

B. Decisions

Decision ICC-ASP/13/Dec.1

Adopted at the 13th plenary meeting, on 17 December 2014, by consensus

ICC-ASP/13/Dec.1

Decision: Applicability of the former Court's pension regimes to former Judges Cotte and Nsereko

The Assembly of States Parties,

Mindful of the judgment of the Administrative Tribunal of the International Labour Organisation (ILOAT) no. 3359, dated 9 July 2014, in respect of the complaint of the former judges of the International Criminal Court, Judges Bruno Cotte and Daniel David Ntanda Nsereko, whereby the Tribunal decided that the complainants were entitled to have the Assembly complete the reconsideration of its December 2007 decision,¹

Noting the decision of the Assembly during its sixth session that the judges elected during this session of the Assembly would hold office subject to the terms and conditions of office to be adopted during the sixth session,²

Noting the decision by the Assembly at its ninth session that the decision reached by the Assembly at its sixth session and embodied in the amendments to the Pension Scheme Regulations for Judges, adopted by resolution ICC-ASP/6/Res.6, should not be reopened,³

Further noting the Presidency's memorandum, dated 5 October 2010, which was resubmitted to the Assembly at its thirteenth session,⁴ as well as the arguments put forward by the Parties in the ILOAT proceedings,

Following the thorough reconsideration of the matter at its thirteenth session,

Decides to reaffirm its decision from its sixth session that judges elected at that session would hold office subject to the Pension Scheme Regulations for Judges, adopted by resolution ICC-ASP/6/Res.6.

¹ ILOAT, 118th session, Judgment No. 3359, adopted on 15 May 2014 and delivered in public on 9 July 2014.

² *Official Records ... Sixth session ... 2007* (ICC-ASP/6/20), vol. I, part I, paras. 32 and 33, which read as follows: "32. At the 2nd meeting, on 30 November 2007, the Assembly, on the recommendation of the Bureau, decided that the term of office of the judges elected to fill judicial vacancies shall run from the date of the election for the remainder of the term of their predecessors. Pursuant to a drawing of lots, which took place on 3 December, the term of office of Ms. Fumiko Saiga shall end on 10 March 2009, while the terms of office of Mr. Bruno Cotte and Mr. Daniel Nsereko shall end on 10 March 2012.

33. At the same meeting, the Assembly decided, on the recommendation of the Bureau, that the judges elected during this session of the Assembly will hold office subject to the terms and conditions of office to be adopted during the sixth session."

³ *Official Records ... Ninth session ... 2010* (ICC-ASP/9/20), vol. I, part II, paras. 33-35.

⁴ ICC-ASP/13/34/Add.1, appendix I.