

Resolution ICC-ASP/4/Res.9

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

ICC-ASP/4/Res.9

Pension scheme for judges

The Assembly of States Parties,

Being mindful of the long-term budgetary consequences of the pension scheme regulations for judges; and

Having carefully considered the report of the International Criminal Court and the related observations and recommendations of the Committee on Budget and Finance contained in the report on the work of its fifth session¹;

1. *Decides* that the pension scheme of the judges be accounted for and funded on an accrual basis;
2. *Further decides* that the estimated costs of the accrual for the period from 2003 to 31 December 2006 in the amount of up to €8 million be funded by applying the provisional savings of the 2005 budget;
3. *Approves*, thus, in line with Financial Regulation 4.8, an appropriation transfer of up to €4 million from Major Programme II – Office of the Prosecutor – to Major Programme I – Judiciary, and up to €4 million from Major Programme III – Registry – to Major Programme I – Judiciary;
4. *Decides* that the pension scheme be administered by an external party and requests the Court to report to the Committee on Budget and Finance on the most cost-effective option for administering the pension scheme, including the option of the United Nations Joint Staff Pension Fund;
5. *Determines* that the pension scheme applicable to the currently serving judges apply provisionally to the judges to be elected in 2006;
6. *Decides* to refer to the Committee on Budget and Finance for its consideration and report the issue of the pension terms applicable to judges. The Committee on Budget and Finance should thereby have regard to paragraph 98 contained in the report on the work of its fifth session² and to the pension regimes applicable to judges in other international courts, in order to provide the Assembly with the tools to make an informed decision on the pension terms to be applied to the judges;

¹ See Part II.B.6 (b) of this report.

² Ibid.

7. *Requests* the Committee on Budget and Finance to consider further the issue of whether existing pensions payable to individual judges who have served at other international tribunals and organizations should be taken into account in determining the pensions payable by the Court – while also examining the practice of such tribunals and organizations themselves in relation to this issue – and to report its findings to States Parties in advance of the fifth session of the Assembly.
