

PUBLIC

**Annex 2 to the
Defence Reply to Registry's Submission #1352**

Index of ICC Administrative Issuances

Last update: 31 January 2026

The present Index is an update of the previous versions of the Index of Administrative Issuances, dated 15 January 2025. It should form part of the public [ICC Vademecum of Administrative Issuances](#) pursuant to [Information Circular ICC/INF/2012/020](#) “Declassification of Administrative Issuances and Publication of the *Vademecum* of Administrative Issuances”. The only administrative issuance issued in 2025 is added to the present updated version of the Index:

- Administrative Instruction ICC/AI/2025/001: Delegation of the Registrar’s Authority in the Administration of the Financial Regulations and Rules and the Staff Regulations and Rules and of Administrative Instructions Promulgated in Connection thereto, 28 May 2025.

Please note that, in breach of section 7 of [Information Circular ICC/INF/2012/020](#), this Administrative Instruction has not been posted on the ICC website. In the precedent update of 15 January 2025, I drew your attention to the fact that other administrative issuances, like ICC/PRESG/2016/001, are still not available and should be published.

In its Judgment [No. 3907](#) of January 2018, the ILOAT – which is the ultimate body of appeal for administrative appeals and disciplinary decisions against staff members – ruled that non-compliance with the promulgation procedure set forth in Presidential Directive ICC/PRESG/2003/001 was a cause of unlawfulness of the resulting administrative issuances. On 30 September 2020, the Final Report of the Independent Expert Review Team committed by the ASP ([Doc. ICC-ASP/19/16](#), “IER Report”) included the following Recommendation R12: “*The Court’s internal legal framework should be reviewed to identify and amend as needed outdated internal legal instruments or those that are contradictory to principles set out in ILOAT decisions against the Court. A systemic process should further be put in place to enable a review of the Court’s internal legal framework’s compliance with ILOAT decisions, as soon as practicable after such a decision involving the Court is delivered, to identify and implement any necessary amendments.*” A list of such administrative issuances which were not promulgated in accordance with the applicable procedure and/or which have become obsolete is provided separately. Each reference to the provisions of the relevant administrative issuances is followed by “(I)” to warn about their questionable validity.

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¹ These two provisions of the same Presidential Directive ICC/PRESG/G/2024/001 are perfectly irreconcilable and may expose the ICC and/or its staff to liability.

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NON-EXHAUSTIVE LIST OF MOST OBVIOUS INSTANCES OF NON-OBSERVANCE OF PRESIDENTIAL DIRECTIVE ICC/PRESG/2003/001

The below Chart provides a non-exhaustive list of instances of ICC administrative issuances presenting issues regarding the compliance of their promulgation with Presidential Directive ICC/PRESG/2003. These are those marked with “(!)” in the updated Index. The Chart is organized by reference to the various sections of relevance of [ICC/PRESG/2003/001](#) and, under each relevant section, by chronological order.

This list is the same as the one provided in January 2025. No progress was made in 2025.

Administrative Issuances	Identified Issue
Section 1.1 of Presidential Directive ICC/PRESG/2003/001	
Standard Operating Procedure ICC/HRS/2007/7385 Guidelines on Special Post Allowances	These were promulgated by way of an undefined “Standard Operating Procedure”, which does not form part of the administrative issuances defined under section 1.1 of ICC/PRESG/2003/001 .
ICC Recruitment Guidelines for Established Posts	These were promulgated by way of an undefined administrative issuance falling in none of the categories provided under section 1.1 of ICC/PRESG/2003/001 .
Section 4.1 of Presidential Directive ICC/PRESG/2003/001	
ICC/INF/2006/009 , Guidelines on Staff Training and Development	Promulgates procedures and policy applicable staff training and development. Pursuant to section 3.1 of PRESG/2003/001, these should have been promulgated by way of Administrative Instruction.
ICC/INF/2008/003 , Executive Statement on ICC SSS, Joint Threat Assessment Group, Joint Crisis Management Team and Information Security Management Forum	Describes the functions of SSS and various inter-organ fora created for the purpose of ensuring security at the Court and responding to crisis. Pursuant to section 3.1 of PRESG/2003/001, these should have been promulgated by way of Administrative Instruction.
ICC/INF/2008/009 , Reimbursement of amounts cancelled due to ICC’s request	Provides procedure and criteria for reimbursement of expenses cancelled due to ICC’s request. Pursuant to section 3.1 of PRESG/2003/001, these should have been promulgated by way of Administrative Instruction.
ICC/INF/2011/006 , Mandatory Security Arrangements	Provides strategic guidelines on the preparation and clearance of field missions. Pursuant to section 3.1 of

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	PRESG/G/2003/001, these should have been promulgated by way of Administrative Instruction.
ICC/INF/2014/006, Composition of the Property Survey Board	Sections 2-3 define the mandate and procedures of the Board, which should be governed by way of an Administrative Instruction under section 3.1 of PRESG/G/2003/001
ICC/INF/2015/008 , UN Laissez Passer	Governs the procedure for the issuance of UN Laissez-Passer and the policy applicable to their use. These matters fall within the scope of administrative issuances pursuant to section 3.1 of PRESG/G/2003/001.
Section 5.2 of Presidential Directive ICC/PRESG/G/2003/001	
ICC/AI/2007/001 , Information Protection Policy	This Administration Instruction is largely obsolete – at least since entry into force of regulation 14 of the Regulations of the Registry in December 2013 – and has not been amended.
ICC/PRESG/G/2014/002 , ICC Anti-Fraud Policy	This presidential directive provides the leading principles governing the ICC Anti-Fraud Policy. Its section 6.1 provides that it shall be translated into relevant administrative issuances so as to ensure a comprehensive system combatting fraud, in particular the protection of whistle-blowers and financial disclosure. With the exception of ICC/AI/2015/005 , none was promulgated. Its implementation is thus incomplete.
ICC/PRESG/G/2016/001, Policy Governing the Access and Use of the Court's Building by Visitors and Accredited Members of the Press	Section 5.1 of this Presidential Directive provides that it shall be reviewed one year after its date of issuance. It was not reviewed and may arguably have become obsolete.
ICC/AI/2016/001 , Short-Term Appointments	Section 16.1 of this Administrative Instruction provides that it shall be reviewed one year after its date of issuance. It was not reviewed and may arguably have become obsolete.
ICC/AI/2016/002 , Consultants and Individual Contractors	Section 8.1 of this Administrative Instruction provides that it shall be reviewed one year after its date of issuance. It was not reviewed and may arguably have become obsolete.

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ICC/AI/2018/002 , Classification and Reclassification of Posts	Section 5.2 fails to draw the legal consequences from the distinction made by ILOAT in Judgment No. 3908 at 16-19 between initial appointments – where competitive selection applies – and appointments following reclassification or redistribution of functions – selection shall not apply -. Section 5.2 of this AI is thus obsolete and shall be amended.
ICC/AI/2022/003 , Addressing Discrimination, Harassment, Including Sexual Harassment, and Abuse of Authority	Section 14.1 of this Administrative Instruction provides that it shall be reviewed every two years at a minimum. It was not reviewed and may arguably have become obsolete.
ICC/AI/2022/004 , Flexible Working Arrangements	Section 9.1 of this Administrative Instruction provides that it will be reviewed two years after its entry into force. It was not reviewed and may arguably have become obsolete.