

**Tenth session**

New York, 12-21 December 2011

**Report on the relevant components of common costs
calculation for the judges of the International Criminal
Court*****I. Introduction**

1. At its fifteenth session held in August 2010, the Committee on Budget and Finance (hereinafter “the Committee”) of the International Criminal Court (hereinafter “the Court”) requested clarifications on the calculations provided in document ICC-ASP/9/10, annex V(e), Proposed Programme Budget for 2011 of the International Criminal Court on the salary and entitlements of the judges for the calendar year 2011.¹

2. This report seeks to provide a comprehensive explanation of the calculations regarding the salary costs of the judges, including common costs.

II. Background information

3. The salaries and entitlements of the judges are governed by the Conditions of service and compensation of the Judges of the International Criminal Court (“the Conditions of Service”), as adopted by the Assembly of States Parties to the Rome Statute at its 4th meeting² and partly republished in amended form in the annex to resolution ICC-ASP/3/Res.3.³

4. According to the Conditions of Service, the remuneration of a judge working on a full-time basis at the Court has been established at €180,000 net per annum.⁴ Judges called to serve on a non-full-time basis receive an annual allowance of €20,000 net.⁵ The three judges constituting the Presidency are entitled to special allowances. In the case of the President of the Court, a special allowance, paid at the rate of 10 per cent of the President’s annual remuneration of €180,000, amounts to an additional €18,000.⁶

5. The two Vice-Presidents, as well as any other judge assigned to act as President, is entitled to a special allowance of €100 net per day for each working day so acting. The maximum for such special allowances is €10,000 per annum.⁷

* Previously issued as CBF/16/7.

¹ *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Ninth session, New York, 6-10 December 2010 (ICC-ASP/9/20)*, vol. II, part B.2, para. 86.

² *Official Records ... Second session ... 2003 (ICC-ASP/2/10)*, part III.A.

³ *Official Records ... Third session ... 2004 (ICC-ASP/3/25)*, part III.

⁴ *Ibid.*, ICC-ASP/3/Res.3, annex, part III, para. 1.

⁵ *Official Records ... Second session ... 2003 (ICC-ASP/2/10)*, part III.A.II, paras. 9 and 10.

⁶ *Official Records ... Third session ... 2004 (ICC-ASP/3/25)*, part III, ICC-ASP/3/Res.3, annex, part III, para. 2.

⁷ *Ibid.*, para. 3.

6. Judges may further be entitled to other benefits, such as the reimbursement of travel costs, education allowances or leave payments. The Conditions of Service lay down the requirements that must be met in order for a judge to qualify for such additional payments.

7. Education allowances, for those Judges entitled thereto, are equivalent to those paid to officials of the United Nations.⁸ Such payments thus form part of the common costs. They are calculated in accordance with ICC Staff Rule 103.18, Education Grant.

8. With regard to annual leave entitlements, judges accrue eight weeks of annual leave per calendar year. Leave may be accumulated, provided no more than 18 weeks are carried forward to the following year.⁹ The amounts of these accruals correspond to €690 per day and add up to €62,100 per calendar year in the case of accrued leave of 18 weeks. Such accruals form part of the common costs.

9. Judges are further entitled to travel costs for: (a) one trip at the time of the appointment from the judge's declared home residence to the seat of the Court; (b) a round trip every second calendar year after appointment to the declared home residence; (c) a trip upon termination of appointment to the declared home residence at the time of the appointment.¹⁰

10. These trips may include expenses relating to the travel of the judge's spouse and dependent children.¹¹ The amounts can differ depending on the family condition of the judge and the place of declared home residence.

11. Furthermore, judges are entitled to receive an assignment grant for relocation and removal costs upon completion of service, in accordance with the terms and conditions equivalent to those applicable to the United Nations officials at the USG level.¹²

12. Upon completion of service, judges who have taken up and maintained a residence at the seat of the Court are entitled to relocation to their declared home residence, which in monetary terms corresponds to 18 weeks of annual net base salary for at least five years of service. The entitlement thus amounts to an approximate €62,100 for judges serving less than nine years. For judges serving nine years the entitlement amounts to €82,800, corresponding to 24 weeks of annual net base salary.¹³

13. In addition to these common costs, the judges receive their pension remuneration based on the current applicable pension scheme.¹⁴

III. Calculations made for the fifteenth session and presented in the proposed budget

14. The assumptions underlying the calculations made for the proposed 2011 budget were based on an estimate taking into account the circumstances of those judges serving and called to service in 2011, which may vary due to the extension of mandate or other unforeseen circumstances. The related common costs were thus presented as a global estimate equal to approximately 10 per cent of judges' salaries. In previous budget proposals, these costs were absorbed within Major Programme I, which is no longer possible.

15. In the 2012 Budget exercise, Major Programme I will address the entitlements of the judges separately, specifying the corresponding amounts. These will be calculated on the basis of the costs relating to the foreseeable specific entitlements of the new judges joining the Court in 2012, such as travel expenses and assignment grant, as well as those in respect of judges being relocated to their home residence upon completion of service.

⁸ Administrative issuances ST/AI/2002/1; ST/AI/1999/4; ST/IC/2002/5 and ICC-ASP/3/Res3, annex, IX.

⁹ *Official Records ... Third session ... 2004* (ICC-ASP/3/25), part III, ICC-ASP/3/Res.3, annex, part XI, paras. 1 and 2.

¹⁰ *Ibid.*, appendix 1, article I, para.1.

¹¹ *Ibid.*, article I, para. 1, second sub-para.

¹² *Ibid.*, article III.

¹³ *Ibid.*, article IV.

¹⁴ In the current applicable pension plan, the pension premiums vary greatly for the judges currently serving at the Court; the lowest pension premium for the calendar year 2010 is €42,917, while the highest annual premium is currently €210,595. Premiums are based on the personal circumstances of each judge. The above figures are based on the Allianz ICC Pension Plan 7204132/5001268; lump sum payments and premiums as of 1 January 2010.