

Conditions of service and compensation of full-time judges of the International Criminal Court¹

The present conditions of service and compensation of judges embody the fundamental conditions of service of judges of the International Criminal Court (hereinafter: the “Court”), in accordance with articles 35 and 49 of the Rome Statute, annex VI of the budget for the first financial period of the Court (ICC-ASP/1/3, Part III, annex VI) adopted by the Assembly of States Parties (hereinafter: the “Assembly”) during its first session in September 2002 and revised and reissued in Part III.A of document ICC-ASP/2/10 adopted by the Assembly during its second session in September 2003.

I. Use of terms

1. “A judge” shall mean a judge of the Court within the meaning of article 35 of the Rome Statute who serves on a full-time basis.
2. “Annual salary” shall mean, for the purpose of calculating the pension entitlement, the annual remuneration, exclusive of any allowances, fixed by the Assembly and received by a judge at the time he or she ceases to hold office.
3. “Spouse” shall be a partner by marriage recognized as valid under the law of the country of nationality of a judge or by legally recognized domestic partnership contracted by a judge under the law of the country of his or her nationality.

II. Residence of judges

1. Judges shall take up residence in the Netherlands within sufficient proximity to the seat of the Court to be available to attend the Court at short notice in order to discharge their duties under the Rome Statute and the Rules of Procedure and Evidence.
2. Residence status is defined as the establishment, through acquisition or long-term lease, of a permanent residence, coupled with the declaration by the judge concerned of resident status.

III. Emoluments

1. The annual remuneration of a judge shall be €180,000 net.
2. The President shall receive a special allowance paid at the rate of ten (10) per cent of the President’s annual remuneration. Based on the remuneration above of €180,000 net, the special annual allowance shall be €18,000 net.
3. The First or Second Vice-President, or, in exceptional circumstances, any other judge assigned to act as President, shall be entitled to a special allowance of €100 net per day for each working day acting as President, up to a maximum of €10,000 per year.

IV. Travel costs and subsistence benefits

A judge shall be entitled to payment of travel expenses and subsistence benefits as set forth in the travel and subsistence regulations for judges of the International Criminal Court, attached as appendix 1 hereto.

V. Pension scheme

1. A judge shall, upon retirement, be entitled to receive a pension as set forth in the pension scheme regulations for judges of the International Criminal Court, attached as appendix 2 hereto.

¹ These conditions of service and compensation of full-time judges of the International Criminal Court were adopted by the Assembly at its third session (see resolution ICC-ASP/3/Res. 3, para. 22 and annex) and amended by resolution ICC-ASP/6/Res.6 and resolution ICC-ASP/18/Res.2. Amendments are shown via footnotes.

-
2. Pensions in payment shall be automatically revised by the same percentage and at the same date as remuneration adjustments.

VI. Surviving spouse's pension

Upon the death of a judge or a former judge, the surviving spouse shall be entitled to a surviving spouse's pension as set forth in the pension scheme regulations for judges of the International Criminal Court, attached as appendix 2 hereto.

VII. Child benefit

Upon the death of a judge or a former judge, his or her natural or legally adopted child shall be entitled to a child benefit as set forth in the pension scheme regulations for judges of the International Criminal Court, attached as appendix 2 hereto.

VIII. Survivor's benefit

1. In the event of the death of a judge, eligible survivor(s), as defined in paragraph 2 below, shall be compensated in the form of a lump-sum payment equivalent to one month of base remuneration for each year of service, subject to a minimum payment equivalent to one month of base remuneration and a maximum of nine months of base remuneration.

2. For the purposes of paragraph 1 above, eligible survivor shall include the surviving spouse of the judge, provided that the spouse was married to the judge at the date of the judge's death, and natural or legally adopted children of a deceased judge who are unmarried and who have not reached the age of twenty-one (21) years as of the date of the judge's death.

IX. Education allowance

Judges shall be entitled to an education grant for the benefit of their children equivalent to that applicable to United Nations officials.

X. Health insurance

Judges shall be responsible for their own health insurance arrangements.

XI. Leave

1. Annual leave shall accrue to judges at the rate of eight (8) weeks a year. Leave may be taken in accordance with a procedure to be agreed upon by the judges and in accordance with a yearly decision taken by the plenary meeting of the judges concerning the days the Court will be in recess.

2. Annual leave may be accumulated, provided that not more than eighteen (18) weeks of such leave shall be carried forward to the following year.

XII. Entry into force

1. The conditions of service and compensation of judges of the International Criminal Court embodying the fundamental conditions of service of judges as set forth in this document, including its appendices, shall enter into force upon the adoption of this document by the Assembly.

2. Upon adoption by the Assembly, this document shall supersede the conditions of service and compensation of full-time judges set forth in Part III.A of document ICC-ASP/2/10.

XIII. Revisions²

The remuneration of the judges of the International Criminal Court shall be reviewed by the Assembly in accordance with the Terms of Reference for the Review of the Judges' Remuneration contained in annex I to resolution ICC-ASP/18/Res.2. All other provisions of these conditions of service and compensation may be reviewed by the Assembly as appropriate.

² Amended by resolution ICC-ASP/18/Res.2.

Appendix 1

Travel and subsistence regulations for judges of the International Criminal Court

Article I Travel expenses

1. The Court shall pay, subject to the conditions of these regulations, the travel expenses of judges necessarily incurred on duly authorized journeys. The following shall be deemed to be duly authorized journeys by judges:

- (a) A trip from his or her declared home, at the time of appointment, to the seat of the Court, in connection with the transfer of his or her residence;
- (b) A round trip every second calendar year after the year of appointment from the seat of the Court to his or her declared home at the time of appointment;
- (c) Upon termination of his or her appointment, a trip from the seat of the Court to his or her declared home at the time of appointment, or to any other place provided that the cost of the journey is not greater than the cost of the trip to his or her declared home at the time of appointment;

Where the spouse and/or dependent children of a judge reside with him or her at the seat of the Court, the Court shall reimburse the travel expenses for trips undertaken in conjunction with (a), (b) and (c) of this paragraph;

- (d) Other journeys on official business undertaken under the authority of the President of the Court.

2. In all cases, payment by the Court of travel expenses shall comprise the cost of trips actually undertaken, subject to the following maximum entitlements:

- (a) The cost of business-class travel, including the expenses normally associated with travel. The cost of transportation of baggage in excess of the weight or size carried free by transportation companies will not be allowable as an expense unless the excess is necessarily carried for official business reasons;
- (b) Travel shall be by the most cost-effective and time-efficient means and route. Other arrangements may be authorized by the President of the Court for special reasons.

Article II Subsistence allowances

1. A daily subsistence allowance shall be paid to a judge while on official travel under article I, paragraph 1, subparagraphs (a), (c) and (d) of this appendix. The allowance will be regarded as covering all charges for meals, lodging, local transportation costs and gratuities, and other personal expenses.

2. The daily subsistence allowance will be payable under the conditions and at rates equivalent to the standard travel subsistence allowance rates for United Nations officials, plus forty (40) per cent resulting in one hundred and forty (140) per cent, as set forth in the Administrative Instruction regarding official travel for the Court. This rate will be reduced in the event that board and/or lodging are provided for. The allowance shall normally be payable in euros.

3. After an extended period of time in any one location, the daily subsistence allowance will be reduced in accordance with the United Nations common system.

4. Where a judge, undertaking an official journey under article I, paragraph 1, subparagraph (a), (b) or (c) of this appendix, is accompanied by a spouse and/or dependent children, a subsistence allowance of one half of the appropriate rate payable to judges concerned in respect of that journey

will be payable for each dependant; where these dependants are travelling unaccompanied on an authorized journey, the full rate of subsistence allowance will be payable in respect of one adult and one half of that rate in respect of each other dependant.

Article III
Removal and assignment

Judges residing in the Netherlands in accordance with article II of the conditions of service and compensation of judges of the International Criminal Court shall be entitled to the following:

- (a) Removal costs of household goods and personal effects to the seat of the Court from his or her home equivalent to those applicable to United Nations officials at the Under-Secretary-General (USG) level;
- (b) An assignment grant to cover relocation expenses, in accordance with terms and conditions equivalent to those applicable to United Nations officials at the USG level;
- (c) Upon termination of appointment, removal costs of household goods and personal effects from the seat of the Court to his or her declared home at the time of appointment (or any other country where he or she may choose to have his or her residence if less expenditure is entailed).

Article IV
Relocation upon completion of service

A judge 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. 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.

Article V
Submission and payment of accounts

A detailed expense account must be rendered in support of each claim for reimbursement of travel expenses or subsistence allowance as soon as possible after completion of the travel or removal. The claims should show every item of expense, except where such expenses are covered by a subsistence allowance, and every advance drawn from any source of the Court, and must, as far as possible, be supported by receipts showing the service to which the payment is related. All expenses must be shown in the actual currency in which they were made and must be certified as having been necessarily and solely incurred in the discharge of the official business of the Court. Reimbursement shall be made following certification by the President.

Appendix 2

Pension scheme regulations for judges of the International Criminal Court

Article I

Retirement pension³

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 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 II

Disability pension

1. A judge found by the Court to be unable to perform his or her duties because of permanent ill-health or disability shall be entitled upon leaving office to a disability pension payable monthly.
2. The Court's decision whether a judge is unable to perform his or her duties because of permanent ill-health or disability shall be based on two medical opinions, one issued by a medical doctor designated by the Court and the other issued by a medical doctor of the judge's choice. In the event that the two opinions differ, a third medical opinion shall be obtained through a medical doctor mutually agreed upon by the Court and the judge.
3. The amount of the disability pension shall be equal to the amount of the retirement pension that would have been payable to the judge concerned had he or she, at the time of leaving office, completed the term for which he or she had been elected.

Article III

Surviving spouse's pension⁴

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:

³ Amended by resolution ICC-ASP/6/Res.6.

⁴ Amended by resolution ICC-ASP/6/Res.6.

-
- (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 benefit⁵

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;

⁵ Amended by resolution ICC-ASP/6/Res.6.

- (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.

Article V
Miscellaneous provisions

1. Pensions provided for by the present regulations shall be calculated in terms of the currency in which the Assembly has fixed the remuneration of the judge concerned, namely euros.
 2. The pension scheme provided for by these regulations shall be non-contributory and shall be a direct charge to the budget of the Court.
-