

Administrative Instruction

ICC/AI/2024/002

Date: 13 December 2024

INTER-ORGANISATIONAL TRANSFER, SECONDMENT AND LOAN OF STAFF MEMBERS

The Registrar, with the consent of the President and the Prosecutor pursuant to sections 3.2 and 3.3 of Presidential Directive ICC/PRESG/2003/01 (*“Procedures for the Promulgation of Administrative Issuances”*), hereby promulgates the following:

Section 1

Purpose and definitions

- 1.1 The purpose of this Administrative Instruction is to regulate the management of the transfer, secondment or loan of staff members between the Court and other international organisations, with the overall intent of building a competent, versatile, multi-skilled and experienced international civil service. This Administrative Instruction is to be read in conjunction with the “Inter-Organization Agreement concerning Transfer, Secondment or Loan of Staff among the Organizations applying the United Nations Common System of Salaries and Allowances”.
- 1.2 For the purpose of this Administrative Instruction:
 - (a) “Agreement” means the “Inter-Organization Agreement concerning Transfer, Secondment or Loan of Staff among the Organizations applying the United Nations Common System of Salaries and Allowances”, dated 1

January 2012, including all subsequent amendments thereto to which the Court is a party, which is attached to this Administrative Instruction;¹

- (b) “Loan” means the movement of a staff member from one international organisation to another for a limited period, normally not exceeding one year, during which the staff member will be subject to the administrative supervision of the Receiving Organisation but will continue to be subject to the staff regulations and rules of the Releasing Organisation;
- (c) “Receiving Organisation” means an international organisation which accepts a staff member on transfer, secondment or loan from another international organisation;
- (d) “Releasing Organisation” means an international organisation which transfers, seconds or loans a staff member to another international organisation;
- (e) “Organisation” means an international organisation applying the United Nations Common System of Salaries and Allowances that is a party to the Agreement;
- (f) “Secondment” means the movement of a staff member from one international organisation to another for a fixed period, normally not exceeding two years, during which the staff member will normally be paid by and, except as otherwise provided, be subject to the staff regulations and rules of the Receiving Organisation, but will retain his or her rights of employment in the Releasing Organisation; and
- (g) “Transfer” means the movement of a staff member from one international organisation to another under conditions which give the staff member no right to return to the Releasing Organisation. As a result, any contractual relationship between the transferee and the Releasing Organisation will cease from the date of transfer.

¹ These amendments can be accessed at <https://www.unsystem.org/content/inter-organization-mobility-agreement>.

Section 2
Eligibility and types of inter-organisational mobility

- 2.1 Staff members of the Court holding fixed-term appointments may be considered for the following types of inter-organisational mobility:
- (a) transfer;
 - (b) secondment; and
 - (c) loan.
- 2.2 Staff members become eligible for secondment or loan after three years of service at the Court, unless an exception is granted by the Registrar or Prosecutor, as appropriate.
- 2.3 Transfers, secondments and loans of staff members between the Court and Organisations are governed by the Agreement.
- 2.4 The Agreement will apply *mutatis mutandis* to the transfer, secondment or loan of staff members between the Court and international organisations that are not parties to the Agreement, to the extent that such other international organisations agree with such application.
- 2.5 Neither this Administrative Instruction nor the Agreement gives staff members a right to transfer, secondment or loan.

Section 3
Arrangements

- 3.1 A staff member of the Court who wishes to be seconded or loaned to another Organisation shall submit a written request to their immediate supervisor and head of division, section or office, as appropriate, copied to Human Resources Section ("HRS"), as early as possible but at least two months before the proposed date of secondment or loan, outlining the reasons and conditions for such request. The written request shall include the proposed duration of the release.
- 3.2 The immediate supervisor and the head of division, section or office, as appropriate, shall review the written request of the staff member and after consultation with HRS submit their recommendation along with the staff member's written request, to the Registrar or the Prosecutor, as appropriate. Their

recommendation shall address whether the staff member's absence would impact on the timely delivery and quality of services of the division, section, or office. If applicable, the proposal shall detail measures to be taken in mitigation of the impact.

- 3.3 The Registrar or the Prosecutor, as appropriate, shall make a final decision on the request of a staff member. In so doing, they shall take into account the recommendation of the immediate supervisor and the head of division, section or office, as appropriate, as well as any other relevant factors, including work-life balance considerations. The decision of the Registrar or the Prosecutor, as appropriate, shall be notified to the staff member in writing, together with valid reasons.
- 3.4 In cases of transfers, a written request from the Receiving Organisation shall be sent to HRS, which will administer the request as per sections 3.5 or 3.6 below, as applicable.
- 3.5 The terms and conditions under which a staff member is released to another organisation pursuant to the Agreement shall be negotiated by the Chief HRS, on behalf of the Registrar or Prosecutor, as appropriate, in consultation with the staff member concerned. Those terms and conditions shall be recorded in writing.
- 3.6 Noting section 2.4 above, the terms and conditions under which a staff member is released to an international organisation that is not a party to the Agreement shall be negotiated by the Chief HRS, on behalf of the Registrar or Prosecutor, as appropriate, in consultation with the staff member concerned. Those terms and conditions shall be agreed upon in a memorandum of understanding signed by the Registrar or the Prosecutor, as appropriate, the designated representative of the Receiving Organisation, if applicable, and the staff member concerned.

Section 4

Duration, extension and return

Secondment

- 4.1 The period of secondment of a staff member of the Court may not extend beyond the expiry of their appointment with the Court, subject to an extension thereof.

- 4.2 The period of secondment of a staff member of the Court to another international organisation shall not normally exceed two years. In exceptional circumstances, an extension beyond two years may be authorized by the Registrar or the Prosecutor, as appropriate, upon the recommendation of the immediate supervisor and the head of the division, section or office, as appropriate. Any request for extension shall be initiated, as early as possible but at least two months before the end of the secondment.
- 4.3 Upon expiration of the agreed period of secondment, the staff member has the right to return to their previous post.

Loan

- 4.4 The period of loan of a staff member of the Court may not extend beyond the expiration date of their appointment with the Court, subject to an extension thereof.
- 4.5 The period of loan of a staff member of the Court to another organisation shall not normally exceed one year. In exceptional circumstances, an extension may be authorized by the Registrar or the Prosecutor, as appropriate, upon the recommendation of the immediate supervisor and the head of division, section or office, as appropriate. The maximum loan period, including any extensions, shall however not exceed two years. Any requests for extension shall be initiated as early as possible but at least two months before the end of the loan.
- 4.6 Upon expiration of the agreed period of loan, the staff member has the right to return to their previous post.

Section 5

Role and responsibilities of the Human Resources Section

- 5.1 HRS shall be responsible for managing the movement of staff members under this Administrative Instruction. In particular, HRS shall be responsible for:
- (a) receiving and processing requests for transfer, secondment or loan of staff members, and liaising with other international organisations;

- (b) liaising with the immediate supervisors and heads of divisions, sections or offices, as appropriate, in preparing recommendations to the Registrar or the Prosecutor, as appropriate, and facilitating replacement of the staff members, if required;
- (c) receiving and processing requests for extensions of secondments or loans, and liaising with other international organisations;
- (d) monitoring and reporting to the Registrar or the Prosecutor, as appropriate, on all aspects of transfers, secondments or loans; and
- (e) performing any other duties associated with the management of a staff member's absence or return.

Section 6

Final Provisions

This Administrative Instruction shall enter into force on the date of its promulgation and shall supersede Administrative Instruction ICC/AI/2009/001 (*“Inter-Organisational Mobility”*).



Osvaldo Zavala Giler
Registrar