

Organisation internationale du Travail  
*Tribunal administratif*

International Labour Organization  
*Administrative Tribunal*

**Z.**  
**v.**  
**ICC**

**141st Session**

**Judgment No. 5103**

THE ADMINISTRATIVE TRIBUNAL,

Considering the complaint filed by Mr A. Z. against the International Criminal Court (ICC) on 19 July 2024 and the complainant's additional submissions of 15 October 2024;

Considering Articles II, paragraph 5, and VII of the Statute of the Tribunal and Article 7 of its Rules;

Having examined the written submissions;

#### CONSIDERATIONS

1. The complainant was employed by the ICC from 1 September 2021 until 31 August 2023 under a short-term appointment which was extended several times. On 18 October 2023, after he had left the service of the ICC, he was informed that he had not been selected for the position of Associate JWP (Judicial Workflow Platform) Software Programming Officer, at grade P-2, for which he had applied in June 2023. The complainant sought to challenge this non-selection decision by submitting a request for review to the Secretary of the Appeals Board, referring to Staff Rule 111.1(b). His request was forwarded to the Registrar of the ICC, who informed the complainant by an email of 18 December 2023 that the internal appeals procedure was not open to him as a former staff member. The complainant nevertheless lodged an

appeal with the Appeals Board under Staff Rule 111.1(d), challenging the Registrar's "decision" of 18 December 2023. In a report dated 13 May 2024, the Appeals Board found that the appeal was irreceivable, as the complainant did not have access to the internal appeal process, and recommended that the challenged decision be maintained. In his complaint filed on 19 July 2024, the complainant impugns the ICC Registrar's decision of 13 June 2024 dismissing his appeal as irreceivable in accordance with the recommendation of the Appeals Board.

2. Staff Rule 111.1 provides that "[e]very staff member shall have the right to appeal against an administrative decision alleging the non-observance of his or her terms of appointment, including all pertinent regulations and rules". As the Appeals Board noted in its report, there is nothing in the language of the Staff Rules and Regulations of the ICC to suggest that the words "staff member" in Staff Rule 111.1 should be interpreted as including former staff members. Accordingly, the Board's conclusion – accepted by the Registrar in the impugned decision – that the complainant did not have access to the internal appeal procedure, was correct.

3. In order to challenge the decision of which he was notified on 18 October 2023, the complainant ought to have filed a complaint directly with the Tribunal within the ninety-day period provided for in Article VII, paragraph 2, of the Statute of the Tribunal. When he was informed by the ICC Registrar, on 18 December 2023, that the internal appeal procedure was not available to him, that ninety-day period had not yet expired and the complainant could have filed his complaint in time. Instead, however, he chose to file an internal appeal.

4. As the complainant has not complied with the time limit established by Article VII, paragraph 2, of the Statute, his complaint is clearly irreceivable and must be summarily dismissed in accordance with the procedure set out in Article 7 of the Rules of the Tribunal.

DECISION

For the above reasons,  
The complaint is dismissed.

In witness of this judgment, adopted on 13 November 2025, Mr Patrick Frydman, Vice-President of the Tribunal, Mr Jacques Jaumotte, Judge, and Mr Clément Gascon, Judge, sign below, as do I, René M. Vargas M., Registrar.

Delivered on 10 February 2026 by video recording posted on the Tribunal's Internet page.

PATRICK FRYDMAN

JACQUES JAUMOTTE

CLÉMENT GASCON

RENÉ M. VARGAS M.