

Administrative Instruction ICC/AI/2004/001

Date: 20 January 2004

Procedures for the elaboration and promulgation of administrative instructions

The Registrar promulgates the following, with respect to administrative instructions pursuant to Section 3 of Presidential Directive ICC/PRES/D/G/2003/001:

Section 1

Scope of this administrative instruction

1. The present administrative instruction shall apply to the elaboration and promulgation of all administrative instructions of the Court, in accordance with Section 3 of the Presidential Directive ICC/PRES/D/G/2003/001.

Section 2

Proposal

- 2.1. The Organ/Section/Unit proposing the promulgation of the administrative instruction shall be regarded as the Submitting Office during the whole procedure.
- 2.2. When the Submitting Office is a Unit, the approval of the Section Chief or, if the Unit does not belong to a Section, the Head of Division shall be required before the proposal is circulated outside the Unit.
- 2.3. All proposals for administrative instructions, from the date of their submission to the date of their promulgation by the Registrar or by other officials to whom the Registrar has delegated authority, shall be accompanied by an Administrative Instruction Proposal Form¹.
- 2.4. The Submitting Office shall issue the AIP Form and propose a title for the administrative instruction. The AIP Form shall contain a brief Explanatory Memorandum identifying the reasons behind the proposed administrative instruction and, as far as possible, its proposed position in the regulatory system of the Court as well as its compliance with the Statute, Rules of Procedure and Evidence and other instruments and administrative issuances of the Court. If the Submitting Office is aware of any administrative instructions in force which would be superseded or amended by the proposal, they shall be identified in the AIP Form.

¹ Hereinafter referred to as AIP Form; a model of this form is attached to this administrative instruction.

- 2.5. No Organ/Section/Unit shall receive any proposal for administrative instruction which is not accompanied by an AIP Form.

Section 3

Consultation

- 3.1. The Submitting Office shall be responsible for consultations with:
- (a) Heads of Sections of all major organizational units which are affected by the proposal.
 - (b) Subject to Section 5.3. of Presidential Directive ICC/PRESG/2003/001, all proposals which have an impact on questions of staff welfare, including conditions of work, general conditions of life or other personnel policies, shall also be sent to the Personnel Services Section for consultation with appropriate staff representative bodies.
- 3.2. The AIP Form shall identify which offices and sections have been consulted² and include a separate AIP Response Form³ for each of the Consulted Offices, which will be sent to the Consulted Offices together with a copy of the AIP Form.
- 3.3. The Consulted Offices shall use their best efforts to respond to the proposal without delay, if possible within one week after the Proposal was received.
- (a) In case the Consulted Offices have no objection, they shall indicate this on the AIPR Form and send it back to the Submitting Office.
 - (b) In case the Consulted Offices have objections, they shall make a proposal for amendment and briefly explain the reasons for such an amendment proposal. The amendment proposal and explanations shall be attached to the AIPR Form and sent back to the Submitting Office.
- 3.4. In all cases, the Submitting Office shall also send a copy of the proposed administrative instruction and AIP Form to the Office of the President, the Office of the Prosecutor and the Immediate Office of the Registrar for information. In case either of these offices deems it necessary, they shall have the right to make any proposals for amendment or comments which they consider appropriate.
- 3.5. All amendment proposals shall remain appended to the AIP Form for the remainder of the promulgation process.

Section 4

Review

² Hereinafter referred to as Consulted Offices.

³ Hereinafter referred to as AIPR Form; a model of this form is attached to this administrative instruction.

- 4.1. The Submitting Office shall review its proposal in light of the amendment proposals received from the Consulted Offices and any amendment proposals or comments from the Office of the President, the Office of the Prosecutor or the Immediate Office of the Registrar.
- 4.2. The Submitting Office shall make all possible efforts, in consultation with the offices that expressed objections, to reach a final compromise text between its proposal and the amendment proposals received.

Section 5

Certification

- 5.1 After reviewing its proposal, the Submitting Office shall forward the final text to the Central Registry, which shall be responsible for:
 - (a) Obtaining the clearance of the Legal Advisory Services Section;
 - (b) Reviewing the proposal according to Section 6.2. of Presidential Directive ICC/PRES/D/G/2003/001;
 - (c) Ensuring translation by the Translation Unit.
- 5.2. The Central Registry shall then certify on the AIP Form that all the requirements of this administrative instruction and Section 6.2. of Presidential Directive ICC/PRES/D/G/2003/001 have been fulfilled and forward the proposal for approval to the President and the Prosecutor.

Section 6

Approval

- 6.1. The certified proposal shall be submitted to the President and the Prosecutor for their respective formal approval of the proposed administrative instruction in accordance with Section 3.3. of Presidential Directive ICC/PRES/D/G/2003/001.
- 6.2. In case of approval the AIP Form shall be signed by the President and the Prosecutor and returned to the Central Registry for promulgation.
- 6.3. In case of disapproval by the President or the Prosecutor, the reasons therefore shall be attached in writing to the AIP Form, returning it together with the proposed administrative instruction to the Submitting Office and the Central Registry.

Section 7

Promulgation

- 7.1. Immediately after the proposed administrative instruction has been approved by the President and the Prosecutor, the Central Registry shall submit it to the Registrar or other official to whom the Registrar has delegated specific authority.

- 7.2. The Registrar or other official to whom the Registrar has delegated specific authority shall sign and promulgate the administrative instruction and determine a date for its entry into force.
- 7.3. The promulgated administrative instruction shall then be returned to the Central Registry for final processing and registration.
- 7.4. The promulgated administrative issuance shall be published in both working languages in a manner that ensures its availability to staff. It shall be communicated to staff by email, via intranet and through such other means as the Registrar may determine from time to time.
- 7.5. Staff members at all levels shall be responsible for observing the provisions of administrative instructions issued in accordance with Presidential Directive ICC/PRES/D/G/2003/001 and the present administrative instruction and may be held accountable for violations.
- 7.6. All administrative instructions shall enter into force upon the date specified therein and shall remain in force until superseded or amended by other administrative issuances of the same or higher level promulgated in accordance with the provisions of Presidential Directive ICC/PRES/D/G/2003/001.

The present administrative instruction shall enter into force on 20 January 2004.

Bruno Cathala
Registrar

[Original signed by Bruno Cathala, Registrar, ICC]