

Resolution ICC-ASP/19/Res.3

Adopted at the 4th plenary meeting, on 16 December 2020, by consensus

ICC-ASP/19/Res.3

Resolution on the remuneration of judges of the International Criminal Court

The Assembly of States Parties,

Recalling its resolution ICC-ASP/18/Res.2, by which it adopted the Terms of Reference for the Review of the Judges' Remuneration,¹

Welcoming the report of the Judicial Remuneration Panel² submitted to the Bureau of the Assembly of States Parties in accordance with those Terms of Reference,

Bearing in mind the recommendations³ of the Judicial Remuneration Panel regarding the remuneration package as a whole,

1. *Decides* to amend the conditions of service and compensation of full-time⁴ judges of the International Criminal Court by replacing them with those of the Under-Secretary General of the United Nations common system, including participation in the United Nations Joint Staff Pension Fund, in addition to the allowances established in annex I to the present resolution. The alignment of the new conditions of service and compensation with the United Nations common system standards, and any subsequent amendments thereto, is subject to article 49 of the Rome Statute of the International Criminal Court;
2. *Decides also* to amend the conditions of service and compensation of non-full-time judges⁵ of the International Criminal Court as set out in annex II to the present resolution;
3. *Decides further* that the new conditions of service and compensation for full-time judges and non-full-time judges, as provided for in paragraphs 1 and 2 above, shall enter into force on 11 March 2021;
4. *Decides* to give sitting judges the possibility to opt, for the remainder of their terms of office, to be subject either to (a) the current conditions of service and compensation,⁶ or (b) the new conditions of service and compensation, as provided for in paragraph 1 above;
5. *Decides also* that the judges elected during the nineteenth session of the Assembly, and subsequent sessions, shall be subject during their terms of office exclusively to the new conditions of service and compensation, as provided for in paragraphs 1 and 2 above, as applicable;
6. *Requests* the Court, in consultation with the Judicial Remuneration Panel, to adopt the transitional measures deemed necessary, including to ensure compliance with article 49 of the Rome Statute of the International Criminal Court, in relation to the sitting judges who opt for the new conditions of service and compensation, pursuant to paragraph 4(b) above;
7. *Invites* the Court to make any necessary operational arrangements, in consultation with the sitting judges as per paragraph 4(b) above, for their transition to the new conditions of service and compensation as of 11 March 2021; and
8. *Notes* that the costs of the new conditions of service and compensation in 2021 shall be met from within the approved budget of the Court.

¹ Resolution ICC-ASP/18/Res.2, annex I.

² ICC-ASP/19/18.

³ ICC-ASP/19/18, para. 20.

⁴ As adopted by the Assembly in resolution ICC-ASP/3/Res.3 and amended by resolution ICC-ASP/6/Res.6 and resolution ICC-ASP/18/Res.2.

⁵ As adopted by the Assembly during its first session in September 2002 and revised and reissued in Part III.A of document ICC-ASP/2/10.

⁶ As adopted by the Assembly in resolution ICC-ASP/3/Res.3 and amended by resolution ICC-ASP/6/Res.6 and resolution ICC-ASP/18/Res.2.

Annex I

Additional allowances

1. The President shall receive a special annual allowance in the amount of €18,000 net.
2. The First or Second Vice-President, or, in exceptional circumstances, any other judge assigned to act as President, shall be entitled to a special allowance of €100 net per day for each working day acting as President, up to a maximum of €10,000 per year.

Annex II

Conditions of service and compensation of non-full-time judges of the International Criminal Court

These conditions of service and compensation of non-full-time judges of the International Criminal Court replace those which were adopted by the Assembly during its first session in September 2002 and revised and reissued in Part III.A of document ICC-ASP/2/10.

A. Allowances

Annual allowance

1. An annual allowance, payable monthly, equivalent to one-ninth of the net salary (comprising both base salary and post adjustment) of the Under-Secretary General in the United Nations common system.
2. In addition to an annual allowance, a judge who declares, on an annual basis to the President of the Court, that his or her net income, including the annual allowance referred to in paragraph 1 above, is less per annum than the equivalent of one-third of the net salary (comprising both base salary and post adjustment) of the Under-Secretary General in the United Nations common system, will receive an allowance, payable monthly, to supplement his or her declared net income up to one-third of the net salary of the Under-Secretary General in the United Nations common system.

Special allowance when engaged on the business of the Court

3. A special allowance of 270 euros for each day that a judge is engaged on the business of the Court, as certified by the Presidency.

Subsistence allowance

4. A subsistence allowance, at the United Nations rate in euros, applicable to the Under-Secretary General in the United Nations common system, for each day that a judge attends meetings of the Court.

B. Benefits

Pension

5. The judges on non-full-time status are not entitled to a pension benefit. Once they are called to serve as a full-time judge, the pension benefit regime of a full-time judge will be applicable.

Health insurance

6. The judges on non-full-time status will be responsible for their own health insurance. Once they are called to serve as a full-time judge, the health insurance regime of a full-time judge will be applicable.

Travel costs

7. Travel to official meetings of the Court. All travel shall be by business-class travel between the declared home and the seat of the Court by the most direct route.