



SPECIAL COURT FOR SIERRA LEONE

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ADMINISTRATIVE INSTRUCTION SCSL/AI/42/05

To: All Staff Members
From: Robin Vincent, Registrar
Date: 03 February 2005
Subject: Staff Rules and Regulations

1. All Staff Members are required to read attentively the Staff Rules and Regulations of the Special Court for Sierra Leone.
2. The previous "draft" version dated 21 March 2002 that was in force up to date has been amended in consultation with the Office of Legal Affairs of the United Nations in response to various issues that arose during the course of the implementation of the Staff Rules and Regulations since 2002.
3. This amended version was approved by the Management Committee on 2 February 2005.
4. Thank you for your attention to this matter.

STAFF RULES OF THE SPECIAL COURT FOR SIERRA LEONE¹

Rule 301.1

Applicability

Staff rules 301.1 to 312.6 are applicable to staff members of the Court recruited for service limited to the Court.

Rule 301.2

Status of staff

The declaration made by a staff member on appointment shall be placed in his or her official status file.

Rule 301.3

Basic rights and obligations of staff

General

(a) Disciplinary procedures set out in article X of the Staff Regulations and rule 310.1 may be instituted against a staff member who fails to comply with his or her obligations and the standards of conduct set out in the Charter of the United Nations, the Staff Regulations and Staff Rules, and Financial Regulations and Rules and all administrative issuances.

(b) Staff members shall follow the directions and instructions properly issued by the Registrar and their supervisors.

(c) Staff members shall comply with local laws and honour their private legal obligations, including, but not limited to, the obligation to honour orders of competent courts.

Specific instances of prohibited conduct

(d) Any form of discrimination or harassment, including sexual or gender harassment, or physical or verbal abuse at the workplace or in connection with work, is prohibited.

(e) Staff members shall not disrupt or otherwise interfere with any meeting or other official activity of the Court, nor shall staff members threaten, intimidate or otherwise engage in any conduct intended, directly or indirectly, to interfere with the ability of other staff members to discharge their official duties.

¹ Modelled after 300 series of UN Staff Rules. Original numbering of UN Staff Rules is retained for easier application of other administrative issuances based on those Staff Rules.

(f) Staff members shall not intentionally misrepresent their functions, official title or the nature of their duties to Member States or to any entities or persons external to the Court.

(g) Staff members shall not intentionally alter, destroy, misplace or render useless any official document, record or file entrusted to them by virtue of their functions, which document, record or file is intended to be kept as part of the records of the Court.

(h) Staff members shall not seek to influence Member States, principal or subsidiary organs of the Court or expert groups in order to obtain a change from a position or decision taken by the Registrar, including decisions relating to the financing of Court or its units, or in order to secure support for improving their personal situation or the personal situation of other staff members, or for blocking or reversing unfavourable decisions regarding their status or their colleagues' status.

(i) Staff members shall neither offer nor promise any favour, gift, remuneration or any other personal benefit to another staff member or to any third party with a view to causing him or her to perform, fail to perform or delay the performance of any official act. Similarly, staff members shall neither seek nor accept any favour, gift, remuneration or any other personal benefit from another staff member or from any third party in exchange for performing, failing to perform or delaying the performance of any official act.

(j) [Deleted]

Honours, gifts or remuneration

(k) Acceptance by staff members of any honour, decoration, favour, gift or remuneration from non-governmental sources requires the prior approval of the Registrar. Approval shall be granted only in exceptional cases and where such acceptance is not incompatible with the interests of the Court and with the staff member's status as an international civil servant. However, staff members may occasionally accept, without prior approval, minor gifts of essentially nominal value having regard to the duty station concerned, provided that all such gifts are promptly disclosed to the head of the office, who may direct that the gift be entrusted to the Court or returned to the donor.

(l) The Registrar may authorize staff members to accept from a non-governmental source or university academic awards, distinctions and tokens of a commemorative or honorary character, such as scrolls, certificates, trophies or other items of essentially nominal monetary value.

(m) Staff members, as part of their official functions, will be expected from time to time to attend governmental or other functions, such as meals and diplomatic receptions. Such attendance is not considered receipt of a favour, gift or remuneration within the meaning of the Staff Regulations and Staff Rules.

(n) The Registrar may, in exceptional cases, provided that this is in the interest of the Court and not incompatible with the staff member's status, authorize a staff member to receive from a non-governmental source an honour, decoration, favour, gift or remuneration other than those referred to in paragraphs (k) to (m) above.

Conflict of interest

(o) A staff member who has occasion to deal, in his or her official capacity, with any matter involving a profit-making, business or other concern in which he or she holds a financial interest, directly or indirectly, shall disclose the measure of that interest to the Registrar and, except as otherwise authorized by the Registrar, either dispose of that financial interest or formally excuse himself or herself from participating with regard to any involvement in that matter which gives rise to the conflict of interest situation.

(p) [Deleted]

Outside activities

(q) Staff members shall not, except in the normal course of official duties or with the prior approval of the Registrar, engage in any of the following acts, if such act relates to the purpose, activities or interests of the Court:

- (i) Issue statements to the press, radio or other agencies of public information;
- (ii) Accept speaking engagements;
- (iii) Take part in film, theatre, radio or television productions;
- (iv) Submit articles, books or other material for publication.

(r) Membership in a political party is permitted, provided that such membership does not entail action, or an obligation to take action, by the staff member contrary to staff regulation 1.2 (h). The payment of normal financial contributions to a political party shall not be construed as an activity inconsistent with the principles set out in staff regulation 1.2 (h).

(s) Staff members may seek in confidence clarification from the Registrar as to whether proposed outside activities would conflict with their status as international civil servants.

Travel and per diem for outside activities

(t) Staff members who are authorized by the Registrar to participate in activities organized by a Government, intergovernmental organization, non-governmental organization or other private source, may receive from the Government, intergovernmental organization, non-governmental organization or private source, accommodation and travel and subsistence allowance generally in line with those payable by the Court. In such cases, the travel subsistence allowance that may otherwise be payable by the Court shall be reduced, as envisaged by rule 307.4.

Rule 301.4

Performance of staff

(a) The performance of staff members shall be evaluated to assess their efficiency, competence and integrity and to ensure their compliance with the standards set out in the Staff Regulations and Staff Rules for purposes of accountability.

(b) Performance reports shall be prepared regularly in accordance with procedures established by the Registrar. At minimum staff members shall receive a performance report before the expiration of their appointment.

Rule 301.5

Hours of work and official holidays

(a) The Registrar shall set the normal number of working hours per week. Exceptions may be made by the Registrar as the needs of the service may require. A staff member shall be required to work beyond the normal tour of duty whenever requested to do so.

(b) Staff members shall normally observe public holidays in Sierra Leone.

Rule 303.1

Salaries

The Registrar shall set the salary rates for staff members with the approval of the Management Committee.

Rule 303.2

Overtime, compensatory time off and night differential

Conditions for the granting of compensatory time off or for the payment of overtime or night differential shall be set by the Registrar, in accordance with Appendix B.

Rule 303.3

Retroactivity of payments

A staff member who has not received a payment to which he or she is entitled shall not receive such payment unless the staff member makes a claim in writing within one year from the date on which he or she would have been entitled to the payment.

Rule 303.4

Dependency allowances

Staff members shall not be eligible for dependency allowances other than those established by the Registrar with the approval of the Management Committee.

Rule 303.5

Deductions and contributions

The Registrar may make deductions from payments due from the Court for indebtedness to the Court or to third parties, for lodging provided by the Court, by a Government or by a related institution, or for contributions for which provision is made under these Rules.

Rule 303.6

Salary advances

Salary advances may be made to staff members:

(a) In cases where staff members do not receive their regular pay cheque through no fault of their own, in the amount due;

(b) In cases where new staff members arrive without sufficient funds, in such amounts as the Registrar may deem appropriate.

Rule 304.1

Letter of appointment

The letter of appointment granted to every staff member contains expressly or by reference all the terms and conditions of employment. All contractual entitlements of staff members are strictly limited to those contained expressly or by reference in their letters of appointment.

Rule 304.2

Effective date of appointment

The appointment of a staff member shall take effect from the date on which the staff member enters into official travel status to assume his or her duties, or, if no official travel is involved, from the date on which the staff member starts to perform his or her duties.

Rule 304.3

Notification by staff members and obligation to supply information

(a) Staff members shall be responsible for supplying the Registrar with whatever information may be required for the purpose of determining their status under the Staff Regulations and

Staff Rules or of completing administrative arrangements in connection with their appointments. Specifically, this requirement shall include information on nationality, passport and visa, marital status, dependency status and designation of beneficiary, and information concerning any financial interest the staff member may hold in any business concern with which he or she may have to deal as a staff member.

(b) Staff members shall also be responsible for promptly notifying the Registrar, in writing, of any subsequent changes affecting their status under the Staff Regulations and Staff Rules.

(c) A staff member who is arrested charged with an offence other than a minor traffic violation or summoned before a court as a defendant in a criminal proceeding or convicted, fined or imprisoned for any offence other than a minor traffic violation shall immediately report the fact to the Registrar.

Rule 304.4

Temporary appointments

(a) All appointments under these Rules are temporary appointments for a fixed term, the period of which is specified in the letter of appointment. Appointments granted under these Rules may be terminated prior to their expiration dates in accordance with the provisions of rule 309.2. appointments carry no expectancy of renewal.

(b) Appointments under these Rules may be granted for a period not exceeding one year, and may be renewed.

Rule 304.5

Local and non-local recruitment

(a) Staff members appointed under these Rules who have been recruited in the country of the duty station shall be regarded as local recruits. They shall be eligible for the salary rate applicable to local recruits, but not for payment of travel expenses upon appointment or on separation other than as provided under paragraph (c) below.

(b) Staff members appointed under these Rules who have been recruited outside the country of the duty station shall be regarded as non-local recruits. They shall be eligible for the salary rate applicable to non-local recruits and for payment of travel expenses upon appointment and separation, in accordance with these Rules.

(c) A staff member recruited within the country of the duty station may nevertheless be regarded as non-locally recruited if, in the opinion of the Registrar, the staff member's normal place of residence at the time of recruitment and/or the nature of the post for which he or she has been recruited so warrant. Such a staff member shall be eligible for payment of salary at the rates applicable to non-local recruits and for payment of travel expenses only as determined by the Registrar in each case.

Rule 304.6

Family relationships

(a) Except where another person equally well qualified cannot be recruited, appointment shall not normally be granted to a person who bears any of the following relationships to a staff member: father, mother, son, daughter, brother or sister.

(b) The husband or wife of a staff member may be appointed provided that he or she is fully qualified for the post for which he or she is being considered and that the spouse is not given any preference by virtue of the relationship to the staff member.

(c) Staff members who bear any of the relationships specified in paragraphs (a) and (b) above shall not be assigned to serve in the same department if one of the posts is subordinate to the other in the line of authority.

(d) If two staff members marry, the benefits and entitlements which accrue to them shall be modified as provided in these Rules; their appointment status shall not, however, be affected.

Rule 304.7

Medical examination

(a) Staff members may be required from time to time to satisfy the Court Medical Officer, by medical examination, that they are free from any ailment likely to impair the health of others.

(b) Staff members may also be required to undergo such medical examinations and receive such inoculations as may be required by the Court Medical Officer, within three months of initial appointment, or before they go on or after they return from official travel on behalf of the Court.

Rule 305.1

Annual leave

The Registrar shall set terms and conditions under which annual leave may be allowed to staff members.

Rule 305.2

Special leave

Staff members may be granted special leave, with full or partial pay or without pay, for compelling reasons for such period as the Registrar may deem appropriate in the circumstances.

Rule 306.1

Joint Staff Pension Fund

[Deleted]

Rule 306.2

Sick leave

Staff members who are unable to perform their duties by reason of illness or injury or whose attendance is prevented by public health requirements shall be granted sick leave in accordance with the following provisions:

(a) All sick leave must be approved by or on behalf of the Registrar;

(b) Entitlement to sick leave shall be subject to a maximum rate of two working days for each full month of continuous service. Subject to the conditions provided in this rule, sick leave credits will be available at any time during service; however, should separation occur before the expiration date of the appointment, sick leave credits will be recalculated on the basis of the actual period of service;

(c) Any absence of more than two consecutive working days shall be supported by a medical certificate in all cases. After a staff member has taken uncertified sick leave totalling three working days within any period of six months of continuous service, any further absence from duty within that period shall either be supported by a medical certificate or charged as special leave without pay;

(d) A staff member may be required at any time to submit a medical report as to his or her condition or to undergo a medical examination by the Court Medical Officer or a medical practitioner designated by the Court Medical Officer. When, in the opinion of the Court Medical Officer, a medical condition impairs a staff member's ability to perform his or her functions, the staff member may be directed not to attend the office and requested to seek treatment from a duly qualified medical practitioner. The staff member shall comply promptly with any direction or request under this rule;

(e) A staff member shall immediately notify the Court Medical Officer of any case of contagious disease occurring in his or her household or of any quarantine order affecting the household. In such a case, or in the case of any other conditions which may affect the health of others, the Court Medical Officer shall decide whether the staff member should be excused from attendance at the office. If so excused, the staff member shall receive full salary and other emoluments for the period of the authorized absence;

(f) A staff member, while on sick leave, shall not leave the area of the duty station without the prior approval of the Registrar.

Rule 306.3

Medical insurance

Staff members of the Court shall have adequate medical insurance coverage, and provide proof of coverage valid for the duration of their appointment and to the minimum standard provided by J. Van Breda & Co International. Staff members shall be automatically enrolled in J. Van Breda & Co International where proof of adequate coverage has not been provided.

Rule 306.4

Compensation for death, injury or other disability
attributable to service

Staff members shall be entitled to compensation in the event of illness, injury or death attributable to the performance of official duties on behalf of the Court. The Registrar shall apply the provisions of Appendix D to the Staff Rules of the United Nations.

Rule 306.5

Compensation for loss of, or damage to, personal effects
attributable to service

Staff members shall be entitled, within the limits and under the conditions established by the Registrar, to reasonable compensation in the event of loss or damage to their personal effects determined to be directly attributable to the performance of official duties on behalf of the Court.

Rule 307.1

Official travel

The Court shall pay the authorized travel expenses of staff members under the following circumstances:

- (a) In respect of non-locally recruited staff members, on appointment and separation;
- (b) On official business for the Court; and
- (c) On travel authorized for medical or security reasons or in other appropriate cases, when, in the opinion of the Registrar, there are compelling reasons for paying such expenses.

Rule 307.2

Authority for travel

(a) Before travel is undertaken, it shall be authorized in writing. In exceptional cases, staff members may be authorized to travel on oral orders but such oral authorization shall require written confirmation. A staff member shall be personally responsible for ascertaining that he or she has the proper authorization before commencing travel.

(b) Unless the staff member is specifically authorized to make other arrangements, all tickets for transportation involving official travel shall be purchased by the Court in advance of the actual travel.

Rule 307.3

Expenses for travel

(a) Except as provided in paragraph (c) below, travel expenses shall normally cover the actual cost of transportation on official travel by a route, mode and standard of transportation approved by the Registrar, together with terminal expenses at rates and under conditions established by the Registrar.

(b) The Court shall pay only for transportation and accommodations actually authorized and used. All claims for reimbursement of travel expenses must be supported by receipts.

(c) The Registrar may establish a lump-sum arrangement for travel on appointment and separation of staff.

(d) Official travel on behalf of the Court, other than travel on appointment or separation as covered by these Rules, shall be governed by the rules similar to the corresponding travel rules in the 100 series of Staff Rules of the United Nations.

(e) The Registrar may reject any claim for payment or reimbursement of travel expenses which are incurred in contravention of any provision of these Rules.

Rule 307.4

Subsistence allowance

A staff member who is authorized to travel at Court expense shall receive an appropriate subsistence allowance in accordance with a schedule established by the United Nations from time to time. The rates of subsistence allowance shall be subject to reduction in cases where lodging or meals are provided free of charge by the Court, a Government or a related institution.

Rule 307.5

Loss of entitlement for return transportation

A staff member who resigns shall not normally be entitled to payment of return travel expenses. The Registrar may, however, authorize such payment if there are compelling reasons for so doing.

Rule 307.6

Excess baggage and unaccompanied shipments

(a) For the purposes of these Rules "excess baggage" shall mean baggage in excess of the weight or volume carried without extra charge by transportation companies.

(b) Staff members travelling by air shall be entitled to reimbursement of the cost of excess baggage to the extent of the difference between their free baggage allowance and the free baggage allowance in first class air travel, subject to conditions established by the Registrar.

(c) When a staff member travels at the Court's expense, the Registrar may authorize the shipment of personal effects by the most economical means, up to a maximum of 100 kg (220 lbs.) or 0.6 cubic metres (22 cubic feet), including the weight or volume of packing but excluding crating and lift vans. Where surface shipment is the most economical means of transportation, surface shipment shall normally be authorized.

Rule 307.7

Insurance

(a) Staff members shall not be reimbursed for the cost of personal accident insurance or insurance of accompanied personal baggage. However, compensation may be paid under arrangements in force under rule 306.5, in respect of loss of or damage to accompanied personal baggage directly attributable to the performance of official duties on behalf of the Court.

(b) When a shipment under rule 307.6 (c) is authorized, insurance coverage shall be provided by the Court up to the maximum amount established by the Registrar.

Rule 308.1

Staff relations

[Deleted (see article VIII of the Staff Regulations)]

Rule 309.1

Resignation

A resignation within the meaning of the Staff Regulations and Staff Rules is a separation initiated by the staff member. Unless otherwise specified in their letter of appointment, staff members shall give thirty days written notice of resignation. The Registrar may, however, accept resignations on shorter notice.

Rule 309.2

Termination

(a) A termination within the meaning of the Staff Regulations and Staff Rules is a separation from service initiated by the Registrar, other than summary dismissal for serious misconduct.

(b) The appointment of a staff member may be terminated at any time if, in the Registrar's opinion, such action would be in the interest of the Court.

Rule 309.3

Notice of termination

(a) Staff members whose contracts are to be terminated prior to the expiration date specified in their letter of appointment shall be given not less than two weeks written notice or as otherwise provided in the letter of appointment. Such written notice shall include the reasons for the termination.

(b) In lieu of the notice period, the Registrar may authorize compensation calculated on the basis of the salary that the staff member would have received had the date of termination been at the end of the notice period.

Rule 309.4

Termination indemnity

Staff members shall not be paid a termination indemnity.

Rule 309.5

Expiration of appointments

(a) Appointments shall expire automatically on the expiration date specified in the letter of appointment.

(b) If the Registrar does not seek to extend the appointment of a staff member after the expiration date specified in the letter of appointment, the staff member shall be given written notice no less than 30 days in advance of the expiration date that his appointment will not be extended. Such written notice shall include the reasons for the non-extension.

(c) Separation as a result of the expiration of any appointment shall not be regarded as termination within the meaning of the Staff Regulations and Staff Rules.

Rule 309.6

Last day for pay purposes in case of death

When separation of a staff member results from death occurring in the course of appointment, entitlement to salary and emoluments shall cease as from the date of death. However, when there is a surviving spouse or one or more dependent children, a lump sum of three months' gross salary shall be paid to the surviving spouse and dependent children, to be divided equally among those beneficiaries.

Rule 309.7

Certification of service

Any staff member who so requests shall, on leaving the service of the Court, be given a statement relating to the nature of his or her duties and the length of service. On the staff member's written request, the statement shall also refer to the quality of his or her work and official conduct.

Rule 310.1

Disciplinary measures

(a) Failure by a staff member to comply with his or her obligations under the Staff Regulations and Staff Rules or other relevant administrative issuances or to observe the standards of conduct expected of a staff member of the Court may amount to unsatisfactory conduct within the meaning of staff regulation 10.1, leading to the institution of disciplinary proceedings and the imposition of disciplinary measures for misconduct.

(b) If an allegation of misconduct is made against a staff member and the Registrar so decides, the staff member may be suspended from duty, without prejudice to his or her rights. Such suspension shall be with pay unless, in exceptional circumstances, suspension without pay is appropriate. A staff member suspended under this paragraph shall be given a written statement of the reason for the suspension.

(c) No disciplinary proceedings may be instituted unless the staff member has been notified of the allegations against him or her and of his or her right to seek the assistance in his or her defence of another staff member, and has been given a reasonable opportunity to respond to the allegations.

(d) Disciplinary measures under these Rules may take one or more of the following forms:

- (i) Written censure;
- (ii) Suspension without pay;
- (iii) Fine;
- (iv) Separation from service, with or without notice or compensation in lieu of notice;
- (v) Summary dismissal.

Rule 311.1

Appeals

A staff member wishing to appeal against an administrative decision, including a decision imposing a disciplinary measure, shall follow procedures set out in staff regulation 11.1 and Annex IV to the Staff Regulations.

Rule 312.1

Amendment of Staff Rules

These Rules may be amended by the Registrar in a manner consistent with the Staff Regulations.

Rule 312.2Financial responsibility

A staff member may be required to reimburse the Court either partially or in full for any financial loss suffered by the Court as a result of the staff member's negligence or of his or her having violated any regulation, rule or administrative instruction.

Rule 312.3Liability insurance

Staff members who own or drive non-Court motor cars shall carry public liability and property damage insurance in an amount adequate to insure them against claims arising from injury or death to other persons or from damage to the property of others caused by their cars.

Rule 312.4Staff member's beneficiaries

(a) At the time of appointment each staff member shall nominate a beneficiary or beneficiaries in writing in a form prescribed by the Registrar. It shall be the responsibility of the staff member to notify the Registrar of any revocations or changes of beneficiaries.

(b) In the event of the death of a staff member, all amounts standing to the staff member's credit will be paid to his or her nominated beneficiary or beneficiaries subject to these Rules. Such payment shall afford the Court a complete release from all further liability in respect to any sum so paid.

(c) If a nominated beneficiary does not survive or if a designation of beneficiary has not been made or has been revoked, the amount standing to the credit of a staff member will, upon the staff member's death, be paid to his or her estate.

Rule 312.5Proprietary rights

All rights, including title, copyright and patent rights, in any work performed by a staff member as part of his or her official duties, shall be vested in the Court.

Rule 312.6Effective date of Staff Rules

These Rules shall be effective 21 June 2002, and as amended from time to time.

APPENDICES TO THE STAFF RULES**Appendix A****Salary rates for conference and other short-term staff at Headquarters under rule 301.1****(a) (i)**

[Deleted]

Appendix B**Overtime payment and compensatory time**

(a) Pursuant to rule 303.2, staff members in the General Service category who are required to work overtime shall be given compensatory time off or may receive additional payment in accordance with the following provisions:

- (i) Overtime means time worked in excess of the scheduled work day or in excess of the scheduled work week or time worked on official holidays, provided that such work has been authorized by the proper authority;
- (ii) The scheduled work day means the duration of the working hours in effect at the time on any day of the scheduled work week, less one hour for a meal;
- (iii) The scheduled work week consists of the five working days assigned to the staff member during seven consecutive calendar days;
- (iv) Compensation shall take the form of an equal amount of compensatory time off for overtime in excess of the scheduled work day up to a total of eight hours of work on the same day. Subject to the exigencies of the service, such compensatory time off may be given at any time during the four months following the month in which the overtime takes place. If, upon separation from service, a staff member has accrued compensatory time off, he or she may be paid in lieu thereof a sum of money corresponding to the net base salary for an equivalent number of hours;
- (v) Compensation shall take the form of an additional payment for overtime in excess of a total of eight hours of work in any day of the scheduled work week, or when it takes place on the sixth or seventh day of the scheduled work week;
- (vi) Compensation for overtime shall take the form of an additional payment when it takes place on an official holiday, provided that the Registrar may require all staff members to work on a holiday that falls during a period of exigency. In that event, the Registrar shall set another working day to be observed as the holiday and the holiday falling during the period of exigency shall be treated as a normal working day;

- (vii) a. The additional payment referred to in subparagraph (v) above shall be made at the rate of one-and-one-half times the staff member's net base salary rate, except that if the overtime work takes place on a Sunday or on the seventh day of the scheduled work week, the rate of the additional payment shall be twice the staff member's net base salary rate. In the latter case, overtime which takes place on a Sunday will be subject to compensation at the straight or one-and-one-half time rate, as appropriate;
- b. The additional payment referred to in subparagraph (vi) above shall be made at the rate of twice the staff member's net base salary rate;
- (viii) Compensation for overtime shall be reckoned to the nearest half hour; casual overtime of less than one half hour on any day during the scheduled work week shall be disregarded. A staff member who is required to work on the sixth or seventh day of the week or on an official holiday shall receive no less than four hours of overtime compensation;
- (ix) In the interests of the health of staff members and the efficiency of the service, supervisors shall not require staff members to work more than 40 hours of overtime during any one month, except where unusual exigencies of the service so require.

(b) Staff members at the Professional level and above who work substantial recurrent periods of overtime may be granted occasional time off for such periods as the Registrar may consider appropriate.

Conditions governing night differential

(a) Pursuant to rule 303.2, staff members shall receive, for any regular working hours between 6 p.m. and 9:30 a.m., a night differential at the rate of 10 per cent of their net base salary, provided that no such differential shall be paid for any part of the tour of duty that begins between 6 a.m. and 9:30 a.m.

(b) Payments shall be reckoned to the nearest hour, and work periods of less than one half hour shall not be taken into consideration.

Appendix C

Salary rates for staff specifically recruited for service of a limited duration under rule 301.1 (a)

(ii)

[Deleted]

Appendix D

Rules governing compensation in the event of death, injury or illness attributable to the performance of official duties

[Deleted]

Appendix E

Staff rules 108.1 and 108.2 and 111.1 and 111.2

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STAFF REGULATIONS OF THE SPECIAL COURT FOR SIERRA LEONE

Scope and purpose

The Staff Regulations embody the fundamental conditions of service and the basic rights, duties and obligations of staff members of the Court. They represent the broad principles of personnel policy for the staffing and administration of staff members. The Registrar of the Court shall provide and enforce such regulations consistent with these principles as he or she considers necessary.

Article I

Duties, obligations and privileges

Regulation 1.1

Status of staff

(a) Staff members are international civil servants. Their responsibilities as staff members are not national but exclusively international;

(b) Staff members shall make the following written declaration witnessed by the Registrar or his or her authorized representative:

“I solemnly declare and promise to exercise in all loyalty, discretion and conscience the functions entrusted to me as an international civil servant of the Special Court for Sierra Leone, to discharge these functions and regulate my conduct with the interests of the Court only in view, and not to seek or accept instructions in regard to the performance of my duties from any Government or other source external to the Court”;

“I also solemnly declare and promise to respect the obligations incumbent upon me as set out in the Staff Regulations and Staff Rules.”

(c) The Registrar shall ensure that the rights and duties of staff members, as set out in the Agreement between the United Nations and the Government of Sierra Leone on the Establishment of a Special Court for Sierra Leone, of 16 January 2002, (hereafter- Agreement) and the Staff Regulations and Staff Rules, are respected;

(d) The Registrar shall seek to ensure that the paramount consideration in the determination of the conditions of service shall be the necessity of securing staff members of the highest standards of efficiency, competence and integrity;

(e) These regulations apply to all staff members at all levels of the Court recruited for service limited to the Court;

(f) The privileges and immunities enjoyed by the personnel of the Court by virtue of Article 13 of the Agreement are conferred in the interests of the Court. These privileges and immunities furnish no excuse to the staff members who are covered by them to fail to observe laws and police regulations of the State in which they are located, nor do they furnish an excuse for non-performance of

their private obligations. In any case where an issue arises regarding the application of these privileges and immunities, the staff member shall immediately report the matter to the Registrar, who alone may decide whether such privileges and immunities exist and whether they shall be waived in accordance with the relevant instruments.

Regulation 1.2

Basic rights and obligations of staff

Core values

(a) Staff members shall uphold and respect the principles set out in the Agreement and in the Charter of the United Nations, including faith in fundamental human rights, the dignity and worth of the human person and the equal rights of men and women. Consequently, staff members shall exhibit respect for all cultures; they shall not discriminate against any individual or group of individuals or otherwise abuse the power and authority vested in them;

(b) Staff members shall uphold the highest standards of efficiency, competence and integrity. The concept of integrity includes, but is not limited to, probity, impartiality, fairness, honesty and truthfulness in all matters affecting their work and status;

General rights and obligations

(c) Staff members are subject to the authority of the Registrar and to assignment by him or her to any of the activities of offices of the Court. In exercising this authority the Registrar shall seek to ensure, having regard to the circumstances, that all necessary safety and security arrangements are made for staff members carrying out the responsibilities entrusted to them;

(d) In the performance of their duties staff members shall neither seek nor accept instructions from any Government or from any other source external to the Court;

(e) By accepting appointment, staff members pledge themselves to discharge their functions and regulate their conduct with the interests of the Court only in view. Loyalty to the aims, principles and purposes of the United Nations, as set forth in its Charter, is a fundamental obligation of all staff members by virtue of their status as international civil servants;

(f) While staff members' personal views and convictions, including their political and religious convictions, remain inviolable, staff members shall ensure that those views and convictions do not adversely affect their official duties or the interests of the Court. They shall conduct themselves at all times in a manner befitting their status as international civil servants and shall not engage in any activity that is incompatible with the proper discharge of their duties with the Court. They shall avoid any action and, in particular, any kind of public pronouncement that may adversely reflect on their status, or on the integrity, independence and impartiality that are required by that status;

(g) Staff members shall not use their office or knowledge gained from their official functions for private gain, financial or otherwise, or for the private gain of any third party, including family, friends and those they favour. Nor shall staff members use their office for personal reasons to prejudice the positions of those they do not favour;

(h) Staff members may exercise the right to vote but shall ensure that their participation in any political activity is consistent with, and does not reflect adversely upon, the independence and impartiality required by their status as international civil servants;

(i) Staff members shall exercise the utmost discretion with regard to all matters of official business. They shall not communicate to any Government, entity, person or any other source any information known to them by reason of their official position that they know or ought to have known has not been made public, except as appropriate in the normal course of their duties or by authorization of the Registrar. These obligations do not cease upon separation from service;

Honours, gifts or remuneration

(j) No staff member shall accept any honour, decoration, favour, gift or remuneration from any Government;

(k) If refusal of an unanticipated honour, decoration, favour or gift from Government would cause embarrassment to the Court, the staff member may receive it on behalf of the Court and then report and entrust it to the Registrar, who will either retain it for the Court or arrange for its disposal for the benefit of the Court or for a charitable purpose;

(l) No staff member shall accept any honour, decoration, favour, gift or remuneration from any non-governmental source without first obtaining the approval of the Registrar;

Conflict of interest

(m) Staff members shall not be actively associated with the management of, or hold financial interest in, any profit-making, business or other concern, if it were possible for the staff member or the profit-making, business or other concern to benefit from such association or financial interest by reason of his or her position with the Court;

Outside employment and activities

(n) Staff members shall not engage in any outside occupation or employment, whether remunerated or not, without the approval of the Registrar;

(o) The Registrar may authorize staff members to engage in an outside occupation or employment, whether remunerated or not, if;

- (i) The outside occupation or employment does not conflict with the staff member's official functions or the status of an international civil servant;
- (ii) The outside occupation or employment is not against the interest of the Court; and
- (iii) The outside occupation or employment is permitted by local law at the duty station or where the occupation or employment occurs;

Use of property and assets

(p) Staff members shall only use the property and assets of the Court for official purposes and shall exercise reasonable care when utilizing such property and assets;

(q) Staff members shall respond fully to requests for information from staff members and other officials of the Court authorized to investigate possible misuse of funds, waste or abuse.

Regulation 1.3

Performance of staff

(a) Staff members shall be accountable to the Registrar for the proper discharge of their functions. Staff members shall be required to uphold the highest standards of efficiency, competence and integrity in the discharge of their functions, and their performance shall be appraised periodically to ensure that the required standards of performance are met;

(b) The whole time of staff members shall be at the disposal of the Registrar for the performance of official functions; however, the Registrar shall establish a normal working week. Staff members shall normally observe public holidays in Sierra Leone. Exceptions may be made by the Registrar as the needs of the service may require, and staff members shall be required to work beyond the normal hours of duty when requested to do so.

Article II

Classification of posts and staff

Regulation 2.1

The Registrar shall make appropriate provision for the classification of posts and staff members according to the nature of the duties and responsibilities required.

Article III

Salaries and related allowances

Regulation 3.1

Salaries of staff members shall be fixed by the Registrar with the approval of the Management Committee.

Regulation 3.2

The Court shall reimburse taxes paid by staff members, under the relevant national laws, on staff members' salaries and other emoluments received from the Court. The Registrar shall establish procedures for such reimbursement.

Article IV Appointment

Regulation 4.1

As stated in Article 4 of the Agreement, the power of recruitment and administration of staff members rests with the Registrar. Upon appointment, each staff member shall receive a letter of appointment in accordance with the provisions of Annex II to these regulations and signed by the Registrar or by an official in the name of the Registrar.

Regulation 4.2

The paramount consideration in the appointment of staff members shall be the necessity of securing the highest standards of efficiency, competence and integrity.

Regulation 4.3

In accordance with the principles of the Charter of the United Nations, the selection of staff members shall be made without distinction as to race, sex or religion. So far as practicable, selection shall be made on a competitive basis.

Regulation 4.4

The Registrar shall establish appropriate medical standards that staff members shall be required to meet before appointment.

Article V Annual and special leave

Regulation 5.1

Staff members shall be allowed appropriate annual leave.

Regulation 5.2

Special leave may be authorized by the Registrar in exceptional cases.

Regulation 5.3

Eligible staff members shall be granted home leave once every year. A staff member shall not be eligible for home leave where his or her home country, or his or her normal residence while in Court service is the same as the official duty station of the Court.

Article VI

Social Security

Regulation 6.1

[Deleted]

Regulation 6.2

The Registrar shall establish a scheme of social security for staff members, including provisions for health protection, sick leave and maternity leave, and reasonable compensation in the event of illness, accident or death attributable to the performance of official duties on behalf of the Court.

Article VII

Travel and removal expenses

Regulation 7.1

Subject to conditions and definitions prescribed by the Registrar, the Court shall in appropriate cases pay the travel expenses of staff members, their spouses and dependent children.

Regulation 7.2

[Deleted]

Article VIII

Staff relations

Regulation 8.1

(a) A staff committee elected by staff members (other than short-term staff members) shall be established consisting of a minimum of five staff members, of whom two shall be staff members in the General Service category, two shall be a staff members in the Professional, Director or Field Service category, and the remaining shall be a staff member in any category.

(b) The staff committee shall be entitled to make proposals to the Registrar, and to be consulted, on general problems of staff welfare, conditions of work and general personnel policies. General administrative instructions on such questions shall, except in cases of urgency, be shown in advance to the committee for consideration and comment.

(c) Individual staff members shall remain entitled to approach the Registrar directly in any matter relating to their own rights and duties, and the staff committee shall not intervene in any such matter unless requested to do so by the staff member concerned.

(d) The Registrar shall afford facilities for meetings of staff members and the staff committee, and shall allow members of the staff committee sufficient time for the performance of their functions during office hours.

Article IX

Separation from service

Regulation 9.1

(a) The Registrar may terminate the appointment of a staff member, if the necessities of service require abolition of the post or reduction of staff members, the services of the staff member concerned prove unsatisfactory or if he or she is, for reasons of health, incapacitated for further service; or for such other reason as may be specified in the letter of appointment.

(b) The Registrar may also, giving the reasons therefor, terminate the appointment of a staff member:

- (i) If the conduct of the staff member indicates that the staff member does not meet the highest standards of integrity by Article 101, paragraph 3, of the Charter of the United Nations;
- (ii) If facts anterior to the appointment of the staff member and relevant to his or her suitability come to light that, if they had been known at the time of his or her appointment, should, under the standards established in the Charter, have precluded his or her appointment.

(c) No termination under paragraph (b) shall take place until the matter has been considered and reported on by a special advisory board appointed for that purpose by the Registrar.

(d) The Registrar may terminate the appointment of a staff member if such action would be in the interest of the good administration of the Court and in accordance with the standards of the Charter of the United Nations, provided that the action is not contested by the staff member concerned.

(e) Finally, in the case of all staff members, the Registrar may, at any time, terminate the appointment if, in his or her opinion, such action would be in the interest of the Court.

Regulation 9.2

Staff members may resign from service with the Court upon giving the Registrar the notice required under the terms of their appointment.

Regulation 9.3

[Deleted]

Regulation 9.4

Staff members shall not be retained in active service beyond the age of sixty-two years. The Registrar may, in the interest of the Court, extend this age limit in exceptional cases.

Article X
Disciplinary measures

Regulation 10.1

The Registrar may impose disciplinary measures on staff members whose conduct is unsatisfactory. The Registrar may summarily dismiss a member of the staff for serious misconduct.

Article XI
Appeals

Regulation 11.1

(a) The Chambers shall elect one of its members annually to act as the judge for staff appeals and another to deputize for him or her in case he or she is unable to act. The judge shall examine any appeal by a staff member against an administrative decision of the Registrar alleging the non-observance of the staff member's terms of appointment, including all regulations and rules applicable to staff members, or against disciplinary action.

(b) The judge for staff appeals shall endeavour to bring about a speedy solution of the matter in conformity with the relevant rules and regulations. The procedure for appeals shall be as set out in Annex IV hereto, and subject thereto the procedure before the judge for staff appeals shall be determined by him so as to be as simple as possible, but must ensure an equal representation of the views of the staff members as well as those of the Registrar.

(c) If no such solution has been reached, the judge for staff appeals shall at the request either of the staff member or the Registrar refer the matter to the Chambers for settlement according to the procedure, which the Chambers may prescribe.

Annex I

Salaries and related allowances

[Deleted]

Annex II

Letters of Appointment

- (a) The letter of appointment shall state:
- (i) That the appointment is subject to the provisions of the Staff Regulations and of the Staff Rules and to changes which may be duly made in such regulations and rules from time to time;
 - (ii) The nature of the appointment;
 - (iii) The date on which the staff member is required to enter upon his or her duties;
 - (iv) The period of appointment, the notice required to terminate it and the period of probation, if any;
 - (v) The category, level, commencing rate of salary and, if increments are allowable, the scale of increments, and the maximum attainable;
 - (i) Any special conditions, which may be applicable.
- (b) A copy of the Staff Regulations and the Staff Rules shall be transmitted to the staff member with the letter of appointment. In accepting appointment the staff member shall state that he or she has been acquainted with and accepts the conditions laid down in the Staff Regulations and in the Staff Rules.

Annex III

Repatriation grant

[Deleted]

Annex IV

Appeals

- (a) A staff member who, under the terms of Article XI of the Staff Regulations, wishes to appeal against an administrative decision of the Registrar shall, as a first step, address a letter to the

Registrar, requesting that the administrative decision be reviewed. Such a letter must be sent within one month from the time the staff member was notified of the decision.

(b) If the staff member wishes to make an appeal against the answer received from the Registrar, the staff member shall submit his or her appeal in writing within one month from the date of receipt of the answer. If no reply has been received from the Registrar within one month from the date the letter was sent to him, the staff member shall be entitled to submit his or her appeal in writing within the following month.

(c) In case of disciplinary action, the staff member shall be entitled to an appeal to the judge for staff appeals, to be submitted within one month from the time the staff member was notified of the decision.

(d) The staff member shall address his or her appeal to the judge for staff appeals in writing through the Registrar, who shall forthwith communicate a copy of the notification to the judge.

(e) An appeal shall not be receivable unless the time limits in paragraphs (a) and (b) have been met, provided that the judge for staff appeals may waive the time limits in exceptional circumstances.

(f) The filing of an appeal shall not have the effect of suspending action on an administrative decision, which is the subject of the appeal, unless the President of the Court, in consultation with the judge for staff appeals, directs otherwise.

(g) A staff member may have the assistance of another staff member of when the matter is considered by the judge for staff appeals, and may have his or her appeal presented to the Chambers on his or her behalf by another staff member.