

**Administrative Instruction**

Ref. ICC/AI/2011/002

4 April 2011

Code of Conduct for Staff Members

The Registrar, considering the Standards of Conduct for the International Civil Service developed by the International Civil Service Commission ("ICSC Standards of Conduct"), promulgates, in consultation with the President and the Prosecutor and in accordance with Presidential Directive ICC/PRES/D/G/2003/001, the following:

Section 1**Purpose**

Reminding that, in the spirit of good faith expected to guide the conduct of an international civil servant, the usual day-to-day conduct of staff members is guided by the ICSC Standards of Conduct, this Code serves:

- (a) to protect the reputation of the Court and those who work for it;
- (b) to assist staff to better understand the obligations placed upon them to conduct themselves in accordance with the standards set by the Rome Statute, the Staff Regulations, the Staff Rules and Administrative Issuances of the Court; and
- (c) to provide an illustrative list of what may constitute unsatisfactory conduct within the meaning of Staff Regulation 10.2 and Staff Rule 110.1.

Section 2

General

2.1. Pursuant to Staff Regulation 1.1(a), staff members of the International Criminal Court (Court) are international civil servants. They shall uphold the highest standards of efficiency, competence and integrity. The concept of integrity includes, but is not limited to, compliance with the relevant standards on confidentiality established by the Court, probity, impartiality, fairness, honesty and truthfulness in all matters affecting their work and status.

2.2. Staff members of the Court shall uphold and respect the principles embodied in the Rome Statute, including respect for fundamental human rights, for the dignity and worth of the human person and for the equal rights of men and women. Consequently, they shall respect all cultures; they shall not discriminate against any individual or group of individuals or otherwise abuse the power and authority vested in them.

2.3. In order to observe the standards of conduct of an international civil servant, staff members of the Court shall be guided by the Standards of Conduct for the International Civil Service (referred to as the ICSC Standards of Conduct).

Section 3

Scope of Application

This Code applies to

- (a) all holders of letters of appointment of the Court regardless of the duration of their appointment;
- (b) Staff members of other Organizations on secondment to the Court.

Section 4

Conflict of Interest

4.1 Staff members shall not allow personal relationships or considerations, including bias and favouritism, to influence the performance of their official duties, and shall avoid situations which may create a conflict of interest.

4.2 A conflict of interest would involve a situation in which the private interests of a staff member could improperly influence the performance of his/her official duties and responsibilities. For the purpose of the present definition, the private interests of the staff member include financial interests, interests related to private activities, personal affiliations or associations as well as family and other related interests.

4.3 Staff members shall avoid assisting private bodies or persons in their dealings with the Court where this might lead to actual or perceived preferential treatment, including dealings with victims, witnesses, defence, procurement matters and the negotiation of prospective employment with the Court.

4.4 Staff members shall disclose in advance any potential conflict of interest that, to the best of their knowledge, may arise in the course of their duties. Whenever a conflict arises, personal interests shall yield to the interests of the Court and staff members shall, in accordance with instructions within the respective organ, make prompt and full disclosure to their supervisors, managers or head of organ, as applicable, who shall provide guidance on how to proceed.

4.5 If a staff member is uncertain whether there is a potential conflict of interest, he or she shall seek guidance from his/her supervisor, manager or head of organ, as applicable.

Section 5

Unsatisfactory Conduct

5.1. Unsatisfactory conduct is defined in Staff Rule 110.1 as “[f]ailure 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.”

5.2. Unsatisfactory conduct may incur disciplinary measures, in compliance with the procedure set, *inter alia*, in Article X of the Staff Regulations, Chapter X of the Staff Rules, and ICC/AI/2008/001 on Disciplinary Procedures. Disciplinary steps may be taken when the relevant actions or omissions are wilful, reckless or grossly negligent.

5.3. Unsatisfactory conduct for which disciplinary measures may be imposed includes, but is not limited to:

(a) Acts or omissions in conflict with the duties and obligations of staff members set forth in the Staff Regulations and Staff Rules and Administrative Issuances of the Court;

(b) Unlawful acts (e.g. theft, fraud, possession or sale of illegal substances, smuggling) on or off the Court premises, and whether or not the staff member was officially on duty at the time;

(c) Failure to take prompt action and report it to Human Resources in accordance with ICC/AI/2008/004 on Private Legal Obligations of Staff Members, when a claim was made against the staff with respect to an alleged failure to meet his or her private legal obligations;

(d) Misrepresentation or false certification in connection with any claim or benefit from the Court, including failure to disclose a fact material to that claim or benefit;

(e) Assault upon or threats to other staff members, unless in accordance with Administrative Instruction ICC/AI/2004/003 on the Use of Physical Force and Firearms by ICC Security Officers;

(f) Sexual and other forms of harassment, as defined under Section 2 of Administrative Instruction ICC/AI/2005/005 on Sexual and Other Forms of Harassment;

(g) Discrimination, as defined under Section 2 of Administrative Instruction ICC/AI/2005/006 on Equal Employment Opportunity and Treatment;

(h) Misuse of office equipment, files, electronic files, documents or any asset of the Court;

(i) Abuse of authority, defined as a staff member's use of authority for purposes other than what they are meant for and in order to serve interests that are in conflict with the proper performance of the staff member's official duties and responsibilities, including any violations of Section 4 of this Code;

(j) Breach of confidentiality;

(k) Violations of Administrative Instruction ICC/AI/2006/002 on the ICC Information Protection Policy for Protectively Marked Information Provided by Governmental and Intergovernmental Organizations or breach of any security provisions related to IPASS, as defined in Section 1.17 of that Administrative Instruction;

(l) Violations of Administrative Instruction ICC/AI/2007/001 on the Court's Information Protection Policy or compromise of protected information;

(m) Abuse of the Court's privileges and immunities, including, but not limited to, attempts to derogate from staff members' obligations to observe applicable laws and regulations or obligations *vis-à-vis* legitimate claimants, as provided under Section 2 of Administrative Instruction ICC/AI/2008/004 on Private Legal Obligations of Staff Members;

(n) Any act or omission contravening the Financial Regulations and Rules, engaging the responsibility of the staff members under Financial Rule 101.2;

(o) Failure to comply with obligations set in Section 4.4 of this Code with regard to the prevention of a conflict of interest;

(p) Mishandling of contract obligations and relations with third parties leading to loss of property or assets, or generating liabilities for the Court;

(q) Breach of fiduciary obligations *vis-à-vis* the Court;

(r) Failure to comply with Sub-Regulations 1.2(k) and 1.2(l) of the Staff Regulations or Rule 101.5 of the Staff Rules with regard to acceptance of any honour, decoration, favour, gift or remuneration;

(s) Retaliation, by way of any direct or indirect detrimental action recommended, threatened or taken, against a staff member because that person has:

- reported: (i) unsatisfactory conduct as referred to in Section 5 of this Code, (ii) serious misconduct and serious breach of duty as defined in Rule 24 of the Rules of Procedure and Evidence, or (iii) misconduct of a less serious nature as defined in Rule 25 of the Rules of Procedure and Evidence or
- cooperated in good faith with a duly authorized investigation or audit;

(t) Making a report or providing information that is intentionally false or misleading;

(u) Failure, without reasonable excuse, to cooperate with an investigation of alleged serious misconduct, misconduct of a less serious nature or unsatisfactory conduct undertaken by the competent bodies of the Court.

5.4. Disciplinary sanctions incurred under the present Section are notwithstanding other possible action that may be brought against the responsible staff member, such as action before the Court in

relation to offences against the administration of justice under Article 70 or misconduct before the Court under Article 71 of the Rome Statute, or action for criminal offences before domestic courts including, where necessary, the waiver of immunities applicable to staff members.

Section 6

Enforcement

6.1. The Registrar or the Prosecutor, as appropriate, is responsible for imposing disciplinary measures for unsatisfactory conduct/serious misconduct pursuant to Chapter X of the Staff Rules.

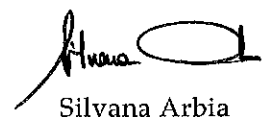
6.2. Staff members shall cooperate with any investigations of alleged serious misconduct, misconduct of a less serious nature or unsatisfactory conduct. Failure to do so without reasonable excuse, such as a risk of self-incrimination, may result in disciplinary action under this Code.

Section 7

Final provisions

7.1. This Administrative Instruction shall enter into force on 4 April 2011.

7.2. This Administrative Instruction will be reviewed annually and may be amended when necessary.



Silvana Arbia

Registrar