

Resolution ICC-ASP/18/Res.2

Adopted at the 9th plenary meeting, on 6 December 2019, by consensus

ICC-ASP/18/Res.2

Resolution on the remuneration of the judges of the International Criminal Court

The Assembly of States Parties,

Recalling its prior resolutions on the remuneration of judges of the International Criminal Court,

Recalling also its request¹ to the Bureau to establish a working group, based in The Hague and open only to States Parties, to discuss a mechanism to consider a revision of the judges' remuneration,

Recalling further its resolution ICC-ASP/17/Res.1, by which it decided to establish a mechanism for the review of the judges' remuneration, subject to the adoption of terms of reference by the Assembly,² and requested the Registry to commission, in coordination with the Working Group on the Revision of the Judges' Remuneration, an expert in international remuneration systems to undertake a study on the judges' remuneration, including the salary structure and benefits package, and to consider the possible terms of reference for a mechanism to review the remuneration of judges, taking into account the cost implications and the suggestions put forward in the report of the Working Group on the Revision of the Judges' Remuneration,³

Recalling its request to the Working Group on the Revision of the Judges' Remuneration to prepare the terms of reference for a mechanism to review the remuneration of judges, taking account of the recommendations of the expert, with a view to a decision on their adoption at the eighteenth session of the Assembly,

1. *Welcomes* the report of the Working Group on the Revision of the Judges' Remuneration;⁴
2. *Adopts* the Terms of Reference for the Review of the Judges' Remuneration ("Terms of Reference") contained in annex I to the present resolution;
3. *Requests* the panel referred to in the Terms of Reference to implement the procedure set out in those Terms of Reference for the first time in 2020, for the second time in 2022, and thereafter on a triennial basis;
4. *Notes* that any costs associated with the panel referred to in the Terms of Reference shall be covered from within the existing resources of the Court for the year in which it operates; and
5. *Decides* to amend the conditions of service and compensation of judges of the International Criminal Court⁵ by replacing section XIII with the text contained in annex II to the present resolution.

¹ ICC-ASP/16/Res.1, section N, para. 1.

² ICC-ASP/17/Res.1, para. 6.

³ ICC-ASP/17/Res.1, para. 3.

⁴ ICC-ASP/18/33.

⁵ As adopted by the Assembly in resolution ICC-ASP/3/Res.3 and amended by resolution ICC-ASP/6/Res.6.

Annex I

Terms of Reference for the Review of the Judges' Remuneration

These Terms of Reference shall govern the Review of the Judges' Remuneration.

A. Mandate

1. A panel of three members, consisting of the Vice-President and Coordinator of The Hague Working Group, the facilitator on the budget, and one outgoing or former member of the Committee on Budget and Finance, to be appointed by the Bureau, shall facilitate the consideration by the Assembly of possible adjustments to the remuneration of the judges of the International Criminal Court, in accordance with article 49 of the Rome Statute of the International Criminal Court.

B. Methodology

2. On a triennial basis, before the end of May of the respective year, the panel shall submit a report to the Bureau which shall contain a recommendation for a possible adjustment of the remuneration of the judges of the International Criminal Court.

3. Following consideration of the panel report by The Hague Working Group, the Bureau shall submit the report to the Assembly, at its next regular session, for final approval or rejection of the recommended adjustment.

4. If approved by the Assembly, the adjustment of the remuneration of the judges shall take effect as of 1 January of the following year. An adjustment shall not apply retroactively.

5. When making their recommendation, the panel shall, in particular, take into account:

- (a) The ability of the Court to attract highly qualified candidates to the position as judges;
- (b) The cost of living in The Netherlands; and
- (c) The financial situation of the Court.

C. Working methods

6. The Rules of Procedure of the Assembly of States Parties shall apply to the proceedings of the panel, *mutatis mutandis*.

7. The panel may convene in person, by correspondence, or via remote link, as appropriate and in a cost-efficient manner.

8. The Secretariat of the Assembly of States Parties shall provide administrative support to the panel.

D. Amendments

9. Amendments to these Terms of Reference are subject to a decision by the Assembly.

10. These Terms of Reference shall be reviewed by the Assembly after three reviews have been completed.

Annex II

Amendment to the conditions of service and compensation of judges of the International Criminal Court contained in the annex to resolution ICC-ASP/3/Res.3, as amended by resolution ICC-ASP/6/Res.6

Replace section XIII with the following text:

The remuneration of the judges of the International Criminal Court shall be reviewed by the Assembly in accordance with the Terms of Reference for the Review of the Judges' Remuneration contained in annex I to resolution ICC-ASP/18/Res.2. All other provisions of these conditions of service and compensation may be reviewed by the Assembly as appropriate.
