

Resolution ICC-ASP/6/Res.6

Adopted at the 7th plenary meeting, on 14 December 2007, by consensus

ICC-ASP/6/Res.6

Amendments to the pension scheme regulations for judges of the International Criminal Court

The Assembly of States Parties,

Recalling its resolution ICC-ASP/3/Res.3 of 10 September 2004¹, by which the Pension scheme regulations for judges of the International Criminal Court² were adopted,

Bearing in mind the recommendation of the Committee on Budget and Finance contained in the report on the work of its ninth session³ that the Assembly approve the draft amendments to the pension scheme regulations for judges of the International Criminal Court,

Decides to amend articles I, III and IV of the pension scheme regulations for judges of the International Criminal Court by replacing them with the following texts:

Article I Retirement pension

1. A judge who has ceased to hold office and who has reached the age of **sixty-two (62)** shall be entitled during the remainder of his or her life, subject to paragraph 5 below, to a retirement pension payable monthly, provided that he or she has not been required to relinquish his or her appointment for reasons other than the state of his or her health.

2. The amount of the retirement pension shall be determined as follows:

For each year of service, the amount of the annual pension shall be **1/72nd (one seventy-second)** of the annual salary.

3. No additional pension shall be paid if the judge has completed more than a full nine-year term.

4. A judge who ceases to hold office before attaining the age of **sixty-two (62)** and who would be entitled to a retirement pension when he or she reaches that age may elect to receive a pension from any date after the date on which he or she ceases to hold office. Should he or she so elect, the amount of such pension shall be that amount which has the same actuarial value as the retirement pension that would have been paid to him or her at the age of **sixty-two (62)**.

5. No retirement pension shall be payable to a former judge who has been re-elected to office until he or she again ceases to hold office. At that time, the amount of his or her pension shall be calculated on the basis of his or her total period of service and shall be

¹ *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Third session, The Hague, 6-10 September 2004* (International Criminal Court publication, ICC-ASP/3/25), part III, resolution ICC-ASP/3/Res.3, paragraph 22.

² *Ibid.*, appendix 2.

³ *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Sixth session, New York, 30 November-14 December 2007* (International Criminal Court publication, ICC-ASP/6/20), vol. II, part B.2, paragraph 100, annex III.

subject to a reduction equal in actuarial value to the amount of any retirement pension paid to him or her before he or she reached the age of **sixty-two (62)**.

Article III Surviving spouse's pension

1. Upon the death of a married judge who was entitled to a retirement pension, the surviving spouse, provided he or she was the spouse at the date that the former judge's service ended, shall be entitled to a surviving spouse's pension calculated as follows:

- (a) If the judge had not begun, at the date of his or her death, to receive his or her retirement pension, the surviving spouse's pension shall amount to one half of the pension that would have been payable to the judge under article I, paragraph **4**, above, had the judge commenced receiving such pension on the date of his or her death, provided that the surviving spouse's pension shall not be less than **one forty-eighth** of the annual salary;
- (b) If the judge had begun to receive his or her retirement pension under article I, paragraph **4**, above, before he or she reached the age of **sixty-two (62)**, the surviving spouse's pension shall amount to one half of the amount of such pension, but shall not be less than **one forty-eighth** of the annual salary;
- (c) If the judge had reached the age of **sixty-two (62)** when he or she began to receive his or her retirement pension, the surviving spouse's pension shall amount to one half of the judge's pension, but shall not be less than **one twenty-fourth** of the annual salary.

2. Upon the death of a married judge, his or her surviving spouse shall be entitled to a surviving spouse's pension amounting to one half of the pension which the judge would have received had the judge become entitled to a disability pension at the time of his or her death, provided that the surviving spouse's pension shall not be less than **one twenty-fourth** of the annual salary.

3. Upon the death of a married former judge who was in receipt of a disability pension, the surviving spouse, provided that he or she was the spouse at the date that the former judge's service ended, shall be entitled to a surviving spouse's pension amounting to one half of the pension which the former judge was receiving, provided that the surviving spouse's pension shall not be less than **one twenty-fourth** of the annual salary.

4. Upon remarriage, the surviving spouse's pension shall cease and the surviving spouse shall be granted a lump sum equal to twice the amount of his or her current annual benefit as final settlement.

Article IV Child benefit

1. Upon the death of a judge or a former judge, his or her natural or legally adopted child shall be entitled, while unmarried and under the age of twenty-one (21), to a benefit calculated as follows:

- (a) Where there is a surviving spouse entitled to a pension under article III above, the annual amount of the child benefit shall be:
 - (i) The equivalent of ten (10) per cent of the retirement pension that the judge was receiving; or,

- (ii) If the judge had not begun, at the date of his or her death, to receive his or her retirement pension, ten (10) per cent of the pension that would have been payable to him or her under article I, paragraph 4, had he or she commenced to receive such pension at the date of his or her death; or,
- (iii) In the case of the death of a judge in office, ten (10) per cent of the pension that the judge would have received had he or she qualified for a disability pension at the date of his or her death;

Provided, in all cases, that the amount of the child's benefit shall not exceed one thirty-sixth of the annual base salary;

- (b) Where there is no surviving spouse entitled to a pension under article III, or upon the death of the surviving spouse, the total amount of the child benefit payable under subparagraph (a) above shall be increased by the following amount:
 - (i) If there is only one eligible child, by one half of the amount of the pension that was being paid or would have been paid to the surviving spouse;
 - (ii) If there are two or more eligible children, by the amount of the pension that was being paid or would have been paid to the surviving spouse;
- (c) The total child benefit payable under subparagraph (b) above shall be divided equally among all of the eligible children to determine the amount of any one child's benefit; as and when a child ceases to be eligible, the total benefit payable to the remainder shall be recalculated in accordance with subparagraph (b).

2. The total amount of child benefit, when added to the amount of any surviving spouse's benefit in payment, shall not exceed the pension that the judge or former judge received or would have received had he or she survived.

3. The age-limit noted in paragraph 1 above shall be waived if the child is incapacitated by illness or injury, and the benefit shall continue to be paid for as long as the child remains incapacitated.
