

---

**Assembly of States Parties**

Distr.: General  
6 October 2006

Original: English

---

**Fifth session**

The Hague

23 November to 1 December 2006

**Amendments to the conditions of service and compensation for  
judges of the International Criminal Court**

**Relocation upon completion of service**

**Introduction**

1 Paragraph XIII of the annex to resolution ICC-ASP/3/Res.3 states that the conditions of service and compensation of judges of the International Criminal Court shall be reviewed by the Assembly as soon as practicable following the review of the conditions of service of the judges of the International Court of Justice by the General Assembly of the United Nations.

2. During the sixth session of the Committee on Budget and Finance, the Court drew the attention of the Committee to the review by the United Nations General Assembly of the conditions of service and compensation of the judges of the International Court of Justice<sup>1</sup>. The Court submits this report pursuant to paragraph XIII of the annex to resolution ICC-ASP/3/Res.3 so as to enable the Committee on Budget and Finance and the Assembly of States Parties to consider a review of the conditions of service of judges of the International Criminal Court in light of the review of the conditions of service of judges of the International Court of Justice by the General Assembly of the United Nations.

**Necessity for the amendments**

3. Article IV of appendix 1 (Travel and subsistence regulations for judges of the International Criminal Court)<sup>2</sup>, which is based on the conditions of service and compensation for judges of the International Court of Justice<sup>3</sup>, provides that a judge of the International Criminal Court who has taken up and maintained residence at the seat of the Court for at least five (5) continuous years during service with the Court shall receive a lump sum equivalent to eighteen (18) weeks of annual net base remuneration upon completion of appointment and relocation outside the Netherlands. It further provides that a judge who has taken up and maintained residence at the seat of the Court for nine (9) continuous years or more during

---

<sup>1</sup> United Nations General Assembly resolution 59/282 of 13 April 2005.

<sup>2</sup> ICC-ASP/3/Res.3.

<sup>3</sup> Adopted by the General Assembly of the United Nations through resolutions 40/257 of 18 December 1985 and 53/214, section VIII, of 18 December 1998.

service with the Court shall receive the equivalent of twenty-four (24) weeks of annual net base remuneration upon completion of appointment and relocation outside the Netherlands.

4. By its resolution 59/282 of 13 April 2005, the General Assembly of the United Nations amended the conditions of service of the judges of the International Court of Justice with retroactive effect from 1 January 2005, to allow members of that Court who had taken up and maintained residence at The Hague for less than five continuous years during their service with the Court to be eligible, upon the completion of their appointment and resettlement outside the Netherlands, to receive a lump sum prorated on the basis of the ceiling of eighteen weeks of annual net base salary that is payable to members of the Court who have served for five continuous years.

5. The General Assembly also decided that those members of the Court who have similarly taken up and maintained residence at The Hague for more than five but less than nine continuous years shall be eligible upon the completion of their appointment and resettlement outside the Netherlands for a lump sum prorated on the basis of the ceiling of twenty-four weeks of annual net base salary that is payable to members of the Court who have served for nine continuous years or more.

6. In this regard, the Court would wish to point out that, as a result of the above amendments by the General Assembly of the United Nations, judges of the International Court of Justice are no longer required to complete five years of service in order to be entitled to relocation expenses. In addition, judges who have completed five years but less than nine years now have their relocation costs prorated on the basis of the ceiling of 24 weeks of annual net base salary. Consequently, the Committee on Budget and Finance may wish to recommend that the Assembly of States Parties bring the conditions of service of judges of the International Criminal Court into line with those of the International Court of Justice by amending article IV of appendix 1 to the annex to resolution ICC-ASP/3/Res.3 to read as follows:

“A judge who has taken up and maintained residence at the seat of the Court for less than five (5) continuous years during service with the Court shall receive a lump sum prorated on the basis of the ceiling of eighteen (18) weeks of annual net base remuneration, upon completion of appointment and resettlement outside the Netherlands. In addition, a judge who has taken up and maintained residence at the seat of the Court for five (5) years or more than five but less than nine (9) years continuous service shall receive a lump sum prorated on the basis of the ceiling of twenty-four (24) weeks of annual net remuneration upon completion of appointment and relocation outside the Netherlands.<sup>4</sup> A judge who has taken up and maintained residence at the seat of the Court for nine (9) continuous years or more during service with the Court shall receive the equivalent of twenty-four (24) weeks of annual net base remuneration upon completion of appointment and relocation outside the Netherlands”<sup>5</sup>

### **Financial implications**

7. Should the Assembly of States Parties decide to approve the amendment in accordance with the resolution of the United Nations General Assembly, the programme budget implications for the relocation costs of one judge who has already completed service

---

<sup>4</sup> New language in accordance with United Nations General Assembly resolution 59/282, dated 13 April 2005.

<sup>5</sup> Original text from article IV of the travel and subsistence regulations for judges of the International Criminal Court (appendix 1 of annex to resolution ICC-ASP/3/Res.3).

with the Court and who will have to be paid if he has relocated outside the Netherlands are calculated at €17,308. These costs will be absorbed from within existing resources.

8. The table below shows the amounts to be paid to a judge upon relocation after each number of completed years of service, before and after the proposed amendment.

9. Since these costs cannot normally be absorbed from within the Judiciary's programme budget, the Court proposes to include in its budget submission on an annual basis an estimate for relocation costs. Given the impossibility of predicting how many judges are likely to end their terms during the following year, and in order to ensure conformity with its accounting policies of accrual, the Court proposes that these costs should accrue in the accounts on an annual basis and charged against the budget of the year in which they have accrued. Accrual of costs under the current situation would not be easy to implement, since the entitlement starts only after the fifth year of service, whereas the accrual of costs based on the proposed situation would be quite transparent and easier to administer.

Number of completed years of service	Relocation allowance according to current situation ( <i>in euros</i> )	Relocation allowance according to proposed situation ( <i>in euros</i> )
1	0	6,923
2	0	13,846
3	0	20,769
4	0	27,692
5	62,308	34,615
6	62,308	55,385
7	62,308	64,615
8	62,308	73,846
9 and above	83,077	83,077

10. Should the Assembly decide to follow the accrual system for relocation costs, the estimated accrued costs for the relocation of current judges of the Court until 31 December 2006, based on the above table (proposed situation), is €300,000. The Assembly may wish to decide that these costs should be funded from savings in Major Programme I of the 2006 budget.

11. In addition, should the Assembly adopt this decision, the Court would need to accrue in its accounts the estimated accrued costs for 2007, which should then be added to the regular budget of Major Programme I for 2007. The estimated accrued amount for 2007 is €125,000.