



Administrative Instruction

Ref. ICC/AI/2026/001

Date: 19 May 2026

THE OMBUDS OFFICE

The Registrar, with the consent of the President and the Prosecutor, pursuant to sections 3.2 and 3.3 of the [Presidential Directive on Procedures for the Promulgation of Administrative Issuances](#), and for the purpose of implementing Staff Regulation 4.7, hereby promulgates the following:

Section 1

Purpose and scope of application

- 1.1 The Ombuds Office is established as an independent, impartial, confidential and informal support office operating alongside the Court's formal mechanisms.
- 1.2 The Ombuds Office is headed by the Ombuds.
- 1.3 This Administrative Instruction applies to all contracts issued by the Court to the Ombuds.
- 1.4 The Ombuds shall be "other personnel" within the meaning of Staff Regulation 4.7, and is bound by the terms and conditions set forth in the annex to this Administrative Instruction.

Section 2

Role

- 2.1 The Ombuds Office offers independent, impartial, informal and confidential support in the context of issues, disputes, conflicts, dissatisfaction, or distress related to the workplace or relevant to the well-functioning of the Court. It provides a safe space to identify and address issues through, *inter alia*, coaching, exploring options, shuttle diplomacy, facilitation and mediation.



- 2.2 The Ombuds may initiate and facilitate conversations, and provide solicited and unsolicited feedback to the Court or any part thereof, including on perceived existing or emerging dysfunctions, systemic issues, or other problems.
- 2.3 The role of the Ombuds includes creating new connections, strengthening existing connections, and repairing relationships after conflict. Through dialogue and encounter, the Ombuds also fosters co-operation and understanding across cultural, ideological, organisational, and other divides.
- 2.4 The Ombuds may make non-binding recommendations to the Court or any part thereof.
- 2.5 The Ombuds Office does not provide therapeutic or clinical services.

Section 3

Constituency

- 3.1 The Ombuds Office shall serve elected officials, staff members and other persons serving the Court, including but not limited to consultants, individual contractors, interns, visiting professionals, counsel and persons assisting counsel, members of defence teams, legal representatives of victims and members of their teams, and gratis personnel (“Constituents” or “Constituency”).
- 3.2 At the beginning of their association with the Court, Constituents shall be informed of the Ombuds Office, its role and the manner in which they can bring matters of concern to the attention of the Ombuds Office.
- 3.3 The use of the services of the Ombuds Office is voluntary.
- 3.4 Constituents have the right to access and utilise the services of the Ombuds Office without fear of condemnation, intimidation, discrimination or unfavourable treatment.
- 3.5 Constituents are entitled to protection from retaliation for accessing and utilising the services of the Ombuds Office in accordance with the [Presidential Directive on Protection Against Retaliation](#).



Section 4

Selection, term of office and termination of the Ombuds

- 4.1 The Ombuds shall be selected by the President, the Prosecutor and the Registrar (“Principals”), following a competitive process, from a list of candidates compiled and recommended by a selection committee established by the Principals. The selection committee shall include at least one representative of the Staff Union Council and a professional ombuds external to the Court.
- 4.2 A person shall not be eligible for appointment as the Ombuds:
- (a) If they have been part of the Constituency within the five (5) years immediately preceding the date of appointment; or
 - (b) If their parent, child, sibling, partner or spouse is part of the Constituency; or
 - (c) If they have previously served as the Court’s Ombuds, regardless of the duration of their appointment.
- 4.3 The Ombuds shall be appointed for an initial term of one (1) year. This term may be extended once by the Principals for an additional period of six (6) years. In considering such extension, the Principals shall seek the views of the Staff Union Council. The term of office of the Ombuds shall in no event exceed the total maximum period of seven (7) years.
- 4.4 Upon completion of their term of office, the Ombuds shall not be eligible for any modality of employment within the Court for a period of five (5) years.
- 4.5 The appointment of the Ombuds may be terminated in accordance with the terms and conditions set forth in the annex to this Administrative Instruction.

Section 5

Operating principles, values and standards of practice

- 5.1 The activities of the Ombuds Office shall adhere to the International Ombuds Association [Standards of Practice](#) and [Code of Ethics](#). The fundamental principles are: independence, impartiality, informality and confidentiality.
- 5.2 The Ombuds Office holds and promotes the core values of the Court: accountability, fairness, inclusion and integrity.
- 5.3 The Ombuds Office shall be guided in its work by the Rome Statute of the International Criminal Court, resolutions of the Assembly of States Parties to the Rome Statute (“Assembly of States Parties”), the Staff Regulations and Rules, applicable policies and any other administrative issuances relevant to service in the Court.
- 5.4 The Ombuds Office shall respond to any communication received by it within 48 hours, including through out-of-office messages.

Independence

- 5.5 The Ombuds Office exercises full operational independence from the Court. Accordingly, in the performance of their ombuds work, the Ombuds shall not be subject to instruction, interference, control, or management from any part of the Court.
- 5.6 The Ombuds shall have access to the Principals, and to any other Constituent, on any matter pertaining to their ombuds work, including by way of direct access where necessary.
- 5.7 The Ombuds shall have access to all Court records, files and documents concerning Constituents which are relevant to the performance of their ombuds work. The exceptions to that access are:
 - (a) Medical records, unless the Constituent concerned expressly consents to their release;



- (b) Records of investigations, unless otherwise permitted by the relevant parties or authority;
 - (c) Records and communications covered by professional legal privilege, unless otherwise permitted by the relevant parties or authority;
 - (d) Records and communications between members of the Staff Union Council Advisory Committee and other Constituents made for the purpose of giving or receiving legal advice, unless otherwise permitted by the relevant parties or authority;
 - (e) The official status file of staff members maintained pursuant to Staff Rule 104.16; and
 - (f) Financial disclosure statements made in accordance with Staff Rule 101.6.
- 5.8 The Ombuds shall also have access to individuals in the Court that may be able to provide advice, information or expert opinions on a particular matter. Requests for information by the Ombuds shall be answered promptly and efficiently.
- 5.9 Notwithstanding the provisions outlined in sections 5.6 to 5.8 above, the right of access granted to the Ombuds shall be subject to confidentiality considerations necessary for the exercise of the Court's mandate under the Rome Statute, in particular in the context of criminal investigations, judicial proceedings, any pre-existing obligation of confidentiality to the originator of the information or document, the safety and security of witnesses, victims and third parties, and the protection of national security information of States Parties.

Impartiality

- 5.10 The Ombuds, as a designated neutral party, shall remain impartial and have no personal interest or stake in the outcome of an issue. The Ombuds shall consider the legitimate concerns and interests of all individuals affected by the matter under consideration.
- 5.11 The Ombuds shall advocate fairness and equitably administered processes and shall not advocate on behalf of any party.

Informality

- 5.12 The Ombuds shall address issues through informal means. The Ombuds does not replace any other organisational entity, but collaborates, with the permission of the Constituent concerned, with other offices and services to resolve concerns and conflicts while respecting confidentiality.
- 5.13 The Ombuds shall not have decision-making powers nor exercise managerial duties, except those required for the running of the Ombuds Office.
- 5.14 The Ombuds shall not determine rights, and procedures conducted by the Ombuds do not constitute formal adjudicative or investigatory procedures.
- 5.15 The Ombuds shall not conduct investigations as defined in the [Administrative Instruction on Investigations of Unsatisfactory Conduct](#).
- 5.16 The Ombuds cannot mandate policies or be a party to any formal procedure.
- 5.17 The Ombuds shall not keep records for the Court or accept notice on behalf of the Court.

Confidentiality

- 5.18 The Ombuds Office shall maintain confidentiality concerning matters that are brought to its attention and take every reasonable step to safeguard confidentiality, including the following:
- (a) The Ombuds Office shall not reveal the identity of any Constituent with whom there is contact in the course of confidential ombuds work, nor shall it reveal information provided in confidence that could lead to the identification of a Constituent, without the Constituent's express permission;
 - (b) The Ombuds Office shall take specific action relating to a Constituent's issue only with the Constituent's express permission and only to the extent permitted, and even then, at the sole discretion of the Ombuds Office. This shall not preclude the Ombuds from sharing information or observations in a manner that protects Constituents' identities.

- 5.19 The Ombuds shall not be compelled to provide information about concerns brought to their attention.
- 5.20 The Ombuds shall not be compelled to testify or disclose confidential information in any formal or legal proceedings.
- 5.21 Constituents that use the services of the Ombuds are understood to have agreed to abide by the terms, conditions and principles set forth in this Administrative Instruction, and shall not request the Ombuds to testify or disclose confidential information in any formal or legal proceedings.
- 5.22 All information arising out of or in connection with an Ombuds Office process shall be confidential, and may not be disclosed without the express consent of the Constituents concerned and the Ombuds. Even where there is consent by the Constituents concerned, the Ombuds Office may, at its sole discretion, refuse to disclose confidential information if it determines that such disclosure would compromise the neutrality, independence, or integrity of the Ombuds Office process. Any breach of confidentiality by a Constituent participating in an Ombuds Office process may constitute, as applicable: unsatisfactory conduct within the meaning of Staff Regulation 10.2; serious misconduct or misconduct of a less serious nature pursuant to articles 46 and 47 of the Rome Statute; or a violation of the terms and conditions governing the relationship of the Constituent with the Court, leading to appropriate action.
- 5.23 Others cannot waive the confidentiality of the Ombuds Office. The only exceptions to confidentiality are when, as determined by the Ombuds Office:
- (a) There appears to be an imminent risk of serious harm; and
 - (b) The disclosure of confidential information is necessary for the Ombuds Office to defend itself against a formal complaint of professional misconduct.

Section 6

Exploring informal resolution first

- 6.1 Although recourse to the Ombuds Office remains voluntary, all possible use should be made of informal dispute resolution mechanisms for the benefit of all



Constituents. Therefore, efforts for the informal resolution of conflict should be supported, encouraged and accommodated by the Court.

- 6.2 Recourse to the Ombuds Office shall be without prejudice to the right of a Constituent to pursue a matter formally under the provisions and procedures applicable to them under their terms of service.
- 6.3 Both the Constituent and the Court may initiate informal resolution at any time before or after the initiation of formal proceedings.
- 6.4 Subject to the discretion of the competent authority and any applicable legal texts, the conduct of informal resolution by the Ombuds Office may result in the extension of deadlines applicable under formal proceedings, or the stay of such proceedings, in order to allow the Constituent(s) working on a case with the Ombuds Office to explore all avenues for finding informal solutions.

Section 7

Reporting

- 7.1 The Ombuds shall meet with each of the Principals individually at least once per year.
- 7.2 The Ombuds shall prepare an annual report on the activities of the Ombuds Office.
- 7.3 The annual report shall contain:
 - (a) An explanation of the Ombuds Office's role and operations;
 - (b) An overview of the Ombuds Office's activities for the reporting period;
 - (c) Statistical data for the reporting period;
 - (d) Any non-case-related recommendations made to the Court during the reporting period, reproduced in full; and
 - (e) A conclusion.

- 7.4 The annual report shall not contain any confidential information.
- 7.5 The annual report shall be presented first to the Principals, and then to the Staff Union Council. The annual report shall then be published on the Court's intranet, and may subsequently be presented to the Audit Committee, the Committee on Budget and Finance and the Assembly of States Parties.
- 7.6 The Court shall provide a response to each of the recommendations contained in the annual report, including, as appropriate, a description of, and rationale for, any follow-up actions taken or planned. In preparing its responses, the Court may consult with any other entity referenced in the annual report, as appropriate.
- 7.7 The Ombuds shall endeavour to publish the annual report on the Court's intranet by July of the year following the reporting period.
- 7.8 The annual reports of the Ombuds Office shall be the property of the Court.

Section 8

Support

- 8.1 The Court shall endeavour to provide reasonable and adequate support to the Ombuds Office in the discharge of its functions.
- 8.2 The Ombuds Office may utilise Court-approved non-Court resources, such as ICT equipment, software, e-mail addresses, virtual private network services, voice over internet protocol services, telephone services, landline and mobile telephones, and virtual and physical meeting rooms.
- 8.3 The Ombuds shall cover all costs associated with approved non-Court resources and their use.

Section 9

Final provisions

- 9.1 This Administrative Instruction shall enter into force on 19 May 2026.



- 9.2 Any amendments to this Administrative Instruction, including its annex, shall be prepared in consultation with the Ombuds.

Osvaldo Zavala Giler
Registrar