

Resolution ICC-ASP/4/Res.4

Adopted at the 4th plenary meeting on 3 December 2005, by consensus

ICC-ASP/4/Res.4

Strengthening the International Criminal Court and the Assembly of States Parties

The Assembly of States Parties,

Mindful that each individual State has the responsibility to protect its population from genocide, war crimes, and crimes against humanity, that the conscience of humanity continues to be deeply shocked by unimaginable atrocities in various parts of the world, and that the need to prevent the most serious crimes of concern to the international community, and to put an end to the impunity of the perpetrators of such crimes, is now widely acknowledged,

Convinced that the International Criminal Court is an essential means of promoting respect for international humanitarian law and human rights, thus contributing to freedom, security, justice and the rule of law as well as to the prevention of armed conflicts, the preservation of peace and the strengthening of international security and the advancement of post-conflict peacebuilding and reconciliation with a view to achieving sustainable peace, in accordance with the purposes and principles of the Charter of the United Nations,

Convinced also that justice and the fight against impunity are, and must remain, indivisible, and that in this regard universal adherence to the Rome Statute of the International Criminal Court is essential,

Recognizing that the Court continues to rely on sustained and undiminished support by States, international and regional organizations and civil society,

Mindful of the need to encourage the full participation of States Parties, Observers and States not having observer status in the sessions of the Assembly of States Parties and to ensure the broadest visibility of the Court and the Assembly,

Conscious of the potential risks faced by personnel of the Court in the field,

Welcoming the Bureau's acknowledgement, contained in the oral report of the outgoing President to the fourth session of the Assembly of States Parties, of the useful work achieved by the Bureau's two informal working groups since the third regular session of the Assembly,

Taking note of the statements presented to the Assembly of States Parties by the senior representatives of the Court, including the President, the Prosecutor and the Registrar, as well as by the Chair of the Board of Directors of the Trust Fund for Victims and the Chairperson of the Committee on Budget and Finance,

Taking note of the External Auditor's report on the financial statements of the Court,

Desirous of assisting the Court and its organs, notably through management oversight and other appropriate action, in performing the duties assigned to them,

A. Rome Statute of the International Criminal Court and other agreements

1. *Welcomes* the fact that the number of States Parties to the Rome Statute of the International Criminal Court has now reached one hundred;
2. *Invites* States that are not yet parties to the Rome Statute to become so as soon as possible;
3. *Recalls* that the ratification of the Rome Statute must be matched by national implementation of the obligations emanating therefrom, notably through implementing legislation, in particular in the areas of penal law and judicial cooperation with the Court, and in this regard encourages States Parties to the Rome Statute that have not yet done so to adopt such implementing legislation as a priority;
4. *Decides*, without prejudice to the functions of the Secretary-General of the United Nations in his capacity as depositary of the Rome Statute, to keep the status of ratifications under review, and to monitor developments in the field of implementing legislation, *inter alia* with a view to facilitating the provision of technical assistance that States Parties to the Rome Statute, or States wishing to become parties thereto, may wish to request from other States Parties or institutions in relevant areas and *requests* the Bureau to consider measures that could be taken by the Assembly, the Secretariat of the Assembly of States Parties or the States Parties to help increase the number of ratifications and to facilitate full implementation of the Rome Statute, and to report thereon to the Assembly in advance of its fifth session;
5. *Stresses* that the integrity of the Rome Statute must be preserved and that treaty obligations emanating therefrom must be fully adhered to, and *encourages* States Parties to the Rome Statute to exchange information and to support and assist each other to that end, particularly in situations where its integrity is being challenged and *calls upon* States to uphold the spirit of the Statute, and to cooperate with the Court in the fulfilment of its mandate;
6. *Calls upon* those States that have not yet done so to become parties to the Agreement on the Privileges and Immunities of the International Criminal Court as a matter of priority and to incorporate it in their national legislation as appropriate;
7. *Recalls* that the Agreement on the Privileges and Immunities of the International Criminal Court and international practice exempt salaries, emoluments and allowances paid by the Court to its officials and staff from national taxation and *calls upon* States that have not yet become parties to this Agreement to take the necessary legislative or other action, pending their ratification or accession, to exempt their nationals employed by the Court from national income taxation with respect to salaries, emoluments and allowances paid to them by the Court, or to grant relief in any other manner from income taxation in respect of such payments to their nationals;

B. Institution-building

1. General

8. *Welcomes* the progress that has been achieved thus far, owing, not least, to the dedication of the Court staff in making the Court fully operational;
9. *Takes note* of the historic importance of the first referral by the Security Council of the United Nations of a situation to the Prosecutor of the International Criminal Court;

10. *Takes note* of the opening of an investigation by the Prosecutor in the situation in Darfur, Sudan, of the referral by the Central African Republic of the situation on its territory to the Prosecutor, of the ongoing investigation in the Democratic Republic of Congo and of the commencement of Pre-Trial proceedings, including several hearings and decisions and the issuance of first warrants of arrest for five senior leaders of the Lord's Resistance Army for Crimes against Humanity and War Crimes committed in Uganda since July 2002;
11. *Takes note also* of the establishment of several joint field presences by the Office of the Prosecutor and the Registry;
12. *Takes further note* of the inauguration of the Deputy Prosecutor (Prosecutions) and the adoption of the Code of Judicial Ethics and *welcomes* the initiation of the strategic planning process of the Court and *invites* the Court to engage with the Bureau on this process;
13. *Welcomes* the conclusion of the Relationship Agreement between the International Criminal Court and the United Nations, as well as other agreements of the Court or the Office of the Prosecutor and *looks forward* to the early conclusion of cooperation agreements with the African Union and European Union;
14. *Welcomes also* the presentation of the first report of the President of the Court to the General Assembly of the United Nations;
15. *Takes note* of the latest report on the activities of the Court to the Assembly of States Parties¹;
16. *Urges* States to comply with their obligations to cooperate with the Court in such areas as preserving and providing evidence, sharing information, securing the arrest and surrender of persons to the Court and protecting victims and witnesses and *encourages* international and regional organisations as well as civil society to support the Court and States in their respective efforts to that end as appropriate;
17. *Appeals* to all States in which personnel of the Court are deployed and to all others on whom such personnel may rely, to prevent attacks against personnel of the Court and to provide cooperation and judicial assistance aimed at facilitating the conduct and fulfilling of their mandate;
18. *Emphasizes* the importance of endowing the Court with the necessary financial resources, and *urges* all States Parties to the Rome Statute to transfer as soon as possible and in full their assessed contributions in accordance with relevant decisions taken by the Assembly of States Parties;
19. *Calls upon* States, international organizations, individuals, corporations and other entities to contribute voluntarily to the Court and expresses its appreciation to those that have done so;
20. *Recognizes* the important work done by the Secretariat of the Assembly of States Parties, *reiterates* that the relations between the Secretariat and other sections of the Court shall be governed by principles of cooperation and of sharing and pooling of resources and services, as set out in the annex to resolution ICC-ASP/2/Res.3, and underscores the importance of inviting the Director of the Secretariat of the Assembly of States Parties to the meetings of the Coordination Council when matters of mutual concern are considered;

¹ See document ICC-ASP/4/16.

21. *Welcomes* the steps undertaken by the Court to implement the One Court principle including by coordinating the activities of the Court among its organs at all levels, while respecting their necessary independence under the Statute;
22. *Recognizes* the importance for the Court to engage communities in situations under investigation in a process of constructive interaction with the Court, designed to promote understanding and support for its mandate, to manage expectations and to enable those communities to follow and understand the international criminal justice process and, to that end, *encourages* the Court to intensify such outreach activities and *requests* the Court to present a detailed strategic plan in relation to its outreach activities to the Assembly of States Parties, in advance of its fifth session;
23. *Reminds* the Court of its obligation under the Statute, in the recruitment of staff, to seek equitable geographical representation and gender balance and the highest standards of efficiency, competency and integrity, as well as to seek expertise on specific issues, including, but not limited to, violence against women or children, and *decides* to invite the Bureau, in consultation with the Court, to submit proposals to improve equitable geographical representation and gender balance in the recruitment of staff members, to the Assembly in advance of its fifth session;
24. *Decides* to invite the Court, in consultation with the Bureau, to submit proposals about an independent oversight mechanism;

25. *Takes note* of the “Option paper by the Bureau on the Establishment of a New York Liaison Office of the Court”², *decides* to establish a New York Liaison Office to serve the purpose, and have the essential functions and structure set out in that paper, *urges* the Court to ensure that the costs associated with the New York Liaison Office are kept to a minimum and *requests* it to report to the fifth session of the Assembly on the operation of the New York Liaison Office;

2. Protection of the official name and abbreviation of the Court

26. *Takes note* of the steps taken by the Court to protect the name, abbreviations and emblems of the Court with the World Intellectual Property Organization (WIPO) as well as the transmission by WIPO, to all States Parties of the Paris Convention for the Protection of Industrial Property and to the Members of the World Trade Organization (WTO), of the request for protection of the name, abbreviations and emblems of the Court;
27. *Urges* States to take the necessary measures to afford such protection in accordance with their national laws;
28. *Recommends* that such measures be similarly undertaken in respect of any emblem, logo, seal, flag or insignia adopted by the Assembly or the Court;

3. Administration

29. *Takes note* of the important work done by the Committee on Budget and Finance and *reaffirms* the independence of the members of the Committee;
30. *Recalls* that, according to its Rules of Procedure³, the Committee on Budget and Finance shall be responsible for the technical examination of any document submitted to the Assembly that contains financial or budgetary implications;

² See document ICC-ASP/4/6.

³ *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Second session*, New York, 8-12 September 2003 (United Nations publication, Sales No. E.03.V.13), Annex III (ICC-ASP/2/10).

31. *Decides* to amend Resolution ICC-ASP/1/res.10 on the Selection of the staff of the International Criminal Court as contained in the first annex to the present resolution;

32. *Takes note of* the Staff Rules proposed by the Registrar pursuant to Staff Regulation 12.2⁴;

33. *Establishes* the guidelines for the selection and engagement of gratis personnel at the International Criminal Court as proposed by the Registrar in accordance with article 44, paragraph 4 of the Rome Statute⁵, contained in the second annex to the present resolution;

34. *Takes note* of the report of the Office of the Prosecutor regarding conditions of service and compensation of the Prosecutor and Deputy Prosecutors⁶ as well as the request of the Committee on Budget and Finance to the Court to report on the matter, including some costed options, at its next session and *requests* the Committee to report thereon before the fifth session of the Assembly of States Parties;

4. Host country

35. *Takes note with appreciation* of the statement made by the representative of the host country on host country issues, more particularly on arrangements for the interim and permanent premises of the Court;

36. *Appreciates* the further progress made in the negotiations on the headquarters agreement between the Court and the host country, and *urges* the host country and the Court to finalize negotiations on this agreement;

C. Assembly of States Parties

37. *Takes note* of the report of the Special Working Group on the Crime of Aggression⁷, *expresses its appreciation* to the Liechtenstein Institute on Self-Determination at Princeton University for hosting an informal intersessional meeting of the Special Working Group, *recognizes* that the Special Working Group needs to conclude its work at least 12 months prior to the Review Conference to be held according to article 123, paragraph 1 of the Rome Statute, in order to be in a position to submit proposals for a provision on aggression, in accordance with article 5, paragraph 2 of the Statute and with Resolution ICC-ASP/1/Res.1, to the Assembly for its consideration at the Review Conference and *decides* that the Special Working Group in the years 2006 to 2008 shall be allocated at least 10 exclusive days of meetings in New York during resumed sessions, and hold intersessional meetings, as appropriate;

38. *Decides* to make a provisional change to the terms of the trust fund established by paragraph 1 of resolution ICC-ASP/2/Res.6 for the year 2006 to allow other developing States to draw on the fund so as to enhance the possibility of such States to participate in the activities of the Assembly of States Parties in meetings in, but not limited to, The Hague, and requests the Bureau to review the terms of the trust fund and make recommendations on application criteria for accessing the fund to the fifth session of the Assembly of States Parties, through the Committee on Budget and Finance with a view to maximising its effectiveness within the resources available, *calls upon* States,

⁴ See document ICC-ASP/4/3.

⁵ See document ICC-ASP/4/15.

⁶ See document ICC-ASP/3/12, annex II.

⁷ See document ICC-ASP/4/SWGCA/INF.1.

international organizations, individuals, corporations and other entities to contribute to the fund and *expresses its appreciation* to those that have done so;

39. *Requests* the Registrar to present a report in time for the next meeting of the Committee on Budget and Finance on the implications of changing the financial period of the Court to establish the most efficient financial period for the Court;

40. *Takes note* of the Report of the Bureau on the arrears of States Parties and the recommendations therein⁸ and *invites* the Bureau to report back to the fifth session of the Assembly of States Parties on the status of arrears including on suggestions, if necessary, of measures to promote the timely, full and unconditional payment of assessed contributions and advances towards the costs of the Court;

41. *Recalls* that pursuant to article 112, paragraph 8, of the Statute and regulations 5.5 and 5.6 of the Financial Regulations and Rules of the Court⁹, a State Party which is in arrears in the payment of its assessed contributions and advances towards the costs of the Court may lose its vote in the Assembly and in the Bureau if the amount of its arrears equals or exceeds the amount of the assessed contributions and advances due from it for the preceding two full years;

42. *Urges* all States Parties in arrears requesting exemption under article 112, paragraph 8, of the Rome Statute to provide the fullest possible supporting information, such as information on economic aggregates, government revenues and expenditure, foreign exchange resources, indebtedness, difficulties in meeting domestic or international financial obligations and any other information that might support the claim that failure to make necessary payments had been attributable to conditions beyond the control of the States Parties;

43. *Decides* that requests for exemption under article 112, paragraph 8, of the Rome Statute shall be submitted by States Parties to the Secretariat of the Assembly at least one month before the session of the Committee on Budget and Finance, so as to facilitate the Committee's review of the requests;

44. *Decides* that the Committee on Budget and Finance shall advise the Assembly of States Parties before the Assembly decides on any requests for exemption under article 112, paragraph 8, of the Rome Statute;

45. *Further decides* that the above decisions concerning exemption under article 112, paragraph 8, of the Rome Statute, shall apply from the fifth session of the Assembly of States Parties but that for the fourth session including any resumed session thereof, the Assembly may approve a request for exemption from a State Party directly and without the information requested in paragraph 42;

46. *Requests* the Secretariat of the Assembly of States Parties to advise the States Parties, based on the recommendations of the Committee on Budget and Finance, each year in January, and the President at the opening of each session, of the States that are ineligible to vote and of States that have requested an exemption from the loss of voting rights;

47. *Further requests* the Secretariat of the Assembly of States Parties to inform States Parties periodically of States that have recovered their voting rights following payment of their arrears;

48. *Requests* the Bureau of the Assembly of States Parties to adopt guidelines for submission of documentation to the Assembly and to convey them to the Court;

⁸ See document ICC-ASP/4/14.

⁹ As amended by resolution ICC-ASP/4/Res.10.

49. *Also requests* the Bureau, pursuant to article 112, paragraph 3(c), of the Rome Statute, and while respecting prosecutorial and judicial independence and the special role of the Committee on Budget and Finance under resolution ICC-ASP/1/Res.4, in relation to the subject of intensification of dialogue between the Assembly of States Parties and the Court, to continue to focus upon those priority issues which the Bureau considers most appropriate, *authorizes*, where necessary, the Bureau to create such mechanisms as it considers appropriate in whichever location it views as most appropriate and *invites* the Bureau to report back informally to the Assembly of States Parties in relation to each priority issue;

50. *Welcomes* the decision of the Bureau to strengthen its presence in The Hague with the nomination of the Austrian and South African ambassadors in The Hague for the positions of Vice President of the Assembly and invites the Bureau to explore ways to further improve communication and coordination with its subsidiary components;

51. *Decides* that the Committee on Budget and Finance will hold its sessions in The Hague, from 24 to 26 April 2006 and for a further five-day session to be determined by the Committee;

52. *Recalls* that according to article 112, paragraph 6, of the Rome Statute, the Assembly of States Parties shall meet at the seat of the Court or at the Headquarters of the United Nations;

53. *Decides* to hold its fifth, sixth and seventh sessions alternating as follows:

- eight days in November/December 2006 in The Hague for its fifth session and a resumed session of not less than three days of the Special Working Group on the Crime of Aggression in 2007 in New York;
- not less than eleven days in 2007 in New York for its sixth session, including not less than three days exclusively for the Special Working Group on the Crime of Aggression;
- not less than eight days in 2008 in The Hague for its seventh session and not less than two days in 2009 in New York for a resumed session for elections;

54. *Requests* the Bureau to fix specific dates and inform all States Parties accordingly.

Annex I

Amendment to Resolution ICC-ASP/1/Res.10

Insert at the end of paragraph 4 of the Annex to Resolution ICC-ASP/1/Res.10:

“For the purpose of recruitment, candidates who could be regarded as nationals of more than one State shall be considered nationals of the State in which they ordinarily exercise civil and political rights.”

Annex II

Guidelines for the selection and engagement of gratis personnel at the International Criminal Court

Section 1 Scope of application

The present guidelines apply to gratis personnel who are employed in accordance with article 44, paragraph 4, of the Rome Statute of the International Criminal Court (hereinafter: “the Statute”) and who do not serve under any other established regime such as that applicable to interns and visiting professionals.

Section 2 Conditions under which gratis personnel may be accepted

2.1. Each organ of the International Criminal Court (hereinafter: “the Court”) may accept gratis personnel only on an exceptional basis to provide expertise not available within the organ, for very specialized functions for which such expertise is not required on a continuing basis (hereinafter: “specialized functions”), as identified by the respective organ and for a limited and specified period of time.

2.2. Gratis personnel may not be sought or accepted as a substitute for staff to be recruited against posts authorized for the Court’s regular and normal functions.

Section 3 Information to States Parties to the Rome Statute of the International Criminal Court, intergovernmental organizations and non-governmental organizations

3.1. When, at the time of preparation of a budget, it is foreseen that, under that budget, there will be needs which fulfill the conditions of section 2.1. of these guidelines, the organ of the Court where the services are to be rendered shall approach the States Parties of to the Rome Statute of the International Criminal Court (hereinafter: “States Parties”), intergovernmental organizations and non-governmental organizations (hereinafter: “other entities”) through the Registrar to inform them of the specific needs to be met by gratis personnel, and shall request States Parties and other entities to identify within three months one or more individuals who could provide the required expertise.

3.2. In the case of unforeseen needs arising after approval of the budget, the organ of the Court to which the services are to be rendered shall request States Parties and other entities through the Registrar to identify one or more individuals who could provide the required assistance within a period consistent with the urgency of the need in question.

3.3. Effective mechanisms shall be developed by the Court to create a roster of potential gratis personnel, having due regard mutatis mutandis to criteria set forth in article 36, paragraph 8, of the Statute. In order to obtain data for this purpose, a questionnaire may be sent to all State Parties and other entities inviting them to express an interest in providing personnel who possess the types of expertise likely to be required by the Court. States Parties and other entities may also be required to inform the Court of any changes that arise in their initial response.

**Section 4
Selection**

4.1. All nominees shall be evaluated by the requesting organ of the Court to ensure that the best qualified nominee is selected on the basis of the recruitment standards established by the Court within the scope defined by article 44 of the Statute in terms of qualifications, experience and other relevant factors, taking into account the date of availability of the nominees.

4.2. When selecting a nominee, the requesting organ of the Court shall have due regard mutatis mutandis to criteria set forth in article 36, paragraph 8, of the Statute.

**Section 5
Functions**

5.1. Gratis personnel may only be assigned functions consistent with the conditions set out in section 2.1 above.

5.2. Gratis personnel may not supervise staff members in the exercise of their official duties or be involved in decisions affecting the status, rights, and entitlements of staff members. Exceptionally, however, gratis personnel may exercise technical supervision over staff members who support them directly.

**Section 6
Duration of functions**

6.1. Gratis personnel may be accepted for an initial period of up to one year. The needs of the organ of the Court concerned shall be reviewed closely at the time of preparation of each subsequent budget to determine whether the functions remain so specialized that it is still not appropriate for the Court to build up the necessary expertise and recruit staff members accordingly.

6.2. Gratis personnel may not apply for or be appointed to posts in the Court for a period of six months commencing on the date of the end of their service.

6.3. Services rendered by gratis personnel may be terminated prior to the date stipulated in the agreement between the Court and the State Party or other entity providing gratis personnel to the Court (hereinafter: “donor”) upon a minimum of one month’s written notice from either party.

**Section 7
Status**

Gratis personnel, while performing functions for the Court, shall have the status of experts and shall enjoy the privileges, immunities and facilities envisaged in article 21 of the Agreement on Privileges and Immunities of the International Criminal Court, in the headquarters agreement between the Court and the Kingdom of the Netherlands and in any other agreement granting privileges and immunities to experts of the Court.

Section 8
Remuneration, medical and life insurance, pension and other social security benefits

8.1. All expenses in connection with the services of gratis personnel, including salaries, allowances and benefits to which the individuals involved are entitled and travel costs to and from the locations where the gratis personnel are based, shall be paid by the donor. During the entire period of service under the agreement, the donor shall also ensure that gratis personnel are covered by adequate medical and life insurance, as well as insurance coverage for illness, disability or death incurred in the service of the Court.

8.2. Costs incurred by gratis personnel undertaking official travel in the discharge of their functions shall be paid by the Court on the same basis as costs incurred by staff members, including payment of daily or mission subsistence allowance, as applicable.

8.3. The donor shall be liable to reimburse the Court for programme support costs related to gratis personnel. The programme support costs are calculated as an average of costs of maintenance of premises, utilities, supplies, maintenance of equipment and software, telecommunications, security services and administrative services. The annual average cost of these services is approximately 13 per cent of the average cost of a P-3/P-4 staff member. The Registrar or the Prosecutor, as appropriate, may make exceptions to this provision if the activities of the gratis personnel do not warrant the levy of full support costs or if the donor is unable to reimburse such costs owing to financial constraints.

Section 9
Annual leave

9.1. Annual leave may be taken by gratis personnel in accordance with their terms of service with the donor but may not exceed leave entitlements of staff members. Accordingly, gratis personnel may be granted leave up to a maximum of two and one half days for each full month of continuous service.

9.2. Leave plans shall be approved in advance by the head of section or division of the Court, as appropriate.

Section 10
Performance of functions

10.1. Gratis personnel shall perform their functions under the authority and in full compliance with the instructions of the appropriate Court official and/or any person acting on his or her behalf. They shall be required to observe all applicable regulations, rules, instructions, procedures and administrative issuances of the Court.

10.2. The performance of functions assigned to gratis personnel shall be evaluated in accordance with the principles of the Court's Performance Appraisal System.

Section 11
Standards of conduct

11.1. Gratis personnel shall maintain the highest standards of confidentiality in the discharge of their duties, in accordance with the Staff Regulations, the Staff Rules and any other administrative issuances of the Court. Gratis personnel may be required to sign additional confidentiality undertakings upon commencement of duty.

11.2. Gratis personnel shall respect the impartiality and independence of the Court and of the receiving organ, and shall be precluded from seeking or accepting instructions regarding the services performed under the agreement from any government or any authority external to the Court. They shall refrain from any conduct that would adversely reflect on the Court or on the receiving organ, and may not engage in any activity that is incompatible with the aims and objectives of the Court.

11.3. Gratis personnel shall exercise the utmost discretion in all matters relating to their functions. Unless otherwise authorized by the appropriate Court official, they may not communicate at any time to the media or to any institution, person, government or other external authority any information that has not been made public and that has become known to them by reason of their association with the Court or the receiving organ. They may not use any such information without the written authorization of the head of the receiving organ of the Court, and such information may never be used for personal gain. These obligations shall continue after the end of their service with the Court.

Section 12 Accountability

12.1. Unsatisfactory performance, or failure to conform to the standards of conduct set out above, may lead to the immediate termination of service at the initiative of the Court.

12.2. Any serious breach of duties and obligations which, in the view of the head of the receiving organ of the Court, would justify separation before the end of the notice period shall be immediately reported to the donor with a view to obtaining agreement on an immediate cessation of service. The Court may decide to limit or bar access to the Court's premises by the individual concerned when the circumstances so warrant.

12.3. The donor shall reimburse the Court for financial loss or for damage to Court-owned equipment or property caused by gratis personnel provided by the donor if such loss or damage: (a) occurred outside the performance of services on behalf of the Court; (b) arose or resulted from gross negligence or wilful misconduct; or (c) arose or resulted from the violation or reckless disregard of applicable rules and policies by such gratis personnel.

Section 13 Third-party claims

The Court shall be responsible for dealing with claims by third parties where loss of or damage to their property, or death or personal injury was caused by the actions or omissions of gratis personnel in the performance of services on behalf of the Court under the agreement with the donor. However, if the loss, damage, death or injury arose from gross negligence or wilful misconduct of the gratis personnel provided by the donor, the donor shall be liable to the Court for all amounts paid by the Court to the claimants and all costs incurred by the Court in settling such claims.

Section 14 Agreement with the Court

14.1. The respective obligations of the Court, the donor and the gratis personnel shall be clearly specified in a formal agreement between the Court and the donor. Individuals who are to serve as gratis personnel shall serve under the terms agreed upon by the Court and the donor, including full and direct remuneration of the gratis personnel by the donor. The agreement shall conform with these guidelines.

14.2. The essential duties and obligations that the Court expects each individual brought in as gratis personnel to respect shall be spelt out both in the agreement with the donor and in an individual undertaking signed by the gratis personnel.

Section 15
Implementation of the present guidelines

15.1. Each organ of the Court shall be responsible for the proper application of the provisions of these guidelines. The Human Resources Section of the Court shall ensure compliance with all the terms, conditions and requirements of the present guidelines.

15.2. Each organ of the Court shall submit to the Human Resources Section, on request, the information needed for the preparation of annual reports on gratis personnel for submission to the Assembly of States Parties.

Section 16
Final provisions

The present guidelines shall enter into force on 3rd December 2006.