refundable expenses that he or she has incurred by reason of such withdrawal or recall.
- (e) Annual leave may be accumulated, provided that not more than 60 days of such leave are carried forward beyond 1 January of any year.
- (f) In exceptional circumstances, a staff member may be granted advance annual leave of up to 10 working days provided that the term of his or her appointment covers the time period necessary to accrue such advance leave.
- (g) Upon separation, any outstanding accrued annual leave, up to a maximum of 60 days, shall be paid to the staff member. Similarly, any advance annual leave outstanding upon separation shall be treated as indebtedness to the Court.
- (h) Annual leave shall accrue during maternity leave, other parent leave, adoption leave, certified sick leave, emergency leave and special leave of 20 working days or less. It shall not accrue during special leave of more than 20 working days. No leave shall accrue while a staff member is receiving compensation equivalent to salary and allowances for injury or illness attributable to service on behalf of the Court under staff rule 106.9.

### **Rule 105.3: Special leave without pay**

- (a) Special leave without pay may, at the discretion of the Registrar or the Prosecutor, as appropriate, be granted for a continuous period of up to two years at the request of a staff member. Periods of special leave without pay shall not affect the staff member's continuity of service.

- (b) Special leave without pay may be granted for the following reasons:
  - (i) Study or research;
  - (ii) Extended illness or injury;
  - (iii) Child care;
  - (iv) Supplementing maternity leave, other parent leave or adoption leave;
  - (v) A death in the staff member's family;
  - (vi) A serious family emergency;
  - (vii) With a view to bridging employee service so as to protect the pension benefits under the United Nations Joint Pension Fund of a staff member who is either within two years of reaching 55 years of age and achieving 25 years of contributory service or over 55 years of age and within two years of 25 years of contributory service; or
  - (viii) Any other compelling reasons.
- (c) All duties, obligations and privileges shall continue to apply to staff members while on special leave without pay.
- (d) Special leave without pay shall not be authorized:
  - (i) For governmental service in a political office, in a diplomatic or other representational post or for the purpose of performing any functions that are incompatible with the staff member's continuing status as an international civil servant; or
  - (ii) For the purpose of performing any other functions that are incompatible with the interests of the Court.
- (e) The Registrar or the Prosecutor, as appropriate, may require a staff member to exhaust all of his or her annual leave before granting the staff member's request to take special leave without pay.
- (f) During periods of special leave without pay of more than 20 working days, staff members shall not accrue annual and sick leave, and the period of the special leave without pay shall not be counted for the calculation of home leave, salary increments, termination indemnity, repatriation grant or any other entitlement.
- (g) Furthermore, during a period of special leave without pay of more than 20 working days, coverage of the staff member by medical insurance, and by any other insurance organized by the Court, shall be automatically discontinued unless the staff member chooses to continue such coverage at his or her own expense. Staff members shall also continue to comply with requirements for continuous coverage.

#### **Rule 105.4: Special leave with pay**

In exceptional cases, the Registrar or the Prosecutor, as appropriate, after consultation with the other, may place a staff member on special leave with pay if the Registrar or the Prosecutor considers such leave to be in the interest of the Court.

#### **Rule 105.5: Unauthorized absence**

If a staff member is absent from work without authorization, payment of salary and allowances shall cease for the period of unauthorized absence and such absence may be deemed to be an abandonment of post pursuant to staff rule 109.4. However, if, in the opinion of the Registrar or the Prosecutor, as appropriate, the absence was caused by reasons beyond the staff member's control, the period of absence may be treated as annual leave or special leave without pay, depending on the circumstances.

#### **Rule 105.6: Home leave**

##### General provisions

- (a) Internationally recruited staff members, as well as their eligible family members, shall be entitled to visit their home country at the Court's expense (hereinafter referred to as 'home leave'). Such leave is intended to permit staff members and their families to maintain or renew ties with their home country.
- (b) An "eligible family member" is a spouse or dependent child, if any, of a staff member.
- (c) A staff member shall be entitled to home leave once every two years of qualifying service, which is continuous service outside the staff member's home country, provided the conditions set out below are fulfilled:
  - (i) The staff member's home country is a country other than that of his or her official duty station or of his or her normal residence.
  - (ii) The staff member's service is expected to continue at least six months beyond the date of his or her return from any proposed home leave and, in the case of the first home leave, at least six months beyond the date on which the staff member will have completed two years of qualifying service.
  - (iii) In the case of home leave following return from a family visit under staff rule 107.7, normally not less than nine months of continuous service have elapsed since departure on the family visit.
- (d) The period of qualifying service shall begin on the date on which the staff member's eligibility is established under paragraphs (a) and (c).
- (e) A staff member who resigns from the Court's service within six months of his or her return to work after home leave shall either reimburse the Court for all travel and other expenses associated with the home leave or forfeit his or her return travel cost entitlements.

### Timing and duration of home leave

- (f) A staff member's first home leave shall fall due in the year in which the staff member completes two years of qualifying service.
- (g) Home leave may be taken, subject to the exigencies of service, any time during the year in which it falls due. Notwithstanding the foregoing, home leave may be advanced or deferred as follows:
  - (i) In exceptional circumstances other than in cases of a staff member's first home leave, the Registrar or the Prosecutor, as appropriate, may grant advanced home leave, provided that normally not less than twelve months of qualifying service have been completed or have elapsed since the date of return from the staff member's last home leave. The granting of such home leave shall not advance the staff member's next entitlement to home leave and shall remain subject to the conditions for the entitlement being subsequently met. If the conditions are not met, the staff member shall be required to reimburse the costs paid by the Court for the advanced travel.
  - (ii) If a staff member delays taking his or her home leave beyond the calendar year in which it falls due, such delayed leave may be taken without altering the time of his or her next and succeeding home leave entitlements, provided that normally not less than twelve months of qualifying service elapse between the date of the staff member's return from the delayed home leave and the date of his or her next home leave departure.
- (h) A staff member travelling on home leave shall be required to spend no less than seven days, exclusive of travel time, in his or her home country and may be required, upon his or her return from home leave, to furnish satisfactory evidence that this requirement has been fully met. Annual leave taken for the purpose of home leave shall be subject to the provisions of staff rule 105.2.
- (i) Subject to the conditions specified in chapter VII of these Staff Rules, a staff member shall be entitled to claim, in respect of authorized travel on home leave, travel time and expenses for himself or herself and each eligible family member for the outward and return journeys between the official duty station and the place of home leave.

### Home country

- (j) The home country is normally the country of the staff member's nationality. In exceptional or compelling circumstances, the Registrar or the Prosecutor, as appropriate, may authorize:
  - (i) A country other than the country of nationality as the home country for the purposes of this rule. A staff member requesting such authorization shall be required to satisfy the Registrar or the Prosecutor, as appropriate, that the staff member maintained normal residence in such other country for a prolonged period preceding his or her appointment, that the staff member continues to have close family and personal ties in that country, and that the staff member's taking home leave there would not be inconsistent with the purposes and intent of paragraph (a).

- (ii) Travel in a particular home leave year to a country other than the home country may take place, subject to conditions established by the Registrar or Prosecutor, as appropriate. In such cases, the travel expenses borne by the Court shall not exceed the cost of travel to the home country.

Place of home leave

- (k) The place of home leave of the staff member within his or her home country shall be, for the purposes of travel and transportation entitlements, the place to which the staff member had the closest residential ties during the period of his or her most recent residence in the home country. In exceptional circumstances, a change in the place in the country of home leave may be authorized by the Registrar or the Prosecutor, as appropriate.

Travel of eligible family members

- (l) Travel of eligible family members shall be required to be in conjunction with the approved home leave of the staff member; however, exceptions may be granted if the exigencies of service or other special circumstances prevent the staff member and his or her eligible family members from travelling together.
- (m) When both spouses are eligible for home leave in their capacity as staff members of the United Nations common system, each staff member shall have the choice either of exercising his or her own home leave entitlement or of accompanying the spouse. A staff member who chooses to accompany his or her spouse shall be granted travel time appropriate to the travel involved. Dependent children whose parents are staff members of the United Nations common system, each of whom is entitled to home leave, may accompany either parent. The frequency of travel shall not exceed the established periodicity of the home leave both with regard to staff members and to their dependent children, if any.

## **CHAPTER VI: SOCIAL SECURITY**

### **Rule 106.1: United Nations Joint Staff Pension Fund**

- (a) All staff members shall participate in the United Nations Joint Staff Pension Fund according to their eligibility under the Regulations of the Fund, unless their participation is exceptionally excluded by the terms of their appointment.
- (b) Staff members' contributions to the Fund shall be deducted from their salaries.

### **Rule 106.2: Medical insurance**

- (a) Staff members shall participate in the medical insurance scheme organized by the Court,
- (b) Staff members' contributions to the medical insurance scheme organized by the Court shall be deducted from their salaries.

### **Rule 106.3: Group life or accident insurance schemes**

- (a) The Court may offer staff members the opportunity to participate in group life or accident insurance schemes organized by the Court. Such participation shall be voluntary.
- (b) The Court shall not subsidize staff members' insurance premiums for any such group life or accident insurance scheme. Upon the written request of the staff member, the insurance premiums may be deducted from the salary of the staff member participating in the respective scheme.

### **Rule 106.4: Certified sick leave**

#### General

- (a) Staff members who are unable to perform their duties by reason of illness or injury, or whose attendance at work is prevented by public health requirements, shall be granted certified sick leave under the conditions specified below.

#### Entitlement

- (b) A staff member's maximum entitlement to certified sick leave shall be determined by the duration of his or her appointment as follows:
  - (i) A staff member who holds an appointment of less than one year shall be entitled upon appointment to certified sick leave at the rate of two working days per month of contractual service;
  - (ii) A staff member who holds an appointment of one year or more but less than three years, or who has completed one year but less than three years of continuous employment, shall be entitled upon appointment or upon completion of one year of continuous employment to certified sick leave of up to 65 working days on full pay, and 65 working days on half pay in any period of twelve consecutive months;

- (iii) A staff member who holds an appointment of three years or more, or who has completed three years of continuous employment, shall be entitled upon appointment or upon completion of three years of continuous employment to certified sick leave of up to 195 working days on full pay, and 195 working days on half pay in any period of four consecutive years.

Notification and confirmation

- (c) The staff member shall promptly inform his or her immediate supervisor of absence due to illness, injury or public health requirements.
- (d) As soon as possible, the staff member shall submit a medical certificate stating that he or she is unable to perform his or her duties and the duration of that incapacity.
- (e) All certified sick leave shall also be confirmed by the Court's Medical Officer.
- (f) If a staff member falls ill or is injured for at least five working days in any seven-day period while he or she is on annual leave, such period shall be considered certified sick leave provided that the staff member submits a medical certificate which is confirmed by the Court's Medical Officer.
- (g) In the event of illness or injury occurring after exhaustion of the sick leave entitlement under paragraph (b), a staff member may be allowed by the Registrar or the Prosecutor, as appropriate, to take special leave without pay during such period of illness or injury for a maximum duration of two years, in accordance with staff rule 105.3.
- (h) If a staff member does not submit a medical certificate, or if his or her sick leave is not confirmed by the Court's Medical Officer, the period of absence shall be considered a period of annual leave, emergency leave, special leave without pay or unauthorized absence, depending on the circumstances.
- (i) In cases of sick leave extending beyond one month, a staff member may be required to submit a further medical certificate or to undergo examination by the Court's Medical Officer. If, following such an examination, a staff member is certified by the Court's Medical Officer as being able to resume his or her duties, the Registrar or the Prosecutor, as appropriate, may decide that the staff member is no longer entitled to sick leave. The staff member may appeal against this decision pursuant to staff rule 106.11.

**Rule 106.5: Emergency leave**

- (a) Emergency leave may be granted to a staff member for a period of not more than seven working days each calendar year in the event of:
  - (i) Illness or injury of the staff member for which no medical certificate can be obtained;
  - (ii) Illness or injury in the staff member's family;
  - (iii) Death in the staff member's family; or
  - (iv) Any other compelling reasons which constitute an emergency.

- (b) The number of days of emergency leave granted shall be deducted from the number of days of certified sick leave to which the staff member is entitled under staff rule 106.4.
- (c) If the staff member has exhausted his or her entitlement to emergency leave, the period of absence shall be treated, depending on the circumstances, as annual leave, special leave without pay or a period of unauthorized absence.

**Rule 106.6: Maternity leave**

- (a) A staff member shall be entitled to a continuous period of sixteen weeks' maternity leave with full pay, upon presentation of a medical certificate stating the probable date of delivery of her child.
- (b) The maternity leave may commence, at the choice of the expectant staff member, between six and three weeks prior to the probable date of delivery. Upon her request, the maternity leave of the staff member may commence between three weeks and one week prior to the probable date of delivery, provided that the Court's Medical Officer certifies that her state of health allows her to perform her duties properly.
- (c) Maternity leave shall not be terminated, on the initiative of the Court, less than ten weeks after the actual date of delivery. Upon her request, the staff member may, however, be permitted to return to work after the lapse of a minimum period of six weeks following the actual date of delivery, provided that the Court's Medical Officer certifies that her state of health allows her to perform her duties properly.
- (d) The employment contract of a staff member shall not be terminated during pregnancy or maternity leave, except for reasons which are not related to the fact that the staff member is expecting a child. The employment contract of such a staff member may be terminated in accordance with staff rule 109.2.

**Rule 106.7: Adoption leave**

- (a) A staff member shall be entitled to a continuous period of eight weeks' adoption leave with full pay in connection with the adoption of a child subject to the following conditions:
  - (i) The child is not a stepchild of the staff member;
  - (ii) The child has not previously been residing with the staff member;
  - (iii) The child is not over the age of eighteen years; and
  - (iv) The spouse of the staff member is not granted any equivalent leave in connection with the adoption.
- (b) The adoption leave may not commence more than one week prior to the expected date of the adopted child's arrival at the staff member's home.



- (c) The staff member shall inform the Registrar or the Prosecutor, as appropriate, at least one month prior to the anticipated commencement of the adoption leave and submit the documentary proof available at that time.
- (d) Within three months of the adoption leave ending, the staff member shall submit documentary proof that the adoption took place. If such proof is not provided, the period shall be considered as annual leave, as special leave without pay or as unauthorized absence, depending on the circumstances.
- (e) The employment contract of a staff member shall not be terminated during adoption leave, except for reasons which are not related to the fact that the staff member is adopting a child. The employment contract of such a staff member may be terminated in accordance with staff rule 109.2.

**Rule 106.8: Other parent leave**

- (a) A staff member who is the other parent shall be entitled to four weeks of leave with full pay, in connection with the birth or the adoption of that staff member's child (hereinafter referred to as "other parent leave").
- (b) Other parent leave shall be extended to eight weeks in the following cases:
  - (i) For staff members serving at non-family duty stations;
  - (ii) In exceptional circumstances, such as the death or incapacity of the mother, where the Court's Medical Officer certifies that such extension is necessary.
- (c) Other parent leave may be taken not more than one week prior to the probable date of birth or adoption of the child, and not more than one year after the birth or adoption of the child.
- (d) Within three months of the other parent leave ending, the staff member shall submit proof of the birth or adoption of the child. If such proof is not provided, the period of leave shall be treated as annual leave, special leave without pay or unauthorized absence, depending on the circumstances.

**Rule 106.9: Compensation in the event of illness, injury or death attributable to performance of official duties on behalf of the Court**

Staff members shall be entitled to compensation in the event of illness or injury attributable to the performance of official duties on behalf of the Court, in accordance with the provisions established by the Registrar in consultation with the Prosecutor. In the case of a staff member's death being attributable to the performance of official duties on behalf of the Court, the staff member's beneficiaries shall be entitled to compensation, in accordance with the provisions established by the Registrar, in consultation with the Prosecutor.

**Rule 106.10: Compensation for loss or damage to personal effects attributable to service**

Staff members shall be entitled, within the limits and under terms and conditions established by the Registrar, in consultation with the Prosecutor, to reasonable compensation in the event of loss

or damage to their personal effects determined to be directly attributable to the performance of official duties on behalf of the Court.

**Rule 106.11: Appeals of medical decisions**

A staff member may appeal against a medical decision made by the Court's Medical Officer to a medical referee, who shall be nominated jointly by the Registrar or the Prosecutor, as appropriate, and the staff member. The decision of the medical referee shall be final.

## **CHAPTER VII: TRAVEL AND REMOVAL EXPENSES**

### **Rule 107.1: General provisions**

- (a) Subject to the conditions specified below, the Court shall pay both the reasonable and necessary travel expenses, and the reasonable and necessary expenses incurred for transporting the personal effects and household goods of a staff member and/or each eligible family member in accordance with staff rule 107.2:
  - (i) On initial appointment of an internationally recruited staff member;
  - (ii) On assignment to another duty station;
  - (iii) On separation of an internationally recruited staff member from service;
  - (iv) On travel for business purposes;
  - (v) On home leave;
  - (vi) On family visit;
  - (vii) In relation to an education grant;
  - (viii) On travel authorized for medical, safety or security reasons; and
  - (ix) Where, in the opinion of the Registrar or the Prosecutor, as appropriate, there are compelling reasons for paying such expenses.
- (b) The travel expenses paid by the Court may include:
  - (i) Transportation expenses;
  - (ii) Terminal expenses; and
  - (iii) Daily subsistence allowance.
- (c) The expenses for transporting personal effects and household goods paid by the Court may include:
  - (i) An extra baggage allowance; and
  - (ii) An allowance for unaccompanied shipments.
- (d) Travel shall be authorized before it is undertaken.

### **Rule 107.2: Eligible family members**

- (a) Eligible family members, for the purposes of official travel, shall be deemed to comprise a spouse and those children recognized as dependent under rule 103.17(a). In addition, those children in respect of whom an education grant is payable, even though they are no

longer recognized as dependent under staff rule 103.17(a), shall be eligible for education grant travel.

- (b) The Registrar, in consultation with the Prosecutor, may authorize payment of the travel expenses of a child for one trip either to the staff member's duty station or to his or her home country beyond the age when the dependency status of the child would otherwise cease under the relevant Staff Regulations and Staff Rules, either within one year or upon completion of the child's continuous full-time attendance at a university, when the attendance at a university commenced during the period of recognized dependency status.
- (c) The Registrar, in consultation with the Prosecutor, may also authorize payment of travel expenses for repatriation purposes of a former spouse.

### **Rule 107.3: Transportation expenses**

#### General

- (a) Travel shall be undertaken by routes, modes and standards established by the Registrar, in consultation with the Prosecutor. The transportation expenses shall be limited to the amount payable for travel by such routes, modes and standards.
- (b) If travel is conducted by a more economical route, mode or standard than the one established, the Court shall only pay for the route, mode and standard of transportation actually used.
- (c) All tickets for travel by a staff member and/or each eligible family member shall be purchased by the Court, unless the staff member is explicitly authorized or requested to do otherwise.

#### Route

- (d) All travel shall be by the most direct and economical route appropriate.

#### Mode and standard of travel

- (e) When travelling by air, a staff member and/or each eligible family member shall be provided with economy class transportation at the most economical rate appropriate. However, under conditions established by the Registrar, in consultation with the Prosecutor, transportation in a different class may be granted.
- (f) When travelling by train, a staff member and/or each family member shall be provided with first class or equivalent transportation, which includes sleeping and/or other facilities, as appropriate.
- (g) When travelling by car, a staff member shall be reimbursed fixed rates per kilometre or mile based on the distance indicated on official road maps or any other approved basis. Such reimbursement shall be paid per car, regardless of the number of persons travelling in such car. The fixed rates per kilometre or mile or any other approved basis for reimbursement shall be established by the Registrar, in consultation with the Prosecutor.

- (h) When travelling by any other mode, a staff member and/or each family member shall be provided with a standard of transportation which is, in the opinion of the Registrar, in consultation with the Prosecutor, suitable in the circumstances.

Travel deviations

- (i) If, for reasons of personal preference or convenience, a staff member requests a standard of transportation in excess of his or her entitlement, or requests travel by other than the approved route or mode of transportation, the staff member shall bear any additional costs incurred and any additional time required shall be charged to the staff member's leave entitlements.

Exceptions

- (j) Notwithstanding paragraph (i), the Registrar or the Prosecutor, as appropriate, may, in exceptional and compelling circumstances, authorize a standard of transportation in excess of the staff member's entitlement or travel by other than the approved route or mode of transportation at no additional cost to the staff member.

**Rule 107.4: Appointment**

Travel expenses

- (a) On initial appointment, the Court shall pay an internationally recruited staff member's travel expenses either from the place of recruitment or from his or her home country to the duty station.
- (b) In addition, the Court shall pay the travel expenses of each eligible family member either from the place of recruitment or from the staff member's home country to the duty station provided that:
  - (i) The term of initial appointment of the staff member is at least one year, or the staff member has been continuously employed for at least one year; and
  - (ii) The term of appointment of the staff member is expected to be at least six months beyond the date on which the travel of each eligible family member commences.

Expenses for transporting personal effects and household goods

- (c) On initial appointment, the Court shall pay an internationally recruited staff member the expenses for transporting personal effects and household goods either from the place of recruitment or from the staff member's home country to the duty station up to the maximum provided for under staff rule 107.13.

**Rule 107.5: Assignment to another duty station**

Travel expenses

- (a) On assignment to another duty station, the Court shall pay a staff member the travel expenses from the previous duty station to the new duty station.

- (b) In addition, if such assignment is to a family duty station, in conformity with the United Nations common system standards, the Court shall pay the travel expenses of each eligible family member from the previous duty station to the new duty station provided that:
  - (i) The term of assignment of the staff member is at least one year, or the staff member has been continuously assigned for at least one year; and
  - (ii) The term of assignment of the staff member runs for at least six months beyond the date on which the travel of each eligible family member commences.

Expenses for transporting personal effects and household goods

- (c) On assignment to another duty station, the Court shall pay a staff member the expenses for transporting personal effects and household goods from the previous duty station to the new duty station up to the maximum provided for under staff rule 107.13.

**Rule 107.6: Separation from service**

Travel expenses

- (a) On separation from service, the Court shall pay an internationally recruited staff member the travel expenses from the duty station to the place of his or her home leave or home country, as appropriate, except as otherwise provided in these Rules.
- (b) In addition, the Court shall pay the travel expenses of each eligible family member from the duty station to the place of his or her home leave or home country, as appropriate, provided that the staff member has been continuously employed by the Court for at least one year.

Expenses for transporting personal effects and household goods

- (c) On separation from service, the Court shall pay an internationally recruited staff member the expenses for transporting personal effects and household goods from the duty station to the place of his or her home leave or home country, as appropriate, up to the maximum provided for under staff rule 107.13.

Loss of entitlements

- (d) The entitlement to travel and shipment expenses on separation from service shall cease if travel and shipment has not commenced within one year of the date of separation from service. However, where two staff members are each other's spouse, and the spouse who separates first is entitled to return travel and shipment expenses, his or her entitlement shall not cease until one year after the date of separation of the other spouse.
- (e) Unless, in the opinion of the Registrar or the Prosecutor, as appropriate, there are compelling reasons for authorizing such payment, a staff member shall not be entitled to payment of return travel expenses for himself or herself and family member(s), if:
  - (i) The staff member's term of initial appointment is less than one year and the staff member resigns before completing his or her appointment;

- (ii) The staff member's term of initial appointment is for one year or longer, and the staff member resigns before completing one year of service; or
  - (iii) The staff member resigns from the Court's service within six months of his or her return to work after home leave or a family visit.
- (f) In cases of separation initiated by the staff member, where the staff member does not complete the period of service in respect of which costs of unaccompanied shipment have been paid, such costs may be adjusted proportionately and recovery made under conditions established by the Registrar, in consultation with the Prosecutor.

**Rule 107.7: Family visit**

- (a) Subject to conditions established by the Registrar, in consultation with the Prosecutor, the Court shall pay the travel expenses of a staff member for the purpose of visiting his or her eligible family member(s) at the place of recruitment, the place of his or her home leave or the previous duty station when:
- (i) No eligible family member has been installed at the duty station at the Court's expense; and
  - (ii) During the preceding twelve months, no eligible family member has been present at the duty station after travel at the Court's expense, except on education grant travel.
- (b) Family visit travel may be granted once every year in which the staff member's home leave does not fall due.

**Rule 107.8: Education grant travel**

- (a) A staff member to whom an education grant is payable under staff rule 103.18 for his or her child's attendance at an educational institution shall be entitled to travel expenses for the child of one return journey each academic year between the educational institution and the duty station, under conditions established by the Registrar, in consultation with the Prosecutor.
- (b) Travel expenses shall not be payable:
- (i) If the child's attendance is for less than two thirds of the academic year; or
  - (ii) Beyond the cost of a journey by the child between the staff member's place of home leave and the duty station.
- (c) Where a staff member's disabled child attends an educational institution away from the duty station, travel costs may be paid for up to two round trips per academic year between the educational institution and the duty station, provided that the Registrar or the Prosecutor, as appropriate, is satisfied that the needs of the disabled child require attendance at that educational institution. In very exceptional circumstances, travel costs for the person accompanying the disabled child may also be reimbursed.

- (d) If travel to the duty station by the child is not possible, return travel by the staff member or spouse may be authorized in lieu of travel by the child, under conditions established by the Registrar, in consultation with the Prosecutor.

#### **Rule 107.9: Transportation of decedents**

On the death of a staff member or of his or her spouse or dependent child, the Court shall pay the expenses of transportation of the body from the official duty station or, in the event of death having occurred while in travel status, from the place of death to a place to which the deceased was entitled to return transportation under staff rule 107.6. These expenses include reasonable costs for preparation of the body. If local interment is elected, reasonable expenses incurred for the interment may be reimbursed.

#### **Rule 107.10: Daily subsistence allowance**

##### General

- (a) A staff member authorized to travel shall receive a daily subsistence allowance, in conformity with the United Nations common system standards. This allowance shall be reduced if lodging and/or meals are provided free of charge, or in the form of an allowance from the Court, a Government or event organizers.
- (b) A daily subsistence allowance shall be paid to a staff member and/or each eligible family member on authorized stopovers and at business destinations involving an overnight stay away from their residence.
- (c) The daily subsistence allowance shall be the total contribution of the Court towards living and accommodation expenses. Additional expenses shall be reimbursed upon return to the duty station if the staff member submits the necessary supporting receipts and if his or her direct supervisor agrees that the expenses were reasonable and necessary. Such additional expenses may include:
  - (i) Hiring local transportation for the purpose of travelling to or from the place where the duties are to be performed;
  - (ii) Telephone calls, facsimiles and/or electronic mail messages for official business;
  - (iii) Hiring of rooms for official use other than for accommodation;
  - (iv) Hiring stenographic or word processing services or rental of equipment required for the preparation of official documents or correspondence; or
  - (v) Transporting or storing baggage or property of the Court.
- (d) The Registrar or the Prosecutor, as appropriate, may, in exceptional and compelling circumstances, authorize a reasonable increase in the daily subsistence allowance to be paid to a staff member who is required to accompany a senior official in receipt of a higher daily subsistence allowance, in conformity with the United Nations common system standards.



- (e) When an eligible family member of a staff member is authorized to travel, the staff member shall be paid a daily subsistence allowance in respect of each eligible family member at half the rate applicable for the staff member.
- (f) A staff member shall not be paid a daily subsistence allowance in respect of any period of annual or special leave except under conditions established by the Registrar, in consultation with the Prosecutor. In any event, a daily subsistence allowance shall not be paid in respect of leave taken at the conclusion of active duty on an assignment but prior to the staff member's return to his or her duty station.
- (g) The daily subsistence allowance shall continue to be paid during periods of certified sick leave while in travel status, except that, if a staff member or an eligible family member is hospitalized, only one third of the appropriate daily rate shall be paid.
- (h) The daily subsistence allowance shall be paid for any days on which a staff member is required to perform official duties while on annual or home leave outside of the duty station.
- (i) During travel on repatriation, home leave, family visit or education grant, the daily subsistence allowance shall only be paid for authorized stopovers.
- (j) Where travel is authorized for medical, safety, security or other reasons, an appropriate amount of daily subsistence allowance may be paid at the discretion of the Registrar or the Prosecutor, as appropriate.

#### Reduced daily subsistence allowance

- (k) The Registrar, in consultation with the Prosecutor, may establish reduced amounts of daily subsistence allowance for staff members entitled to daily subsistence allowance for extended periods of duty.

#### Computation of daily subsistence allowance

- (l) The daily subsistence allowance shall be paid for each calendar day or fraction thereof, provided that for a journey of twenty-four hours or longer, a full day's allowance at the appropriate rate shall be paid for the day on which travel begins, and that no allowance shall be paid for the day on which travel ends. No allowance shall be paid for a journey of less than ten hours, and 40 per cent of the allowance shall be paid for a journey of ten hours or more.
- (m) If more than one rate applies during the course of any one day, the rate applicable for the place of destination shall be paid.
- (n) The amount of daily subsistence allowance paid shall be calculated on the basis of the scheduled hour of departure from and the actual hour of arrival at the respective terminal.

#### **Rule 107.11: Terminal expenses**

For all travel to or from the duty station, a staff member shall be entitled to reimbursement of terminal expenses. Terminal expenses are the expenses incurred by the staff member and/or each eligible family member for all travel by means of public conveyance between the point of arrival

or departure and the place of dwelling, at rates and under conditions established by the Registrar, in consultation with the Prosecutor. No expenses shall be reimbursable in respect of an intermediate stop that:

- (a) Is not authorized;
- (b) Does not involve leaving the terminal; or
- (c) Is exclusively for the purpose of making an onward connection.

**Rule 107.12: Excess baggage**

Staff members and/or each eligible family member who are authorized to travel by air shall be entitled to excess baggage, in addition to the baggage allowed by the transportation company, of up to ten kilograms per staff member and/or each eligible family member per journey.

**Rule 107.13: Unaccompanied shipments**

- (a) Staff members and/or each eligible family member shall be entitled to the payment of the following expenses for unaccompanied shipments:
  - (i) The costs of transportation of personal effects and household goods up to the maximum weight or volume as determined below (including packing but excluding crating material and lift vans), in one consignment by the most economical means, as determined by the Registrar, in consultation with the Prosecutor; and
  - (ii) The costs of packing, crating, using lift vans, unpacking and un-crating of the unaccompanied shipment.
- (b) Except where otherwise provided and under the conditions specified below, a staff member's maximum entitlement to expenses for transporting personal effects and household goods shall be determined by the duration of:
  - (i) His or her initial appointment or appointment upon transfer to another duty station; or
  - (ii) His or her continuous employment at a given duty station;as follows:

<b>Duration of appointment or continuous employment</b>	<b>Kg or m<sup>3</sup> for staff member</b>	<b>Kg or m<sup>3</sup> for the first eligible family member residing at the duty station</b>	<b>Kg or m<sup>3</sup> for each other eligible family member residing at the duty station</b>
<b>Shipment category 1:</b> appointment of less than 1 year	100 kg or 0.62 m <sup>3</sup>	/	/
<b>Shipment category 2 or limited removal:</b> appointment of less than 1 year but continuous employment of 1 year or more	Additional shipment up to a total of 1,000 kg or 6.23 m <sup>3</sup>	500 kg or 3.11 m <sup>3</sup>	300 kg or 1.87 m <sup>3</sup>
<b>Shipment category 2 or limited removal:</b> appointment of 1 year or more but less than two years	1,000 kg or 6.23 m <sup>3</sup>	500 kg or 3.11 m <sup>3</sup> .	300 kg or 1.87 m <sup>3</sup>
<b>Shipment category 2 or limited removal:</b> appointment of less than 2 years but continuous employment of 2 years or more	No additional shipment	/	/
<b>Shipment category 3 or full removal:</b> appointment of 2 years or more	4,890 kg or 30.58 m <sup>3</sup>	<b>Staff member with dependant(s)</b> is entitled to a total of 8,150 kg or 50.97 m <sup>3</sup> /	

- (c) Unaccompanied shipment entitlements for home leave, family visit or education grant travel for a staff member and/or each eligible family member shall be as follows:

	<b>Surface kg or m<sup>3</sup> for staff member and/or each eligible family member per journey per person</b>	<b>Substitution by air freight</b>
<b>Home leave, family visit or education grant travel</b>	50 kg or 0.31 m <sup>3</sup>	25 kg
<b>Education grant travel: first outward journey or final return journey</b>	200 kg or 1.24 m <sup>3</sup>	/

If the full entitlement is not used for any one section of the journey, the unused portion may be used to supplement the normal entitlement for the other section of the journey.

- (d) All shipments shall be by the most direct and economical mode.

Shipment deviations

- (e) If, for reasons of personal preference or convenience, a staff member requests:
- (i) An unaccompanied shipment to or from a place other than the one authorized;
  - (ii) An unaccompanied shipment in excess of his or her entitlement;
  - (iii) An unaccompanied shipment by other than the approved means; or

- (iv) More than one shipment,

The staff member shall bear any additional costs in excess of his or her entitlement under these Staff Rules.

**Rule 107.14: Assignment grant**

- (a) A staff member who is authorized to travel for an assignment of at least one year shall be paid an assignment grant subject to the conditions set forth below. An assignment grant may also be paid to a staff member under staff rule 103.3 (e)(ii).
- (b) The amount of the assignment grant shall be equivalent to:
  - (i) Thirty days of daily subsistence allowance in accordance with staff rule 107.10 in respect of the staff member; and
  - (ii) Thirty days of daily subsistence allowance at half such daily rate in respect of each eligible family member.

The above-mentioned amounts shall be calculated on the basis of the rate prevailing on the date of arrival at the duty station of the staff member or each eligible family member, as appropriate. Where an assignment of less than one year, in respect of which daily subsistence allowance has been paid for six months or more, is extended to at least one year at the same duty station, the provisions of subparagraph (b)(i) shall not apply and only the lump sum portion under paragraph (c) shall be paid.

- (c) In addition to any amount of grant paid under paragraph (b), a lump sum calculated on the basis of the staff member's net base salary and, where appropriate, post adjustment at the duty station of assignment may be paid under conditions established by the Registrar, in consultation with the Prosecutor. The lump sum shall be paid at the following rates:
  - (i) At headquarters or other such designated duty stations, a lump sum equivalent to one month's net base salary and, where appropriate, post adjustment, provided the staff member is not entitled to full removal under staff rule 107.13 (b);
  - (ii) At all other duty stations:
    - a. Where the staff member is entitled to full removal under staff rule 107.13(b), one month's net base salary and, where appropriate, post adjustment;
    - b. Where the staff member is not entitled to full removal costs under staff rule 107.13(b), one month's net base salary and, where appropriate, post adjustment if the assignment is for less than three years, and two months' net base salary and, where appropriate, post adjustment if the assignment is for three years or more.
    - c. If an assignment for less than three years is extended to three years or more, the staff member shall be paid at that time a second one-month lump sum.

- (d) If an assignment involves a return to a place at which a staff member was previously stationed, the full amount of the assignment grant shall not be paid unless the staff member has been absent from that place for at least one year. In the case of a shorter absence, the amount paid shall normally be that proportion of the full grant corresponding to the completed months of absence proportionate to one year.
- (e) Where two staff members who are each other's spouse are both entitled to an assignment grant for the same duty station, the daily subsistence allowance portion of the assignment grant shall be paid to each staff member in respect of himself or herself. If they have a dependent child or children, the assignment grant in respect of such child or children shall be paid to the staff member on whom the child is recognized to be dependent. If both spouses qualify for the lump sum portion of the grant, such lump sum shall be paid only to the spouse whose lump sum portion yields the higher amount.
- (f) Where a staff member does not complete the period of service in respect of which an assignment grant is paid, the assignment grant shall be adjusted proportionately and recovery made under conditions established by the Registrar, in consultation with the Prosecutor, who, in exceptional circumstances, may decide to waive recovery.
- (g) The Registrar or the Prosecutor, as appropriate, may, in suitable cases, authorize payment of all or part of the assignment grant where the Court is not required to pay travel expenses upon assignment of a staff member regarded as internationally recruited.

**Rule 107.15: Insurance for travel and shipment**

- (a) The travel expenses paid by the Court shall not include any personal accident insurance or insurance for accompanied personal baggage. Staff members who wish to be covered under such insurances shall make their own arrangements. The costs thereof shall not be reimbursed by the Court, and the Court shall not be responsible and shall not assume liability for any personal accidents or any loss of or damage to accompanied personal baggage.
- (b) Authorized shipments arranged by the Court, except on home leave, family visit and education grant travel, shall be insured for normal loss or damage up to a maximum amount established by the Registrar, in consultation with the Prosecutor. If an authorized shipment is not arranged by the Court, staff members shall be responsible for obtaining insurance. The cost of such insurance shall be reimbursed by the Court within the limits of the entitlement. The Court shall not be responsible and shall not assume liability for any loss of or damage to shipments.
- (c) In relation to authorized travel by private vehicle, it shall be the responsibility of the staff member to ensure that the vehicle has appropriate insurance in respect of accidents, covering both injury to and death of persons, and loss of or damage to property caused by accidents. The Court shall not be responsible and shall not assume liability for any such injury to and death of persons, or loss of or damage to property.

## **CHAPTER VIII: STAFF RELATIONS**

### **Rule 108.1: Staff representative body**

- (a) The Registrar, in consultation with the Prosecutor, shall facilitate the elections of the staff representative body in accordance with staff regulation 8.1. The procedures for elections shall allow for fairness and for voting by secret ballot.
- (b) The staff representative body shall prepare and submit its electoral regulations to the Registrar and the Prosecutor for review, in accordance with staff regulation 8.1(b). Upon agreement by the Registrar and the Prosecutor, the electoral regulations shall enter into force.
- (c) In accordance with the principle of freedom of association, staff members may form and join other associations, unions or other groups. Participation in such other associations, unions or groups shall take place outside office hours. However, formal contact and communication with the Registrar and the Prosecutor, for the purpose set forth in subparagraph (a) of staff regulation 8.1, shall be through the staff representative body, which shall be the sole and exclusive representative body for that purpose.
- (d) The Registrar shall make available facilities for meetings of the staff representative body. The Registrar and the Prosecutor shall allow members of the staff representative body time for the performance of these official functions during office hours.
- (e) Any proposal to change the Staff Regulations or Rules, and any proposed administrative issuances concerning matters set forth in staff regulation 8.1(a), shall be referred to the staff representative body for consideration and comment prior to implementation.
- (f) A staff member shall remain entitled to address the Registrar or the Prosecutor, as appropriate, in any matter relating to his or her own rights and obligations, and the staff representative body shall not intervene in any such matter unless requested to do so by the staff member concerned.

## **CHAPTER IX: SEPARATION FROM SERVICE**

### **Rule 109.1: General provisions**

- (a) The appointment of a staff member shall expire on the expiration date specified in the letter of appointment.
- (b) The appointment may be ended prior to this expiration date as a result of:
  - (i) Termination, in accordance with staff regulation 9.1(b);
  - (ii) Summary dismissal for serious misconduct;
  - (iii) A mutual agreement between a staff member and the Registrar or the Prosecutor, as appropriate;
  - (iv) Resignation of a staff member;
  - (v) The retirement of a staff member in accordance with staff regulation 9.5;
  - (vi) Abandonment of post; or
  - (vii) Death of a staff member.
- (c) Upon separation from service for whatever reason, a staff member shall return to the Court all documents relating to the Court, and all hard and electronic copies thereof, and all objects belonging to the Court which the staff member has received for the performance of his or her work.
- (d) The obligations of a staff member regarding confidentiality as set out in staff rule 101.4 shall not cease upon separation from service.

### **Rule 109.2: Termination**

#### Reasons for termination

- (a) The termination of the appointment of a staff member shall take place in accordance with staff regulation 9.1(b). The reasons for termination shall be given in writing.
- (b) For the purposes of staff regulation 9.1(b)(ii), a staff member's services shall be considered unsatisfactory if he or she does not or cannot perform the functions of the post to which he or she is assigned.
- (c) Without limiting the generality of the discretion in staff regulation 9.1(b)(vi), a staff member's appointment may be terminated by the Registrar or the Prosecutor, as appropriate, in the interest of the Court, if the staff member is unsuited to his or her work with the Court or to international service, such as by failing to establish satisfactory working relationships with other staff members or with nationals of other nations with whom he or she is working.

- (d) The appointment of a staff member shall not be terminated during pregnancy, maternity leave, other parent leave or adoption leave, except for reasons which are not related to the fact that the staff member is expecting or adopting a child.

Written notice

- (e) A staff member whose appointment is to be terminated shall be given at least thirty days written notice of such termination or such written notice period as may otherwise be stipulated in his or her letter of appointment.
- (f) In lieu of the notice period, the Registrar or the Prosecutor, as appropriate, may authorize compensation equivalent to salary, applicable post adjustment and allowances that the staff member would have received had the date of termination been at the end of the relevant notice period, less any amount owed to the Court under staff rule 109.8.

Termination indemnity

- (g) Except as provided in paragraphs (j), (k) and (l), a staff member whose appointment exceeds six months, and whose appointment is terminated, shall be paid a termination indemnity as follows:

<b>Completed period of service</b>	<b>Months of base salary</b>
Less than six years	One week for each month of uncompleted service subject to a minimum of six weeks' and a maximum of three months' indemnity pay.
6	3
7	5
8	7
9	9
10	9.5
11	10
12	10.5
13	11
14	11.5
15 or more	12

- (h) For the purposes of paragraph (g), a staff member's completed period of service comprises the period of a staff member's continuous service with the Court, regardless of types of appointment. Continuity of service shall not be broken by periods of special leave; however, periods of special leave without pay of more than 20 working days shall not be included in the calculation of a staff member's completed period of service.
- (i) For the purposes of paragraph (g), the base salary shall be:
- (i) For a staff member in the Professional and higher categories, his or her base salary as set out in staff rule 103.3;



- (ii) For a staff member in the General Service category, his or her base salary as set out in staff rule 103.2 and language allowance, if any.
- (j) A staff member whose appointment is terminated for reasons of health shall be paid an indemnity equal to the termination indemnity in paragraph (g), less the amount of any disability benefit that the staff member receives for the corresponding months under the Regulations of the United Nations Joint Staff Pension Fund.
- (k) A staff member whose appointment is terminated for unsatisfactory service, or who for disciplinary reasons is dismissed for misconduct other than by summary dismissal, may be paid, at the discretion of the Registrar or the Prosecutor, as appropriate, an indemnity not exceeding one half of the termination indemnity in paragraph (g).
- (l) A staff member whose appointment is ended by mutual agreement pursuant to staff rule 109.1(b)(iii), may be paid, at the discretion of the Registrar or the Prosecutor, as appropriate, an indemnity of up to one and a half times the termination indemnity in paragraph (g).
- (m) No termination indemnity is paid to:
  - (i) A staff member who resigns;
  - (ii) A staff member whose appointment is completed on the expiration date specified in his or her letter of appointment;
  - (iii) A staff member whose appointment is not confirmed at the end of a probationary period;
  - (iv) A staff member who is separated as a result of fulfilment or non-fulfilment of a specific condition stipulated in the letter of appointment;
  - (v) A staff member who abandons his or her post;
  - (vi) A staff member who is summarily dismissed; or
  - (vii) A staff member who, upon separation from service, receives a retirement benefit under article 28 of the United Nations Joint Staff Pension Fund Regulations or compensation for total disability under staff rule 106.9.
- (n) A staff member who is to be separated as a result of mutual agreement pursuant to staff rule 109.1(b)(iii), the abolition of a post or a reduction in staff may be placed on special leave without pay pursuant to staff rule 105.3 (b) (viii). In such cases, the Court shall, on the written request of the staff member prior to being placed on special leave, pay the pension contribution of the Court and/or the staff member during the period of special leave. The total amount of the contributions shall be deducted from the termination indemnity otherwise payable to the staff member.
- (o) A staff member selecting the option of special leave referred to in paragraph (n) shall sign an undertaking acknowledging that his or her status on special leave shall be solely for pension purposes, and that his or her entitlements and those of any dependents to all other

emoluments and benefits under the Staff Regulations and Rules shall be determined to be final as of the date of commencement of such leave.

**Rule 109.3: Resignation**

A staff member who resigns shall give at least thirty days' written notice unless otherwise specified in his or her letter of appointment. The Registrar or the Prosecutor, as appropriate, may accept resignations on shorter notice.

**Rule 109.4: Abandonment of post**

- (a) A staff member who is absent from duty without authorization may be subject to disciplinary measures under staff regulation 10.2(a).
- (b) A staff member who is absent from duty without authorization for more than 15 calendar days shall be considered to have abandoned his or her post, and the staff member's service with the Court shall be deemed to cease on the day preceding the first day of his or her absence.

**Rule 109.5: Separation upon death of a staff member**

Death grant

- (a) If a staff member dies while in service, a death grant shall be paid to his or her surviving spouse and/or dependent children or a secondary dependant in respect of whom a dependency allowance is payable. The death grant shall be calculated according to the following schedule:

Completed period of service	Months of base salary
Less than 1 year	1
1-3	3
4	4
5	5
6	6
7	7
8	8
9 or more	9

- (b) The death grant may be paid as a lump sum as soon as the pay accounts and related matters can be closed.
- (c) For a staff member in the Professional or higher categories, the death grant shall be calculated on the basis of the staff member's base salary as set out in staff rule 103.3.
- (d) For a staff member in the General Service category, the death grant shall be calculated on the basis of the staff member's base salary as set out in staff rule 103.2, and language allowance, if any.

### Transportation of a deceased staff member

- (e) The expenses for transportation of a deceased staff member shall be paid in accordance with staff rule 107.9.

### Repatriation grant and other entitlements in case of death of a staff member

- (f) A repatriation grant shall be paid in accordance with staff rule 109.6 in the event of the death of an eligible staff member.
- (g) All other entitlements and accrual of benefits shall cease as of the date of death, except as provided by staff rule 103.18 for payment of the education grant when a staff member dies while in service after the beginning of the academic year.

### **Rule 109.6: Repatriation grant**

#### Purpose

- (a) The repatriation grant is intended to facilitate the relocation of expatriate staff members to a country other than the country of their last duty station, provided that such staff members meet the conditions contained in this rule.

#### Definitions

- (b) For the purpose of this rule:
  - (i) “Country of nationality” is the country of nationality recognized by the Court;
  - (ii) “Dependent child” is a child recognized as dependent under staff rule 103.17 at the time of a staff member’s separation from service;
  - (iii) “Home country” is the country of home leave entitlement under staff rule 105.6 or such other country as the Registrar or the Prosecutor, as appropriate, may determine;
  - (iv) “Obligation to repatriate” is the obligation to return a staff member and his or her spouse and dependent children, upon separation, at the Court’s expense, to a place outside the country of the last duty station;
  - (v) “Qualifying service” is one year or more of continuing service and residence away from the home country and the country of nationality of a staff member, or the country where the staff member has acquired permanent resident status. Continuity of service is not broken by periods of special leave; however, periods of special leave without pay of more than 20 working days are not included in the calculation of qualifying service.

#### Eligibility

- (c) An internationally recruited staff member shall be entitled to be paid a repatriation grant if the following conditions are met:

- (i) The Court has an obligation to repatriate the staff member;
  - (ii) The staff member completes qualifying service of one year or more; and
  - (iii) The staff member resides outside his or her country of nationality while serving at the last duty station.
- (d) No repatriation grant shall be paid to:
- (i) A staff member who is summarily dismissed;
  - (ii) A staff member who is separated from service by reason of abandonment of post;
  - (iii) A staff member locally recruited under staff rule 104.9;
  - (iv) A staff member who has permanent resident status in the country of the duty station at the time of separation.

Evidence of relocation

- (e) Payment of the repatriation grant after separation of an eligible staff member shall be subject to the prior submission of documentary evidence satisfactory to the Registrar or the Prosecutor, as appropriate, that the former staff member has relocated away from the country of the last duty station.

Amount and computation of the grant

- (f) The amount of repatriation grant for an eligible staff member shall be calculated as follows:

	Staff member with a spouse or dependent child at the time of separation	Staff member with neither a spouse nor dependent child at the time of separation	
		Professional and higher categories	General Service category
<b>Years of continuous service away from home country</b>	<b>Weeks of base salary</b>		
1	4	3	2
2	8	5	4
3	10	6	5
4	12	7	6
5	14	8	7
6	16	9	8
7	18	10	9
8	20	11	10
9	22	13	11
10	24	14	12

	Staff member with a spouse or dependent child at the time of separation	Staff member with neither a spouse nor dependent child at the time of separation	
		Professional and higher categories	General Service category
Years of continuous service away from home country	Weeks of base salary		
11	26	15	13
12 or more	28	16	14

- (g) Where both spouses are staff members of organizations applying the United Nations common system standards and each is entitled, on separation, to payment of a repatriation grant, payment shall be made to each staff member, at single rates, according to their respective entitlements. In cases where dependent children are recognized, the first parent to be separated may claim payment at the rate applicable to a staff member with a spouse or dependent child. In this event, the second parent, on separation, may claim payment at the single rate for the whole period of qualifying service, or, if eligible, at the rate applicable to a staff member with a spouse or dependent child for the whole period of his or her qualifying service, from which is normally deducted the difference between the dependency rate and the single rate of the repatriation grant paid to the first parent.

Time limitation for submission of the claim

- (h) Entitlement to the repatriation grant shall cease if no claim is submitted within two years of the effective date of separation. However, where both spouses are staff members and the spouse who separates first is entitled to the repatriation grant, the claim for payment of the grant by that spouse may be submitted within two years of the date of separation of the other spouse.

Payment in case of the death of an eligible staff member

- (i) In the event of the death of an eligible staff member, no payment shall be made unless there is a surviving spouse or one or more dependent children whom the Court is obliged to repatriate. If there are one or more such survivors, payment shall be made in accordance with paragraph (f), subject to the provision of sufficient evidence of relocation.

### **Rule 109.7: Commutation and restitution of leave**

#### Commutation

- (a) If, upon separation from service, a staff member has accrued annual leave, the staff member shall be paid a lump sum covering the number of days of such accrued leave up to a maximum of 60 working days. The payment shall be calculated:
  - (i) For a staff member in the Professional and higher categories, on the basis of the staff member's base salary and post adjustment at the time of separation;
  - (ii) For a staff member in the General Service category, on the basis of the staff member's base salary and language allowance, if any, at the time of separation.

#### Restitution

- (b) Upon separation, a staff member who has taken advance annual or sick leave beyond that which he or she has subsequently accrued shall make restitution for such advance leave by means of a cash refund or an offset against monies due to the staff member from the Court, equivalent to the remuneration received, including allowances and other payments, in respect of the advance leave period.

### **Rule 109.8: Recovery**

- (a) Upon separation, any amount owed to the Court by a staff member shall be deducted from any outstanding payments or entitlements due to the staff member.
- (b) If there is no possibility of recovery in accordance with paragraph (a), the staff member shall reimburse the Court for the amount due within 30 days of separation from service.

### **Rule 109.9: Last day for pay purposes**

- (a) Upon separation from service, the date on which a staff member's entitlement to salary, allowances and benefits ceases shall be determined in accordance with the following provisions:
  - (i) On resignation, the date is either the date of expiration of the notice period under staff rule 109.3 or such other date as the Registrar or the Prosecutor, as appropriate, accepts. A staff member is expected to perform his or her duties during the period of notice of resignation, except when the resignation takes effect upon the completion of maternity leave or following sick or special leave. Annual leave may be granted during the notice of resignation only for brief periods;
  - (ii) On expiration of a fixed-term appointment, the date is the date specified in the letter of appointment;
  - (iii) On termination, the date is the date provided in the notice of termination;
  - (iv) In the case of summary dismissal, the date is the date of dismissal.

- (b) When an internationally recruited staff member has an entitlement to return travel under staff rule 107.1 (a)(iii), this shall not affect the determination of the last day for pay purposes in accordance with the provisions of paragraph (a). In the case of resignation, expiration of fixed-term appointment or termination, the staff member shall be paid, on separation, an additional amount for days of authorized travel estimated on the basis of uninterrupted travel by an approved route and mode from the duty station to the place of entitlement to return travel. Such amount shall be calculated in the same manner as the commutation of accrued annual leave under staff rule 109.7.

**Rule 109.10: Certification of service**

Upon separation from service, a staff member shall be given, upon request, a statement relating to the nature of his or her duties and the length of service.

## **CHAPTER X: DISCIPLINARY MEASURES**

### **Rule 110.1: Unsatisfactory conduct**

Failure by a staff member to act in accordance with any official document of the Court governing rights and obligations of staff members, such as the Staff Regulations and Rules and the Financial Regulations and Rules, or any relevant resolutions and decisions of the Assembly of States Parties, or failure to observe the standards of conduct expected of an international civil servant, may amount to unsatisfactory conduct within the meaning of staff regulation 10.2(a), leading to the institution of disciplinary proceedings and the imposition of disciplinary measures.

### **Rule 110.2: Due process**

- (a) No disciplinary proceedings may be instituted against a staff member until after he or she has been notified in writing of the allegations against him or her and of the right to seek the assistance of another person in his or her defence, and has been given a reasonable opportunity to respond to those allegations.
- (b) No staff member may be subject to disciplinary measures until after the referral of the matter to a Disciplinary Advisory Board for advice as to what measures, if any, are appropriate, except that no such advice shall be required:
  - (i) If referral to the Disciplinary Advisory Board is waived by mutual agreement of the staff member concerned and the Registrar or the Prosecutor, as appropriate; or
  - (ii) In respect of summary dismissal imposed by the Registrar or the Prosecutor, as appropriate, in cases of serious misconduct.
- (c) In cases of summary dismissal imposed without prior referral of the case to a Disciplinary Advisory Board in accordance with paragraph (b)(ii), the former staff member concerned may, within sixty days of receiving written notification of the measure, request that the measure be reviewed by a Disciplinary Advisory Board. Such a request shall not have the effect of suspending the measure. After receipt of the advice of the Disciplinary Advisory Board, the Registrar or the Prosecutor, as appropriate, shall decide as soon as possible what action to take in respect thereof.
- (d) A staff member shall be entitled to be represented or assisted by a staff member or a former staff member of his or her choosing during the course of disciplinary proceedings at his or her own expense.



### **Rule 110.3: Disciplinary Advisory Board<sup>1</sup>**

- (a) A Disciplinary Advisory Board, consisting of twelve members, shall advise the Registrar or the Prosecutor, as appropriate, in disciplinary cases.
- (b) The Disciplinary Advisory Board shall be composed of:
  - (i) Four members appointed by the Registrar, in consultation with the Presidency;
  - (ii) Four members appointed by the Prosecutor;
  - (iii) Four members elected by the staff representative body, at least one of whom shall be a staff member of the Office of the Prosecutor.
- (c) The members of the Disciplinary Advisory Board shall decide by majority vote which of them shall act as Chairperson and Vice-Chairperson of the Disciplinary Advisory Board. In the absence of the Chairperson, the Vice-Chairperson shall perform the Chairperson's functions.
- (d) A Secretary and an alternate Secretary shall be appointed to the Disciplinary Advisory Board by the Registrar, in consultation with the Prosecutor. The Secretary or his or her alternate shall convene meetings of and coordinate all matters related to the Disciplinary Advisory Board.
- (e) The members of the Disciplinary Advisory Board, the Secretary and his or her alternate shall be staff members of the Court.
- (f) The members of the Disciplinary Advisory Board, the Secretary and his or her alternate shall be appointed or elected for two years, shall be eligible for re-appointment or re-election, and shall remain in office until their successors are appointed or elected.
- (g) If it is necessary to replace a member of the Disciplinary Advisory Board, or the Secretary or his or her alternate because he or she has left the service of the Court, or for any other reason, such replacement shall be made for the remainder of the term of office, in accordance with paragraph (b) or (d), respectively.
- (h) Any member of the Disciplinary Advisory Board may be removed for cause from the Disciplinary Advisory Board by the Registrar, in consultation with the Presidency, the Prosecutor or the staff representative body, as appropriate.
- (i) As soon as a matter is referred by the Registrar or the Prosecutor, as appropriate, to the Disciplinary Advisory Board for its advice, or in cases of summary dismissal, a request is filed by a former staff member for a review of the disciplinary measure, the Chairperson shall constitute a Panel to consider the case. A staff member facing disciplinary proceedings shall be entitled to be informed of the composition of the Panel.
- (j) The Chairperson of the Disciplinary Advisory Board may, at the request of either party or on his or her own motion, disqualify any member of the Panel from considering a specific case, if, in his or her opinion, such action is warranted to ensure impartiality. On his or

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<sup>1</sup> Amended, entered into force 27 July 2015 (sub-rules (a)-(g), (i)-(l)).

her own motion, any member of the Panel may also excuse himself or herself from considering a case.

- (k) The Chairperson, when constituting a Panel to consider a case, may, in the event that Board members of one of the groups referred to in sub-paragraph b (i) to (iii) above are unavailable, or disqualified or excused pursuant to paragraph (j), appoint a Board member from one of the other groups instead to consider the case. When doing so, the Chairperson shall, as a general rule, endeavour to ensure that at least one of the Panel members shall be a staff member of the organ in which the staff member concerned works. Any deviation from the general rule shall be explained when the staff member concerned is notified of the composition of the Panel.
- (l) If, in the opinion of the Registrar or the Prosecutor, as appropriate, consideration of the case involves sensitive matters specific to one organ, he or she may, through the Secretary, or his or her alternate, require the Chairperson of the Disciplinary Advisory Board to constitute a Panel comprised solely of members who are staff members of the organ concerned.

#### **Rule 110.4: Procedures of the Disciplinary Advisory Board<sup>2</sup>**

- (a) The Disciplinary Advisory Board shall consider a disciplinary case at the request of the Registrar or the Prosecutor, as appropriate.
- (b) In considering a case, the Disciplinary Advisory Board shall act with the maximum dispatch and shall provide its advice to the Registrar or the Prosecutor, as appropriate, within thirty calendar days. This deadline runs from the day a Panel is constituted by the Chairperson. The Panel shall be set up within two weeks of the case being referred by the Registrar or the Prosecutor, as appropriate, to the Disciplinary Advisory Board.
- (c) Normally, proceedings before the Disciplinary Advisory Board shall be limited to the original presentation of the case together with brief statements and rebuttals, which may be made orally or in writing, without delay by the staff member in one of the working languages of the Court.
- (d) If the Disciplinary Advisory Board considers that it requires the testimony of the staff member concerned or of other witnesses, it may, at its sole discretion, obtain such testimony by written deposition, by personal appearance before the Board, or by telephone or other means of communication.
- (e) The Disciplinary Advisory Board shall, by majority vote, adopt and submit a report to the Registrar or the Prosecutor, as appropriate. The report shall constitute the record of the proceedings in the case and shall include a summary of the case, together with the Board's advice as to what disciplinary measures, if any, should be taken. Votes on the advice shall be recorded, and any dissenting opinion of a member of the Disciplinary Advisory Board included in the report.

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<sup>2</sup> Amended, entered into force 27 July 2015 (sub-rule (b)).

- (f) The Registrar, in consultation with the Prosecutor, shall establish further rules on disciplinary proceedings.

**Rule 110.5: Suspension during disciplinary proceedings**

- (a) If the Registrar or the Prosecutor, as appropriate, decides that the staff member's continuance in service would prejudice the interests of the Court, the staff member may be suspended from duty during the fact finding and pending completion of disciplinary proceedings for a period which should normally not exceed three months. Such suspension shall be with pay unless, in exceptional circumstances, the Registrar or the Prosecutor, as appropriate, decides that suspension without pay is appropriate. The suspension shall be without prejudice to the rights of the staff member and shall not constitute a disciplinary measure.
- (b) A staff member suspended pursuant to paragraph (a) shall be given a written statement of the reasons for the suspension and its probable duration.
- (c) If the staff member is not summarily dismissed, he or she shall be paid for any period of suspension without pay as if he or she had not been suspended. In the event of summary dismissal, the effective date of such dismissal shall be the date when the decision of suspension without pay has been communicated to the staff member. No entitlements shall accrue during the period of suspension.

**Rule 110.6: Disciplinary measures**

- (a) Disciplinary measures may be imposed by the Registrar or the Prosecutor, as appropriate, and may take one or more of the following forms:
  - (i) Written censure;
  - (ii) Deferment for a specified period or withholding of within-grade increment;
  - (iii) Loss of one or more within-grade increments;
  - (iv) Suspension without pay;
  - (v) Fine;
  - (vi) Demotion;
  - (vii) Termination of appointment, with or without notice, or compensation in lieu thereof, notwithstanding staff rule 109.2; or
  - (viii) Summary dismissal for serious misconduct pursuant to staff rule 110.7.
- (b) The following measures shall not be disciplinary measures within the meaning of the Staff Rules:
  - (i) Reprimand, written or oral, by a supervisor;
  - (ii) Recovery of monies owed to the Court; or

- (iii) Suspension pursuant to staff rule 110.5.

**Rule 110.7: Summary dismissal for serious misconduct**

- (a) If a staff member is guilty of serious failure to observe the standards of conduct set forth in staff rule 110.1, the sanction of summary dismissal may be applied to him or her by the Registrar or the Prosecutor, as appropriate.
- (b) Without limiting the circumstances in which a staff member may be summarily dismissed, a staff member's failure to observe the standards of confidentiality set out in staff regulation 1.2(j) may warrant his or her summary dismissal.
- (c) Summary dismissal of a staff member for serious misconduct shall not abrogate that staff member's right to due process, pursuant to staff rule 110.2.

**Rule 110.8: Appeal against disciplinary decision**

A final disciplinary decision by the Registrar or the Prosecutor, as appropriate, reached at the conclusion of disciplinary proceedings in which the advice of the Disciplinary Advisory Board is sought, may be appealed to the Administrative Tribunal of the International Labour Organization.

## **CHAPTER XI: APPEALS**

### **Rule 111.1: Appeals against administrative decisions<sup>3</sup>**

- (a) Every staff member shall have the right to appeal against an administrative decision alleging the non-observance of his or her terms of appointment, including all pertinent regulations and rules.
- (b) A staff member who wishes to exercise his or her right to appeal against an administrative decision shall first submit a request in writing to the Secretary of the Board, within thirty days of notification of the decision, for a review of the decision by the Registrar or the Prosecutor, as appropriate.
- (c) In reviewing an administrative decision, the Registrar or the Prosecutor, as appropriate, may, with the consent of the staff member concerned, seek the assistance of a member of the Appeals Board with a view to resolving the case. This procedure shall be without prejudice to the staff member's right to appeal to the Appeals Board if the issue cannot be resolved by conciliation.
- (d) After the review, the Registrar or the Prosecutor, as appropriate, shall inform the staff member in writing of his or her decision. A staff member who wishes to appeal against the decision resulting from the review shall do so in writing to the Secretary of the Board within thirty days of notification of the decision.
- (e) A staff member shall be entitled to be represented or assisted by a staff member or a former staff member of his or her choosing during the course of appeals proceedings at his or her own expense.

### **Rule 111.2: Appeals Board<sup>4</sup>**

- (a) An Appeals Board, consisting of fifteen members, shall advise the Registrar or the Prosecutor, as appropriate, regarding appeals brought by any staff member under staff regulation 11.1.
- (b) The Appeals Board shall be composed of:
  - (i) Five members appointed by the Registrar, in consultation with the Presidency;
  - (ii) Five members appointed by the Prosecutor; and
  - (iii) Five members elected by the staff representative body, at least one of whom shall be a staff member of the Office of the Prosecutor.
- (c) The members of the Appeals Board shall decide by majority vote which of them shall act as Chairperson and Vice-Chairperson of the Appeals Board. In the absence of the Chairperson, the Vice-Chairperson shall perform the Chairperson's functions.
- (d) A Secretary and an alternate Secretary shall be appointed to the Appeals Board by the

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<sup>3</sup> Amended, entered into force 27 July 2015 (sub-rule (d)).

<sup>4</sup> Amended, entered into force 27 July 2015 (sub-rules (a)-(g), (i)-(l)).

Registrar, in consultation with the Prosecutor. The Secretary or his or her alternate shall convene meetings of and coordinate all matters related to the Appeals Board.

- (e) The members of the Appeals Board, the Secretary and his or her alternate shall be staff members of the Court.
- (f) The members of the Appeals Board, the Secretary and his or her alternate shall be appointed or elected for two years, shall be eligible for re-appointment or re-election and shall remain in office until their successors are appointed or elected.
- (g) If it is necessary to replace a member of the Appeals Board, or the Secretary or his or her alternate because he or she has left the service of the Court or for any other reason, such replacement shall be made for the remainder of the term of office, in accordance with paragraph (b) or (d), respectively.
- (h) Any member of the Appeals Board may be removed for cause from the Appeals Board by the Registrar, in consultation with the Presidency, the Prosecutor, or the staff representative body, as appropriate.
- (i) As soon as an appeal is filed with the Secretary, or his or her alternate, the Chairperson of the Appeals Board shall constitute a Panel to consider the appeal. A staff member who appeals against an administrative decision shall be entitled to be informed of the composition of the Panel.
- (j) The Chairperson of the Appeals Board may, at the request of either party or on his or her own motion, disqualify any member of the Panel from considering a specific appeal, if, in his or her opinion, such action is warranted to ensure impartiality. On his or her own motion, any member of the Panel may also excuse himself or herself from considering an appeal. No person who has participated in the conciliation process during consideration of a specific case may serve on the Panel considering an appeal relating to the same case.
- (k) The Chairperson, when constituting a Panel to consider an appeal, may, in the event that Board members of one of the groups referred to in sub-paragraph (b) (i) to (iii) above are unavailable, or disqualified or excused pursuant to paragraph (j), appoint a Board member from one of the other groups instead to consider the appeal. When doing so, the Chairperson shall, as a general rule, endeavor to ensure that at least one of the Panel members is a staff member of the organ in which the staff member filing the appeal works. Any deviation from the general rule shall be explained when the parties are notified of the composition of the Panel.
- (l) If, in the opinion of the Registrar or the Prosecutor, as appropriate, consideration of the appeal involves matters of confidentiality specific to one organ, he or she may, through the Secretary, or his or her alternate, require the Chairperson of the Appeals Board to constitute a Panel comprised solely of members who are staff members of the organ concerned.

### **Rule 111.3: Procedures of the Appeals Board**

- (a) The Appeals Board shall decide on questions of its own competence.
- (b) An appeal may not be heard by the Appeals Board until all of the time limits established by staff rule 111.1 have been met or have been waived by the Appeals Board by reason of exceptional circumstances beyond the control of the staff member.
- (c) In considering an appeal, the Appeals Board shall act with the maximum dispatch consistent with a fair review of the issues before it and shall advise the Registrar or the Prosecutor, as appropriate, within ninety calendar days of the case being brought to the attention of the Appeals Board.
- (d) The Appeals Board shall have the authority to obtain evidence, in any form it requires, from any staff member or third party, if appropriate, who may be able to provide information concerning the issues in the appeal.
- (e) In the event of termination or other action on grounds of unsatisfactory services or unsuitability of a staff member, the Appeals Board shall not consider the substantive questions of unsatisfactory service or unsuitability, but only evidence that the decision has been motivated by prejudice or by some other extraneous factor.
- (f) The Appeals Board shall, by majority vote, adopt and submit a report to the Registrar or the Prosecutor, as appropriate, as soon as possible after considering the appeal. The report shall constitute the record of the proceedings in the appeal and shall include a summary of the appeal, together with the Appeals Board's advice on the appeal. Votes on the advice shall be recorded, and any dissenting opinion of a member of the Appeals Board included in the report.
- (g) Within thirty days of the Appeals Board submitting its report, the final decision on the appeal shall be taken by the Registrar or the Prosecutor, as appropriate, and communicated to the staff member, together with a copy of the Appeals Board's report. No final decision by the Registrar or the Prosecutor, as appropriate, shall be deemed a rejection of the appeal.
- (h) To enable a staff member to exercise his or her right to file a complaint with the Administrative Tribunal of the International Labour Organization under article VII, paragraph 3, of its Statute, the Secretary of the Appeals Board, at the request of the staff member, shall provide him or her with a copy of the Appeals Board's report if the Registrar or the Prosecutor, as appropriate, has not made a final decision on the appeal within thirty days of the report being submitted.

### **Rule 111.4: Suspension of the administrative decision during appeal**

- (a) Neither a request for administrative review, an attempt at conciliation, nor the filing with the Appeals Board of an appeal against a decision resulting from a review shall have the effect of suspending action on the contested decision.
- (b) Notwithstanding paragraph (a), a staff member may request a suspension of action on such a decision by writing to the Appeals Board Secretary, setting out the relevant facts and how implementation would directly and irreparably injure the staff member's rights.

- (c) Upon receipt of such a request, the Appeals Board shall hear the request promptly and expeditiously and consider the views of the appealing staff member, as well as of the Registrar or the Prosecutor, as appropriate. If the Appeals Board determines that the decision has not been implemented, and that its implementation would result in irreparable injury to the staff member, it may recommend to the Registrar or the Prosecutor, as appropriate, the suspension of action on that decision until the time limits in staff rule 111.1 have passed without an appeal being filed or, if an appeal is filed, until a final decision on the appeal is made.
- (d) The decision of the Registrar or the Prosecutor, as appropriate, on a recommendation under paragraph (c) shall be final and shall not be subject to appeal within the Court.

**Rule 111.5: Appeal to the administrative tribunal of the International Labour Organization**

A staff member may appeal to the Administrative Tribunal of the International Labour Organization within ninety calendar days of the final decision by the Registrar or the Prosecutor, as appropriate, pursuant to staff rule 111.3(g), or the advice of the Appeals Board in the case of no final decision, also pursuant to staff rule 111.3(g).



## **CHAPTER XII: AMENDMENT AND IMPLEMENTATION**

### **Rule 112.1: Amendment of Staff Rules**

These Staff Rules may be amended in accordance with article XII of the Staff Regulations.

### **Rule 112.2: Exceptions to the Staff Rules**

The Registrar or the Prosecutor, in consultation with each other, may, under exceptional circumstances, make exceptions to the Staff Rules in specific cases, provided that such an exception shall not be inconsistent with any staff regulation or other decision of the Assembly of States Parties and provided further that it is agreed to by the staff member directly affected and, in the opinion of the Registrar or the Prosecutor, after consultation with the other, is not prejudicial to the interests of any other staff member or group of staff members.

### **Rule 112.3: Designated duty stations**

In accordance with the United Nations common system standards, staff members may be entitled to additional benefits when serving at duty stations designated as difficult with regard to work and living conditions.

### **Rule 112.4: Special mission assignments**

The Registrar, in consultation with the Prosecutor, may designate special mission assignments, including assignments for periods of one year or more. Where such a designation is made, special entitlements and allowances may be paid in accordance with rates and conditions set by the Registrar, in consultation with the Prosecutor.

### **Rule 112.5: Authentic text of Staff Rules**

- (a) The English and French texts of these Staff Rules shall both be authentic. In the event of conflict, the English text shall be authoritative.
- (b) In the French text of these Staff Rules, reference to staff members in the masculine gender shall apply to staff members of both sexes, unless it is clearly inappropriate from the context.
- (c) Promulgation of the Staff Regulations and Rules and any other administrative issuances pertaining to the Staff Regulations and Rules shall have equal validity in electronic or in hard copy format.

### **Rule 112.6: Effective date<sup>5</sup>**

These Rules, as amended, shall enter into force on 27 July 2015.

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<sup>5</sup> Amended, entered into force 27 July 2015.