



Administrative Instruction

Ref. ICC/AI/2017/005

Date: 10 October 2017

VISITING PROFESSIONALS PROGRAMME

The Registrar, with the agreement of the President and the Prosecutor, pursuant to sections 3.2 and 3.3 of Presidential Directive ICC/PRES/D/G/2003/001 (*“Procedures for the promulgation of administrative issuances”*), hereby promulgates the following:

Section 1

Purpose and Scope of the Visiting Professional Programme

- 1.1 This Administrative Instruction establishes the conditions and procedures for the selection and engagement of Visiting Professionals to participate in the Visiting Professional programme at the seat of the Court.
- 1.2 The Visiting Professional programme of the Court provides for an exchange of knowledge by allowing professionals from diverse academic, practical and cultural backgrounds the opportunity to develop an in depth understanding of the Court’s objectives and functions, in order to enhance their professional experience. The Visiting Professional programme of the Court also provides the Court with assistance from qualified individuals in various professional fields.
- 1.3 The provisions of this Administrative Instruction apply to the Visiting Professional programme of the Court, as administered by the Human Resources Section. Specific arrangements for a Visiting Professional programme at each Field Office duty station shall be subject to a separate framework.

Section 2

Eligibility Requirements

- 2.1 Applicants to the Court’s Visiting Professional programme must have:

- (a) at least a first level degree from an accredited university; and
- (b) at least three (3) years of professional experience in their field of expertise, since completing their university education.

2.2 Particular regard shall be given to applications from individuals wishing to undertake a project that is relevant to the Court, or who work or have a particular expertise on questions related to international criminal law.

2.3 Consideration shall be given to a wide geographical basis, without distinction to race, gender, sexual orientation or religion in the selection of Visiting Professionals at the Court.

2.4 Unless specific language skills are stated as a requirement by the hiring Organs, Divisions, Sections, Offices or Units of the Court, good oral communication and drafting skills in at least one of the working languages of the Court (English or French) are required. Working knowledge of the other as well as knowledge of another official language of the Court (Arabic, Chinese, Russian or Spanish) is considered an asset.

2.5 Other eligibility requirements of Visiting Professionals include adaptability to a multicultural and multilingual working environment encompassing the principal legal traditions of the world, the ability to work effectively independently and in a team, and computer literacy.

2.6 A person who is the child or sibling of a staff member shall not be eligible to apply for a Visiting Professional placement at the Court.

2.7 For the purposes of this Administrative Instruction, "child" means (a) the child of a staff member; (b) the child of the spouse of a staff member (stepchild); and (c) the spouse of a child of a staff member or a staff member's spouse (son or daughter-in-law). "Sibling" includes the child of both or either parent of a staff member and the child of the spouse of a parent of a staff member (that is, also half and stepsibling).

2.8 An applicant who has any family relationship other than the ones referred to in section 2.6 above to a staff member may be engaged as a Visiting Professional, provided that he or she shall not be assigned to the same Organ, where the staff member is assigned.

Section 3
Application and Selection Procedures

- 3.1 Applications are received in accordance with the deadlines established on the vacancy announcement published on the eRecruitment system. The vacancy announcement will outline the specific requirements, including the required documents to support the application.
- 3.2 All documents shall be submitted in English or French. If official documents, such as university degrees or transcripts, are not available in English or French, a complete and accurate translation into either English or French, together with a copy of the document in its original language must be provided. Applicants may be asked to provide a certified translation.
- 3.3 Applications which are not submitted in accordance with the requirements set out in sections 3.1 and 3.2 shall be regarded as incomplete and shall not be considered.
- 3.4 The Human Resources Section will review the applications to check eligibility of applicants upon request of the hiring manager, and where applicable, shall request Visiting Professionals to supply documentary evidence of the statements made in their application, which may be subject to verification. In cases where funding for the Visiting Professional programme of the Court is available, Visiting Professionals may additionally be requested to supply documentary evidence to support the statements made in their application for funding.
- 3.5 The Visiting Professional offer is conditional upon the satisfactory completion of pre-placement formalities, including but not limited to the issuance of the personnel and security clearance requirements. Failure to comply with these formalities will result in the withdrawal of the Visiting Professional offer.
- 3.6 Hiring managers are responsible for the following when selecting Visiting Professionals:
- (a) Ensuring a fair competitive and transparent selection process following the publication of a vacancy announcement and also giving due consideration to diversity in geographical representation;
 - (b) Ensuring that the selection of the candidate has been approved by at least two staff members of the receiving Organ, Office, Division, Section or Unit;

- (c) Allocating a focal point who will liaise with the Human Resources Section to request that offers be extended to selected Visiting Professional candidates.

Section 4

Duration and term of the Visiting Professional placement

- 4.1 The minimum duration of an unfunded Visiting Professional placement is one month, up to a maximum of six months.
- 4.2 The minimum duration of a funded Visiting Professional placement is three months, up to a maximum of six months, depending on the funding conditions.
- 4.3 An extension of a Visiting Professional placement may be granted only if a request for the continued services is submitted to, and approved by, the Human Resources Section. Normally, extensions of funded or unfunded placements beyond the six-month period should not be permitted. Funded placements are subject to the terms and conditions of funding agreements.
- 4.4 A Visiting Professional shall be limited to one placement at the Court. A Visiting Professional shall not be considered for a second placement with the Court.
- 4.5 The Visiting Professional programme of the Court shall be on a full-time basis. Visiting Professionals shall be expected to work five days a week in the Organ, Office, Division, Section or Unit for which they have been selected, under the supervision of a staff member at an appropriate level. In cases where the Court has a formal agreement with an academic institution or external party, a part-time Visiting Professional schedule or a shorter placement may be applicable, provided that it is in compliance with the Headquarters Agreement between the International Criminal Court and the host State, and approved by the Human Resources Section.
- 4.6 Visiting Professionals are expected to serve the full duration of their placement. However, should illness or other unforeseen circumstances prevent them from completing their placement, they may resign upon giving the Court ten working days written notice. Under exceptional circumstances, a supervisor may waive or reduce the period required for a notice of resignation.
- 4.7 Visiting Professionals do not have a right to transfer to another Organ, Office, Division, Section or Unit than the one they were selected for. Transfers during a placement can only

be made if all parties concerned are in agreement. In the case of a transfer, the end date of the placement shall remain the same.

Section 5

Status

- 5.1 Visiting Professionals are not staff members and shall not be regarded as such for any purposes. They shall not represent the Court in any official capacity.
- 5.2 Visiting Professionals shall be registered by the Court with the Ministry of Foreign Affairs in accordance with article 24 of the Headquarters Agreement between the International Criminal Court and the host State. Visiting Professionals shall not work in the host State during their placement other than as a Visiting Professional for the Court unless they have the right to work in that country.
- 5.3 Visiting Professionals may apply for positions at the Court but there shall be no expectation of employment with the Court after completion of the Visiting Professional programme.
- 5.4 Visiting Professionals shall not be sought or accepted as substitutes for staff to be recruited against posts authorised for the implementation of mandated programmes and activities. Visiting Professionals shall not perform supervisory functions and must not exercise certifying or approving authority.
- 5.5 Pursuant to Article 24(5) of the Headquarters Agreement between the International Criminal Court and the host State, Visiting Professionals shall not enjoy privileges, immunities and facilities, except:
- (a) Immunity from legal process in respect of words spoken or written and all acts performed by them in their official capacity for the Court, which immunity shall continue to be accorded even after termination of the Visiting Professional programme with the Court for activities carried out on its behalf; and
 - (b) Inviolability of all papers, documents in whatever form and materials relating to the performance of their functions for the Court.

Section 6
Responsibilities and Obligations

Receiving Organs, Offices, Divisions, Sections, or Units and supervisors

6.1 Organs, Offices, Divisions, Sections or Units shall:

- (a) Create a working environment conducive to the Visiting Professionals' substantive learning, professional development and ability to assist the Court in their area of expertise;
- (b) Ensure that a Visiting Professional's assignments are related to his or her field of expertise, meaningful for both the Organ, Office, Division, Section or Unit, and the Visiting Professional, and at the appropriate level of complexity and variety;
- (c) Provide the terms of reference describing the tasks of the Visiting Professional;
- (d) Provide guidance to the Visiting Professional in his or her assignments;
- (e) Arrange an office space and other office services and facilities available to the Visiting Professional to ensure that the Visiting Professional is able to carry out his or her work adequately;
- (f) Provide constructive feedback to a Visiting Professional regarding his or her performance; and
- (g) Ensure that a Visiting Professional does not undertake official travel on behalf of the Court in the performance of the placement.

6.2 Upon successful completion of the Visiting Professional's placement, for a minimum period of one month, a certificate shall be issued by the Human Resources Section confirming the duration of the placement and the name of the Organ, Office, Division, Section or Unit where the Visiting Professional completed his or her placement.

6.3 The Court reserves the right to terminate a Visiting Professional's placement at any stage in the event of a failure of the requirements, such as:

- (a) Direct or indirect disclosure of confidential information;
- (b) Gross neglect or wilful failure or refusal of the Visiting Professional to perform the assigned tasks;
- (c) Perpetration of an intentional and knowing fraud against or affecting the Court; or
- (d) Any other behaviour that is prejudicial to the Court, or wilful or intentional acts that could injure the reputation or the functioning of the Court.

6.4 In accordance with section 5.2 above, the Court will register the Visiting Professional with the Ministry of Foreign Affairs and will proceed to the notification of his or her departure within eight days after such departure.

6.5 In the application of occupational health and safety standards on its premises, the Court shall afford no less favourable treatment to the Visiting Professional than to its officials, staff members, consultants, interns, individual contractors and other persons working at the Court.

Visiting Professionals

6.6 Visiting Professionals shall:

- (a) Observe all rules, regulations, instructions, procedures, orders and directives issued by the Court or any of its competent Organs;
- (b) Avoid any conduct that would adversely reflect on the Court, Organ, Office, Division, Section or Unit, or on the Visiting Professional's status as a Visiting Professional, or the integrity, independence or impartiality required by that status;
- (c) Not engage in any activity which is incompatible with the aims, interests and objectives of the Court;
- (d) Provide the receiving Organs, Offices, Divisions, Sections or Units with all materials prepared by them during the Visiting Professional programme. The Court shall be entitled to all property rights, including but not limited to patents, copyrights and trademarks, with regard to material that bear a direct relation to, or is the result of, the services provided under the Visiting Professional placement. At the request of the Court, the Visiting Professional shall assist in securing such property rights and transferring them to the Court in compliance with the requirements of the applicable law;
- (e) Respect the impartiality and independence required of the Court as well as the relevant Organ, Office, Division, Section or Unit;
- (f) Not seek or accept instructions regarding the work they have performed from any Government or from any authority external to the Court;
- (g) Unless otherwise authorised in writing by the appropriate official in the receiving Organs, Offices, Divisions, Sections or Units, refrain from communicating at any time to the media or any institution, person, Government or other external party and to keep confidential any and all unpublished information that has become known to them during the course of their Visiting Professional placement that they know or ought to have known has not been made public. Unless explicitly authorised in writing by the appropriate Head of Organ, refrain from publishing, both during and after completion

of the Visiting Professional placement any reports, documents, papers or materials, in any medium or format, on the basis of information obtained during the Visiting Professional placement;

- (h) Not bring any family members to reside with them in the host State other than in accordance with the applicable immigration procedures;
- (i) Comply with local laws and customs;
- (j) Provide immediate written notice in case of illness or other circumstances which might prevent them from coming to work or completing the placement;
- (k) Complete a survey or report about his or her placement, if reporting is required by funding agreements;
- (l) Leave the host State within fifteen (15) days of completing the Visiting Professional Programme, unless the Visiting Professional has the right of residency in that country; and
- (m) Be responsible for arranging their own accommodation.

6.7 Failure to comply with requirements in section 6.6, as well as those contained in the Visiting Professional agreement, may result in the immediate termination of the Visiting Professional agreement by the Court without any compensation.

6.8 The terms and conditions regulating the Visiting Professional placement shall be set out in a Visiting Professional agreement.

Section 7

Remuneration, expenses, medical benefits and loss or damage to personal effects **(Funded Visiting Professionals)**

7.1 Visiting Professionals shall not be remunerated for their work. However, where funding is available, a Visiting Professional may be provided a stipend if deemed to be in need of financial assistance, whilst also accounting for the goals, terms, conditions and stipulations of any applicable funding agreements between the Court and donors.

7.2 The decision made by the hiring manager in relation to the eligibility of selected Visiting Professional applicants to receive financial assistance is subject to the terms and conditions of the funding agreements for the Visiting Professional programme entered into between the Court and the donor and shall be final. The decision providing financial assistance shall be taken before the applicant's arrival and the terms and conditions for its provision shall also be outlined in the Visiting Professional agreement.

- 7.3 Visiting Professionals who are granted financial assistance shall receive a monthly stipend, of an amount to be decided by the Registrar, in consultation with the Prosecutor, to cover the costs of living in the host State.
- 7.4 Subject to the terms and conditions of the funding agreements for the Visiting Professionals programme entered into between the Court and the donor, the Court may arrange for Visiting Professionals who are granted financial assistance to receive mandatory emergency medical insurance for the duration of the Visiting Professional placement and until their departure in accordance with Section 6.6(l) above.
- 7.5 Subject to the terms and conditions of the funding agreements for the Visiting Professionals programme entered into between the Court and the donor, the Court may arrange and pay for travel (economy class) from and to the country of residence of Visiting Professionals who have been granted financial assistance, and shall assist with arranging visas, if required. The total cost of any travel arranged and paid for by the Court shall not exceed 2,000 euros. Visiting Professionals will be required to pay any additional travel costs over this maximum amount. Visiting Professionals will pay their own terminal expenses.
- 7.6 The travel itinerary scheduled by the Court cannot be changed unless authorised by the Court. Visiting Professionals shall not be reimbursed for costs incurred if travel arrangements are made independently. Visiting Professionals already residing in the host State before starting their placement shall not be entitled to any paid travel to their country of origin.
- 7.7 Visiting Professionals shall be responsible for providing proof of third party liability insurance in the host State and for the costs of any additional health insurance coverage they may wish to procure.
- 7.8 In the event that a funded Visiting Professional placement is extended, a Visiting Professional may apply for additional financial assistance, in accordance with section 7 of this Administrative Instruction, for the extended period, provided the total duration of the placement does not exceed six months. Such extension is subject to the terms and conditions of funding agreements.
- 7.9 The above-mentioned stipend cannot in any case be considered as a vested right for the Visiting Professional.

7.10 If financial assistance is provided with specific conditions for funding Visiting Professional placements at the Court, additional and/or alternative selection criteria may apply as stipulated by the relevant terms and conditions of any applicable funding agreement between the Court and the donor providing funding for the placement.

7.11 The Court accepts no responsibility for loss or damage to personal effects that may occur during the Visiting Professional placement.

Section 8

Remuneration, expenses, medical benefits and loss or damage to personal effects (Unfunded Visiting Professionals)

8.1 Visiting Professionals who are not in receipt of a stipend shall be responsible for their own costs and arrangements for travel, visas, accommodation and living. A Visiting Professional shall not be considered for a funded placement or receive financial assistance once the placement has commenced.

8.2 The Court accepts no responsibility for the medical insurance of the unfunded Visiting Professional or costs arising from injury, illness or death that may occur during a placement. Visiting Professionals shall also be required to provide proof of sufficient medical insurance (including coverage for costs of hospitalisation) and third party liability insurance in the host State for at least the duration of the placement and until their departure in accordance with Section 6.6(l) above.

8.3 The Court accepts no responsibility for loss or damage to personal effects that may occur during the Visiting Professional placement.

Section 9

Working Hours, Leave, Official Holidays

9.1 The official holidays of the Court shall apply to Visiting Professionals.

9.2 Regular working hours of the Court are from 9:00 am until 5:30 pm, from Monday to Friday, with a one hour mandatory lunch break. However, depending on the nature of work and the operational requirements of certain Offices, Sections or Units of the Court, Visiting Professionals may be required to work at different hours. In such cases, flexible working hours' arrangements can be established, in consultation with the supervisor, provided that

they do not exceed the required 7.5 hours per day and 37.5 hours per week. Part-time placements may only be accepted if in accordance with section 4.4 above.

9.3 Visiting Professionals shall not perform overtime. In exceptional circumstances, extra hours worked shall be reasonable, agreed upon prior to and compensated for through compensatory time off at a one-to-one rate with the agreement of the requesting supervisor. Visiting Professionals shall be free not to agree to perform overtime.

9.4 Visiting Professionals shall be eligible for two and a half (2.5) days of leave per month, which must be taken during the period of their placement only with the prior authorisation of their supervisors. Leave cannot be taken on the last day of the placement. Unused leave balances cannot be paid out to Visiting Professionals and any leave days not taken shall be considered to have been forfeited.

9.5 For cases of illness, Visiting Professionals accrue up to two (2) days of certified sick leave per month of placement. Sick leave will be granted if the Visiting Professional submits a certificate from a qualified medical practitioner or the Court's Medical Officer. Certified sick leave exceeding this entitlement shall be deducted from the annual leave balance. Emergency leave days, up to a maximum of five (5) days for the duration of the placement, may also be granted provided the supervisor is informed. All absences need to be recorded by the supervisor or the time administrator of the Office, Section or Unit.

9.6 Visiting Professionals shall be required to give written notice to their supervisors should illness or other unforeseen circumstances prevent them from performing their duties. The Visiting Professional agreement may be terminated in cases where an extended or serious illness prevents the Visiting Professional to perform his or her duties or to complete the duration of the placement.

Section 10

Rules and Conditions

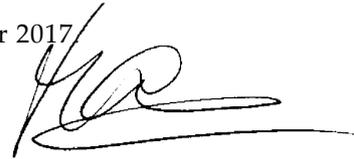
10.1 The rules and conditions outlined in this document constitute a common basis for all Visiting Professionals taking up placement at the Court. These rules and conditions may be supplemented by specific requirements of the various Organs of the Court. In such cases, the Organs shall notify the Visiting Professionals of any additional rules and conditions applicable for the Organ to which they are assigned upon commencement of their placement.

Section 11
Settlement of disputes

11.1 The Court and the Visiting Professional shall use their best efforts to amicably settle any dispute, controversy or claim arising out of the Visiting Professional agreement. If required, amicable settlement through conciliation shall take place in accordance with the Conciliation Rules then obtaining of the United Nations Commission on International Trade Law (UNCITRAL), or according to such other procedure as may be agreed between the parties in writing.

Section 12
Effective date

12.1 The present Administrative Instruction shall enter into force on 10 October 2017

A handwritten signature in black ink, appearing to read 'H. von Hebel', with a long horizontal flourish extending to the right.

Herman von Hebel
Registrar