
Assembly of States Parties

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**Report on the conditions of service and compensation of the
Prosecutor and Deputy Prosecutors***

1. At its fourth session, the Assembly of States Parties (the Assembly) adopted the following decision:

“Takes note of the report of the Office of the Prosecutor regarding conditions of service and compensation of the Prosecutor and Deputy Prosecutors, as well as the request of the committee on Budget and Finance to the Court to report on the matter, including some costed options, at its next session and requests the Committee to report thereon before the fifth session of the Assembly of States Parties”.¹

2. The Committee on Budget and Finance (the Committee), at its fifth session, had concluded:

“After taking note of the report of the Court, entitled “Report on the Conditions of Service and Compensation of the Prosecutor and the Deputy Prosecutors pursuant to paragraph 26 of resolution ICC-ASP/3/Res.3” (ICC-ASP/4/11), the Committee was convinced that the solution consisting of participation in the United Nations Joint Staff Pension Fund (UNJSPF) would be inadequate and, consequently, that a more reasonable scheme should be developed with the advice of a private insurer. The Committee requests the Court to report on this matter, including some costed options, at its next session.”²

3. The costing of a pension scheme is to a large extent influenced by the following factors:

- The level of the pension, expressed as a percentage of the previous salary, is the most important determining factor;

* Previously issued as ICC-ASP/5/CBF.1/2.

¹ *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Fourth session, The Hague, 28 November - 3 December 2005* (International Criminal Court publication, ICC-ASP/4/32), part III, resolution ICC/ASP/4/Res. 4, para. 34.

² *Ibid.* Part II.6(b), para. 100.

- The duration of the pension, in particular the duration of the pension for the surviving spouse and children;
- The particulars of the person covered by the scheme (age at entry into service, health status, etc);
- The methodology of the pension scheme (pay-as-you-go, accrual system, insurance system).

4. The Court has submitted to the Assembly of States Parties a detailed report on the long-term consequences of the pension scheme regulations for judges.³ On the basis of the findings of a consultant, the Committee on Budget and Finance has recommended a system of accrual, administered by an external provider.⁴

5. The calculations made in connection with the pension scheme regulations for the judges are based on the decisions taken by the Assembly of States Parties,⁵ including the level of the pension expressed as a fraction that can easily be converted into a percentage.⁶ This baseline allowed the consultant calculations that led to definite results.

6. Since the Assembly of States Parties has not taken a decision under Article 49 with regard to the Prosecutor, the level of the pension is undecided. As this is the most important determining factor for the financial implications of the scheme, no detailed costing including a comparison of the options is possible.

7. On the basis of the proposal as submitted to the Assembly of States Parties at its third session,⁷ the emoluments of the Prosecutor would be 83.33 per cent of the emoluments of a judge and the emoluments of a Deputy Prosecutor would be 75 per cent of the aforementioned emoluments. Accordingly, it can be assumed that, based on the proposal as submitted, the costs for the pensions of the Prosecutor and the Deputy Prosecutors will amount to 83.33 per cent and 75 per cent, respectively, of the costs as they are calculated by the consultant.

8. Any further calculation will require prior guidance from the Assembly of States Parties or the Committee on Budget and Finance, respectively, about the pension terms which should form the basis for such costing exercises, in particular the amount of the retirement pension in relation to the annual salary and the entitlements of the surviving spouse and children.

9. The Court will further examine the matter and provide the Committee on Budget and Finance with the requested costing models once it has received the guidance it needs to proceed.

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³ Report on the long-term budgetary consequences of the pension scheme regulations for judges (ICC/ASP/4/26).

⁴ *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Fourth session, The Hague, 28 November-3 December 2005* (International Criminal Court publication, ICC-ASP/4/32), part II.6 (b), para. 96.

⁵ *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, para. 22.

⁶ *Ibid.*, annex, appendix 2, article I, para. 2.

⁷ ICC/ASP/3/12, annex II, article III.