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**Sixth session**

New York

30 November to 14 December 2007

**Report of the Committee on Budget and Finance  
on the work of its ninth session**

**Corrigendum**

1. Page 30, annex III (Draft amendments to the pension scheme regulations for judges of the International Criminal Court), article III (Surviving spouse's pension)

*Replace article III with the following:*

**“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."

2. Pages 30 and 31, annex III (Draft amendments to the pension scheme regulations for judges of the International Criminal Court), article IV (Child benefit)

*Replace article IV with the following:*

**“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."