

The Legal Nature of the International Staff"Comparative Analytical Study"

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Abstract

International organizations carry out their multiple tasks through the international staff, who is considered the main driving force for implementing the work of these organizations on the ground. The use of the term "international staff" has increased due to the growing role of international organizations in recent times in addressing many problems, such as humanitarian displacement resulting from conflicts and armed disputes and the humanitarian problems resulting from the displaced population due to those conflicts. Additionally, the increasing phenomenon of armed gangs threatening international security and peace has led to an increased need to appoint international staff whom organizations use to manage their daily and ongoing work. Considering all of the above, this study addresses several issues, the most important of which is determining the legal nature of the international staff. The study is divided into two sections. The first section discusses the legal framework for the international staff, focusing on two aspects. The first aspect clarifies the nature of the international staff, the legal definition of the international staff, and the legal requirements that must be met. The second aspect discusses their rights and duties. The second section is dedicated to discussing the administrative and criminal responsibility of the international staff. It consists of two parts: the first part discusses disciplinary sanctions for the international staff, while the second part discusses the criminal responsibility of the international staff. The study concludes with several findings, the most important of which is that the international staff bears a significant resemblance in concept to the local public employee, with the difference being the employing entity. Furthermore, the study provides several recommendations, including the establishment of a clear legal foundation for the administrative and criminal responsibility of the international staff through national and international legislation, aiming to create a clear definition of the legal nature of the international staff.

Keywords: *International Staff, Administrative Responsibility, Penal Responsibility, Administrative Punishment, Penal Punishment.*

INTRODUCTION

Events have accelerated, and the development of the law has led to the evolution of humans and their demand for a public employment system. Public employment is considered part of administrative law, which plays a significant role in public life and the provision of services to citizens. Consequently, international employment has gained great importance, competing with public employment and occupying a significant position in international law. As a result, it has its own specialized laws, leading to the existence of two systems that govern international staff. The international staff is a key factor in the United Nations organization and is expected to carry out their work independently from any affiliation or connection to their home country, despite maintaining their citizenship. It is worth mentioning that this study aims to examine the reality of employees working in the United Nations organization and the extent to which they can be subject to international administrative responsibility rules. It also aims to critically analyze the United Nations' responsibility in holding its employees accountable for any shortcomings. It is worth mentioning that the international staff is the main artery through which the international organization operates to achieve its goals and values with its responsibilities. The success of the organization in reaching its established objectives depends on the international staff. Legal scholars have differed in establishing a specific definition for the international staff, as most of them believe that the term "international staff" does not apply to all workers in international organizations due to the difficulty of including all employees under this term. Therefore, it distinguishes itself from similar concepts such as international employees and representatives of member states. To confer the status of an international staff on a worker in an international organization, they must be

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subject to an international legal system and comply with the organization's instructions. No other entity has the right to direct them in their work, and they should work on a permanent and continuous basis. The increase in the number of international staff, the diversity of their tasks, and the multitude of activities carried out by organizations have made the adaptation of this relationship a subject of attention for jurisprudence and the international judiciary. They have differed in adapting it to three directions: the first argues that the relationship is contractual, the second sees it as regulatory, while the third believes that it is a dual nature relationship, both contractual and regulatory. Each of them has its arguments and opinions, with supporters and opponents of these theories.

Study Problem

The problem revolves around explaining the legal nature of the international staff through the limits of the impact of administrative and penal responsibility on the legal status of the international staff.

Study Questions

Statement of the concept of international posts and who are international staff, and what are the differences between them and public officials?

When is criminal judicial immunity invoked for international staff before administrative and international criminal courts?

What is the nature of the relationship between the international staff and international organizations, and what are the resulting effects of that relationship?

To what extent is international administrative and criminal responsibility sufficient in protecting the legal status of international staff?

Study Methodology

We have decided to answer the raised issues by following the descriptive method while relying on the nature of the subject to provide a detailed description in order to determine the extent of criminal judicial immunity enjoyed by senior international officials before the International Criminal Court. We have also utilized the analytical method, which involves analyzing legal texts and international agreements. Additionally, we have employed the comparative method in certain aspects that require comparison.

Legal Framework for International Staff

The international job is considered an extension of the public job, because the international staff carries out his legal duties assigned to him according to an international and local (institutional) legal system and is represented by the international body that belongs to the entity he works for, and therefore the success of international and regional organizations is considered by judging them from their effectiveness, production, and services they provide. Therefore, the work of the organizations is centered on scrutinizing the employees of their international apparatus, which are called international senior officials because they are considered the mainstay of international organizations and to achieve their goals, including ensuring service to the international community[]. In this topic, we will discuss what the international staff is and the conditions that must be met in it, and then we will explain his rights and duties, by dividing this topic into two requirements.

The Concept of an International Staff

International organizations, whether governmental or non-governmental, choose their employees through a method that is determined according to standards, legal controls, and conditions. International law also grants them immunities and privileges that guarantee their rights and assign them to perform their duties towards the work of international organizations. Therefore, these immunities and privileges do not exempt them from penal and administrative responsibility when they make a mistake or They transgress legal boundaries that should not be crossed, and this is what was mentioned in international law. The international staff is also considered the hand of the administration in carrying out its activities and the legal and organizational

structure in the countries, but most of the legislation did not provide a clear and disciplined definition that defines the legal rank and the law that governs them.

The Legal Definition of an International Staff

International organizations rely on a large number of employees, technicians, and administrative staff to carry out their tasks and functions. Some work permanently, while others work on a temporary basis. All of these employees are commonly referred to as international staff members. In the advisory opinion issued in 1949, the Administrative Tribunal of the International Labour Organization defined the international staff as follows: "Every person, whether remunerated or not, permanently or temporarily appointed by one of the organization's branches to perform one of its functions or to assist in their performance. In short, it includes anyone through whom the organization operates. From the above, we can see that the concept of international staff members encompasses all workers in international organizations, whether they are employed permanently or temporarily. This includes mission chiefs, their assistants, administrators, technicians, and workers both at the organization's headquarters and elsewhere. The international staff encompasses anyone appointed by the organization to perform work related to its functions.

Some legal jurisprudence has defined the international staff as: "every person who works in one of the administrative positions in the international organization or entrusts him with a specific task, permanently or temporarily, to achieve its goals and interests, and is subject to the principles established by the international organization and stipulated in the subsequent agreements of the organization and its legal status.

The Legal Requirements that Must be met by an International staff

it becomes clear to us that there is a set of conditions that must be met by the person in order to be referred to as an international staff, and these conditions are:

The condition of permanent work is based on two basic elements, namely the continuity of the job and the continuity of the employee in occupying it. Therefore, the job occupied by the public employee must be within the administrative structure of the public service, and in return the public employee should be dedicated to his work on a full-time basis. Just as the international staff is required to work in the service of an international organization or any of its branches. A person who performs their work for a specific country or an international institution that does not meet the criteria of an international organization cannot be considered an international staff. It is essential for the international staff to be fully dedicated to performing their work within the organization and to devote all their activities to it.

Working in a public institution: This means that the facility in which the person works is subject to the administration of a public authority, whether that authority is centralized or decentralized, and whether it is local or non-local. The employee should perform their activities within the territory of a specific country as long as the purpose behind these activities serves the interests of the organization itself.

The appointment should be made by the competent public authority: This means that the person should be appointed to the position by a specialized entity in accordance with the prevailing legal provisions. The legal system to which the international staff is subject should be determined through an international agreement, in accordance with the provisions of its charter and regulations. Therefore, a person who is subject to the laws and instructions of their own country in performing their work cannot be considered an international staff.

The objective should be to achieve the interests of the international organization: The person should work towards realizing the collective and common interests of the international community as a whole and demonstrate their loyalty to the organization they work for.

To summarize, an international staff should not be influenced by external authorities and should not receive instructions from any government or external entity other than the organization they work for. They must avoid any actions that could harm their position and be solely accountable to the organization. The organization provides occupational protection to international staff and expects them to maintain neutrality while following the instructions of the organization's bodies in their work.

Based on the foregoing, we see that there is a great similarity between the two, which entails envisioning the application of the rules of administrative and functional organization in force in the state within international organizations, and thus the rules that govern the work of the public employee become similar to the rules that govern the work of the international staff to some extent. As for the scope of work of the public employee, it is based mainly on the application of the national law of the state to which it belongs, which is through the service of national public utilities. As for the international staff, the scope of his work is limited to the implementation of an international agreement within the framework of an international legal system, and from our point of view we see that the public office is exercised at the state level, i.e. at the local level, and its work is in accordance with the governing laws and regulations with the aim of achieving the interest of the state and its citizens. According to the public office, the international office derived its basic rules and components. The international function aims to achieve the common interests of the members of the international community under the rules of international law.

Rights and Duties of the International Staff

International Staff Rights

The international staff enjoys diplomatic immunity, and it is not permissible to interfere with it. The primary and distinguishing right of the international staff is their enjoyment of diplomatic status, which is characterized by a special legal position. They are appointed by international bodies and selected according to specific regulations set by these bodies. In this case, the employees are independent of their governments and carry out their duties with neutrality and complete independence from their respective countries.

The right of the international staff to salary and its increase: The international staff is entitled to the agreed-upon salary upon commencing their employment and starting their duties. The salary includes all other benefits associated with it, as defined by the United Nations in its Charter, specifically in Article 3, which pertains to the Secretary-General's authority to determine the salaries of organization employees. Additionally, the recruitment systems of international and regional organizations establish specific mechanisms for granting salary increases in the form of periodic or incentive bonuses.

The right of the international employee to bonuses: The international employee deserves a periodic bonus paid on an annual basis, and there are some organizations that decide to grant other types of allowances such as family allowances and others.

The right to protection: The international staff enjoys a form of job protection, which is the organization's responsibility to protect its employees against any harm or attack that may occur as a result of carrying out their duties. This was affirmed by the International Court of Justice in its advisory opinion issued in April 1949 in the case of the assassination of the UN envoy Count Bernadotte. The court considered job protection as necessary to ensure the independence of employees in their work.

Duties of an International staff

There are several duties that fall upon the international staff, including the following:

Devotion to the job: the international staff must devote most of their time to their job; Where he does not perform any work outside the scope of their job unless authorized by their supervisory authority or if employment regulations allow for such activities and the devotion to carrying out the work of his international job is a basic duty that would distance them from submitting to any external influences.

The necessity to refrain from taking any action that is not commensurate with the dignity of the job or obtaining honorary, financial, or in-kind advantages from parties other than the party for which they work.

Integrity, honesty, and impartiality in their work: The international staff must enjoy complete integrity and honesty in carrying out their work, be free of all external influences that may affect their work in the organization, and be neutral in their work and not biased towards any member state of the organization even if it was the country to which he belongs by nationality, and this duty continues on the employee even after the termination of his service in the organization.

Respect for Hierarchical Structure and Presidential Authority: The international staff is required to fulfill their duty of obedience and show respect for the presidential authority, similar to a public servant. This obligation is considered one of the fundamental duties that they must adhere to.

Loyalty to the organization: It is one of the obligations of the international staff. Their loyalty must be to the organization in which they work and not to a specific country, so some regulations of international organizations stipulate the need for the international staff to take an oath confirming their work with all loyalty as an international staff working in the service of the organization.

Keeping the organization's secrets and not disclosing anything that harms it: The international staff, by virtue of their international position, are aware of the organization's secrets and are familiar with its most intricate details. Therefore, they must refrain from divulging the organization's secrets or disclosing any information or news that is prohibited from being disseminated except by order of the Secretary-General of the organization.

We can observe that there is a significant similarity between the rights and duties enjoyed by both the public employee and international staff. In terms of rights, both the public employee and the international staff are entitled to financial rights such as salary, allowances, and bonuses, as well as other rights such as promotion and leave. The difference lies in the right of the international staff to enjoy international status, which grants them independence from their own country and nationality and provides them with international protection by virtue of their position. As for duties, there is a great similarity between the public employee and the international staff. Both are obligated to show loyalty to the organization they work for, respect and obey their superiors, and adhere to the regulations of their positions. The difference lies in loyalty, where the international staff loyalty is solely to the organization they work for, completely independent of their country and nationality. On the other hand, public employee's loyalty is automatically directed toward their country, as they serve their government within its public institutions.

Administrative and Penal Responsibility of The International Staff

Furthermore, on December 17, 1920, the League of Nations adopted a resolution granting a group of its employees the right to appeal against dismissal decisions before the Council of the League. Similarly, the International Labour Office decided to grant its employees the right to appeal against decisions of the Governing Body of the International Labour Office. In the early stages of the development of international administrative law, it was natural for the right of appeal to be limited to decisions issued by the head of the international administration or the Secretary-General of the international organization. However, this form of appeal was not widely welcomed because it lacked sufficient guarantees to protect the rights of international staff. As we mentioned in the previous examples derived from the International Labour Office and the League of Nations, the appeals were heard by a body composed of representatives of the member states, making one of the parties to the dispute also a part of the decision-making apparatus. Consequently, the appealing party simultaneously assumed the roles of both a judge and a party to the conflict, thereby compromising the essential characteristic of neutrality in the appeals process.

In addition to the above, it should be noted that the appealing body in the previous examples did not have judicial authority. Instead, it was predominantly influenced by political considerations. Consequently, the decisions rendered had a political nature and were inevitably influenced by political factors, completely deviating from legal principles. In an attempt to address this issue, international staff were discouraged from relying on the influence of their claims against the international administration before a delegation representing one of the participating countries in the appeals body. This will be further discussed in this topic through two demands

Disciplinary Penalties for the International Employee

If an international staff member is subjected to an action by their superior and believes that this action is not based on sound legal grounds, the natural course of action would be to have an impartial body that can provide protection to the employee against arbitrary administrative actions involving the misuse of power by

the international administration. In the early stages, international administrations recognized this procedure by granting international staff the right to appeal before a higher administrative body, following the model known in national administrative laws. For example, employees of international river commissions and other international administrations were often provided with a presidential administrative body whose task was to adjudicate decisions made by the head of the administration that was in violation of the law[].

International Administrative Court

The Administrative Tribunal of the International Labour Organization (ILOAT) was established by decision number 18 of the 21st Session of the League of Nations in 1946. This decision led to the creation of the tribunal. The decision granted the tribunal jurisdiction to consider the following disputes:

Appeals filed by officials of the organization due to non-compliance with the Staff Regulations or the provisions of their employment contracts with the organization.

Disputes concerning claims for compensation as stipulated in Articles 45 and 70 of the Staff Regulations of the organization.

Appeals related to non-compliance with the provisions of Article 1 of the Compensation Fund Regulations.

Composition of the Tribunal: According to Article 3 of the Administrative Tribunal Regulations of the International Labour Organization, the Tribunal consists of three regular judges and three alternate judges, provided that each judge belongs to a different nationality than the others.

From our perspective, we believe that most international administrative justice systems require that judges do not belong to a single nationality. The reason for this is to prevent any state from having undue influence in the court, even if it is merely in terms of numerical representation. This requirement is based on the idea that multiple legal perspectives exist, which can lead to finding solutions to problems before the court, especially in cases where there is doubt or confusion regarding the interpretation and application of relevant texts. Additionally, in cases where there are no specific provisions governing the presented facts, general legal principles are invoked. Furthermore, the diversity of nationalities among judges itself ensures their independence and impartiality in their performance. It is worth mentioning that the appointment of judges in the International Labor Organization Administrative Tribunal is carried out by the General Conference of the International Labor Organization without any specific age, gender, or academic degree requirements. However, the Council of Administration has established general guidelines that should be taken into account when appointing judges, including legal expertise such as experience as judge in civil or administrative courts, lawyers, or legal professionals in general.

Judges of the International Administrative Tribunal

According to paragraph 2 of Article 3 of the Tribunal's Statute, judges of the Tribunal are appointed for a term of three years. However, due to the circumstances of the Second World War, the tenure of judges serving the Tribunal as of January 1, 1940, was extended until April 1, 1947. These judges continue to hold their positions until a decision to the contrary is issued by the competent authority. It should be noted that judges of this Tribunal can be removed from their positions, especially since the Statute of the Tribunal does not explicitly state that its judges are not removable.

The question that seeks an answer here is: Are the judges in this court considered international staff?

In our response to this question, we see that the judges of the Administrative Tribunal of the International Labor Organization perform an international function, which is to settle disputes that arise between the organization and its employees. However, during judicial recess periods, these judges retain their positions in their respective countries of nationality. Therefore, granting them the status of international staff is difficult. Nevertheless, they still benefit from diplomatic immunity as provided for.

From the above, we can conclude that the jurisdiction of the Administrative Tribunal of the International Labor Organization lies in adjudicating appeals based on the non-observance of provisions of employment

contracts, both substantively and procedurally. It also has the authority to consider requests related to non-observance of provisions of staff regulations in this regard. Additionally, it handles disputes concerning compensations specified in cases of invalidity, accidents, and illnesses that affect an employee during the performance of their duties. Lastly, it has the power to settle complaints and appeals arising from non-compliance with the provisions of the Pension Fund regulations or the applicable rules in this field, claimed by an employee or a group of employees to whom the provisions and rules mentioned apply. It should be noted that the Administrative Tribunal of the International Labor Organization assumed its jurisdiction, following the example of the Administrative Tribunal of the League of Nations, in 1947, specifically regarding former employees of the International Institute of Intellectual Cooperation.

This expansion of jurisdiction is based on a justification that states: "An international organization cannot be subjected to the jurisdiction of any state court regarding the mentioned disputes, as it would hinder the organization's work and conflict with the immunities granted to it." Moreover, international disputes arising outside of the organization's disputes with its employees or their beneficiaries, which are brought before its administrative courts as previously mentioned, may require the organization to perform acts and transactions subject to private law. For example, contracts entered into with contractors for the construction, expansion, and maintenance of its buildings and facilities, contracts with printing companies for the printing of its documents, and contracts with insurance companies to cover its risks. In such cases, there should be a unified judiciary responsible for resolving disputes that arise in connection with the modification of these contracts and actions. It is not permissible to leave the jurisdiction to a specific authority in each case individually, such as resorting to the judiciary in some cases and arbitration in others, which was acceptable in most cases in the past. On the other hand, there was another amendment to the statute of the Administrative Tribunal of the International Labor Organization, where the International Labor Conference in 1949 allowed other international bodies and organizations the right to resort to the tribunal by applying the fifth paragraph of Article 2 of the tribunal's statute.

The Penal Sanctions for the International Staff

The historical dimension of public responsibility in general, and criminal responsibility in particular, confirms that they are social phenomena. The concept of an international staff has been addressed previously, and we will now discuss the concept of criminal responsibility for a public official, both terminologically and legally, as well as the declaration of the criminal penalties that result from any crime or harm caused by the international staff to the international organization.

The Concept of Penal Responsibility for the International Staff

Legal responsibility is determined by the force of the law, and the purpose of the law is to maintain stable social relations by achieving a balance between societal development and the governing legal rules []. The international staff enjoys criminal immunity according to their status. As for employees who work under the first category, they have limited immunity that applies only to their official duties and does not extend to their family members. The scope of immunity for international staff varies from one organization to another because its legal basis lies in the agreements between the organization and the host state, as well as the organization's own charter. Therefore, immunity is granted based on the provisions of the respective agreements. Furthermore, the immunity of international staff is permanent, and it continues to apply to their statements or writings resulting from the performance of their official duties even after the termination of their official status. The international staff enjoys immunity in all member states of the organization, not just in the host state. This sets their immunity apart from the immunity of state representatives to the organization and diplomats, as international staff can invoke their immunity against any state, including their own, while representatives to the organization or diplomats cannot invoke their immunity against their own state.

From here, we can understand criminal liability as follows: "The commitment to bear the legal consequences resulting from the elements of a crime being present in an act." This means the commitment to bear the punishment or measure determined by the law against the responsible party for the elements of the crime. However, liability is not a constituent element of the crime itself. In general terms, responsibility is defined as "the commitment to bear the legal consequences resulting from the elements of the crime, and the subject of

this commitment is the punishment or precautionary measure imposed by the law on the person responsible for the crime."

Criminal liability branches into two types: punitive liability and precautionary liability. Punitive liability requires the imposition of punishment as a criminal sanction and is originally imposed only on natural persons. The conditions for imposing this type of liability are consciousness and intent, as supported by Article 74/1 of the Jordanian Penal Code, which states: "No one shall be sentenced to punishment unless they have committed the act knowingly and intentionally.

Based on the above, the imposition of punishment is restricted to those who can experience and be deterred by it, namely, rational human beings who can be held accountable for their actions. It should be noted that the second paragraph of the same article recognizes the liability of legal entities, stating: "legal entities, excluding government departments or official or public institutions, shall be criminally responsible for the acts of its head, members of its administration, directors, representatives, or employees when these acts are done in its name or through its means as a legal entity." Thus, the Jordanian legislator established criminal capacity and punitive liability for legal entities, which was also affirmed by the Jordanian Court of Cassation in one of its judgments. The basis for criminal liability is found in Article 74/1 of the Jordanian Penal Code, which states that anyone who commits an act knowingly and intentionally shall be punished according to the law, while its second paragraph considers legal entities criminally responsible for the acts of their directors, members of their administration, representatives, or employees when these acts are punishable and done in the name of the entity or through its means as a legal entity. This aimed to put an end to the juristic debate surrounding whether a legal entity possesses a will like that of a human being and whether legal entities can be held criminally responsible.

On the other hand, precautionary liability assumes criminal danger and is measured accordingly. It may be imposed even if there is no culpability, and if culpability is present, it is not measured in the same way. Precautionary liability necessitates the imposition of precautionary measures on the responsible party in accordance with its requirements.

The Basis for the Penal Liability of the International Employee

To hold someone criminally accountable and impose penalties on them, the person must be legally capable of criminal responsibility. As previously mentioned, criminal liability involves the relationship between the person and their actions. Legal jurisprudence refers to this as criminal responsibility. Two schools of thought have debated its nature: the traditional school and the positivist school. The traditional school is based on the premise that humans have complete freedom to assess their actions and choose their path without being coerced. This school sets two fundamental conditions for establishing criminal liability: the presence of consciousness and intent. On the other hand, the positivist school argues that human will is not free, and behavior is not a matter of choice. According to this school, individuals are driven to commit crimes for various reasons, some of which are personal and originate from the individual themselves, such as their innate, intellectual, neural, and psychological makeup, while others are environmental or social. There is a middle ground between the two schools, known as the mixed or moderate school, which is based on the principle of freedom of choice. However, it acknowledges that this freedom is not absolute and equal for all individuals. The Jordanian Penal Code adopts this latter school of thought and introduces the principle of moral responsibility, as stated in Article 74/1. However, it also recognizes that this freedom is not absolute but rather restricted by factors such as genetics, environment, and upbringing, aligning with the positivist school's arguments. The content of this principle implies that the legal entity is a legal fiction created by the will of the legislator and granted legal personality through trickery and assumption. Savigny is one of the prominent proponents of this theory, emphasizing that legal personality only applies to humans because they alone possess the will that enables them to exercise it. In this regard, the law does not create personality; its role is limited to recognizing it. As a result, several consequences arise from this perspective:

It is necessary to attribute responsibility, whether civil or criminal, to real individuals and not to fictional entities.

Granting legal personality to legal entities should be within the control of the legislator, determining their existence or dissolution.

The scope of legal entities should be limited to the local jurisdiction of the state and cannot extend internationally.

However, it is important to note that this theory mixes the concept of personality in its legal sense with its philosophical, psychological, or ethical meanings. Its consequences can be problematic as it overlooks societal developments and the increasing activities of legal entities, ignoring their non-exceptional nature[].

From our perspective, we believe that this theory delves too deeply into imagination, which may be suitable in non-legal fields. Even if it is applicable to the realm of law, it is impossible to accept it within the framework of the principles governing criminal responsibility based on the existence of the principle of legality. Such a conception is not suitable for attributing a crime to something intangible merely because an individual belongs to a certain entity. It is impossible to create a spirit that feels, desires, and acts, and therefore commits a crime, then punishes and experiences the pain of punishment, based on an imaginary concept perceived by proponents of this theory. This perspective suggests that awareness and will are necessary for the establishment of criminal responsibility.

CONCLUSION

The study that we conducted, titled "The Legal Nature of the International staff," is considered one of the topics that have been very popular among international jurisprudence and judiciary circles because of its great importance, which has been exacerbated by the development that accompanied the concept of international organizations on the one hand, and the multiplicity of these organizations on the other hand. We have come to many conclusions and recommendations as follows.

RESULTS

An international staff is a person who works permanently and continuously in an international organization in exchange for financial compensation. They are subject to the organization's laws and are not bound by the national laws of their home country. International staff enjoy a set of privileges and immunities that enable them to deal with their home country, the host country, and other states, depending on the strength of the organization they work for.

The legal nature of an international staff closely resembles the organizational nature that governs a public servant and their public administration. This is evident through the laws, regulations, and instructions of the international organizations to which they belong.

The nature of the relationship between an international staff and their organization is a dual contractual organizational relationship. It is organizational because the international staff is subject to the laws, regulations, and instructions established by the organization. It is contractual based on the employment contract signed between the international staff and their organization.

The administrative responsibility of an international staff is based on the treaties and agreements that establish the international organization they work for.

The criminal responsibility of an international staff is based on the treaties and agreements that establish the international organization they work for, in addition to the rules of criminal responsibility provided in the national criminal legislations of the international staff home country.

The criminal responsibility of an international staff ensures independence and reassurance, serving as an acknowledgment of the criminal protection granted to them. Through this protection, international staff can perform their duties effectively.

The jurisdiction to hear cases related to penalties imposed on international staff, whether criminal or administrative penalties such as transfer, dismissal, or disciplinary measures, lies with the International Administrative Court.

RECOMMENDATION

The internal laws governing the discipline and conduct of international staff explicitly state that it is not permissible to impose disciplinary sanctions on them. This reduces the need for resorting to criminal and administrative penalties.

The statement of the competent judicial authority to exercise prior control over the work of international staff, and in the event of a convincing punishment or the absence thereof in the offense attributed to the international staff, establishing legal provisions in case any criminal or administrative penalty is imposed on them.

National legislation includes explicit and clear provisions defining the nature of the administrative or criminal responsibility of international staff.

Determining the supervisory authority over the legitimacy of administrative penalties imposed on international staff.

Establishing a legal system that includes provisions that must be applied to international staff before the competent international judicial authorities are responsible for their discipline.

Establishing specialized judicial bodies to consider appeals filed by international staff against disciplinary decisions issued by international organizations, similar to national courts competent in this matter.

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