



## Administrative Instruction

Ref. ICC/AI/2022/005

Date: 6 October 2022

### Rules Governing Compensation in the Event of Illness, Injury or Death Attributable to the Performance of Official Duties on Behalf of the Court

The Registrar, with the consent of the President and the Prosecutor, pursuant to sections 3.2 and 3.3 of the [Presidential Directive on Procedures for the Promulgation of Administrative Issuances](#) and for the purpose of implementing Staff Regulation 6.2 and Staff Rule 106.9, hereby promulgates the following:

#### Section 1

##### Purpose and Scope

- 1.1 The purpose of this Administrative Instruction is to establish the rules governing the compensation in the event of illness, injury or death attributable to the performance of official duties on behalf of the International Criminal Court (“Court”).
- 1.2 Compensation under this Administrative Instruction shall be provided to staff members, either on a fixed-term or short-term appointment, and their dependants.
- 1.3 In the event of a staff member’s death being attributable to the performance of official duties on behalf of the Court, the staff member’s dependants shall be entitled to compensation, in accordance with the terms and conditions contained in the present Administrative Instruction.

- 1.4 In accordance with Section 6.28 of the [Administrative Instruction on Consultants and Individual Contractors](#) and any subsequent versions thereof, this Administrative Instruction will also apply to consultants and individual contractors, or their dependants, as appropriate.

## Section 2

### Governing Rules

- 2.1 Compensation due to illness, injury or death attributable to the performance of official duties on behalf of the Court is governed by the rules set forth in Appendix D annexed to the United Nations Staff Regulations and Rules (*“Rules governing compensation in the event of death, injury or illness attributable to the performance of official duties on behalf of the United Nations”*) (hereafter referred to as “Appendix D”).
- 2.2 Appendix D and any subsequent amendments thereto,<sup>1</sup> shall apply *mutatis mutandis* to the Court, unless specified otherwise in this Administrative Instruction. In this respect, any reference in Appendix D to:
- (i) the “United Nations” shall be considered as a reference to the “Court”, unless the context requires otherwise;
  - (ii) the “Secretary-General” shall be considered as a reference to the “Registrar or the Prosecutor, as appropriate” or, for the purposes of articles 2.3(a) and 5.1 of Appendix D “to the Registrar, in consultation with the Prosecutor”, unless the context requires otherwise;
  - (iii) the “Staff Regulations and Rules”, and any specific provision thereof, shall be considered as a reference to the “Staff Regulations and Rules of the Court”, and to the corresponding provision in the latter’s regulations and rules, unless the context requires otherwise;
  - (iv) the “Advisory Board on Compensation Claims” shall be considered as a reference to the “Advisory Board on Compensation Claims of the Court” hereby established, unless the context requires otherwise;

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<sup>1</sup> The relevant applicable version of Appendix D to the United Nations Staff Regulations and Rules can be accessed through the United Nations HR portal at <https://hr.un.org>. Next to Appendix D, the Court will resort to the “United Nations Manager’s Guide to Appendix D” for operational guidance. The relevant applicable version thereof can be accessed through at <https://hr.un.org/node/42743>.

- (v) payment “solely in United States dollars” shall be considered as reference to payment “solely in Euros”;
- (vi) the “Administration” shall be considered as a reference to “the appropriate Organ of the Court”, unless the context requires otherwise;
- (vii) the “Office of Legal Affairs” shall be considered as a reference to “the Registry Legal Office or the Legal Advisory Section of the Office of the Prosecutor, as appropriate”;
- (viii) “Medical Services Division” and “United Nations Medical Director” shall be considered as a reference to “the Occupational Health Unit of the Court” and the “Medical Officer of the Court”, respectively, unless the context requires otherwise;
- (ix) “Dependant(s)” shall have the meaning given to such term in the Staff Regulations and Rules of the Court, and related administrative issuances, and all subsequent amendments thereto.

### Section 3

#### Advisory Board on Compensation Claims

3.1 An Advisory Board on Compensation Claims (“ABCC”) is hereby established. The ABCC’s mandate is to consider claims for compensation arising from illness, injury or death attributable to service at the Court, and to make recommendations to the Registrar or the Prosecutor, as appropriate. The ABCC shall be composed of the following members or their alternates:

Voting Members:

- (i) Registry: Director of the Division of Management Services (Chairperson), or his/her alternates appointed by the Registrar;
- (ii) Presidency: one staff member, or his/her alternates appointed by the President;
- (iii) Office of the Prosecutor: one staff member, or his/her alternates appointed by the Prosecutor; and
- (iv) Staff Union Council: two representatives or their alternates, appointed by the Staff Union Council.

Ex-officio Members in a non-voting capacity, who shall serve in an advisory capacity to provide guidance to the ABCC with respect to the interpretation of the rules and issues relevant to their offices:

- (v) Medical Officer or his/her alternates appointed by the Registrar;
- (vi) Either the Senior Legal Adviser of the Registry, or his/her alternates appointed by the Registrar; or the Legal Adviser of the Office of the Prosecutor, or his/her alternates appointed by the Prosecutor, as appropriate; and
- (vii) Other ex-officio members as determined by the ABCC, when applicable.

#### Section 4

##### Secretariat of the ABCC

- 4.1 A Secretary to the ABCC, as well as alternates where needed, shall be designated by the Registrar, in consultation with the Prosecutor. The Secretary and the alternates and may not, at the same time, be members of the ABCC.

#### Section 5

##### Procedure to submit a claim

- 5.1 Within one year of the relevant date as established in Appendix D, a claimant shall submit a claim in writing to the ABCC Secretariat together with the following supporting documentation:
- (i) For claims involving injury or illness, the claimant must provide (in English or French, or a translation into one of those languages): (a) the official incident report, if available; (b) a description of the injury or illness, including date and place; (c) a description of the relation of the injury or illness to the incident; (d) a medical diagnosis and prognosis by the treating physician or, in case of a psychiatric condition, a report from a psychiatrist (not psychologist); and (e) any other information/documentation, including medical tests, relevant to the claim, if applicable.

- (ii) For claims involving reimbursement of medical expenses, the claimant must in addition to the above provide (in English or French, or a translation into one of those languages):
  - (a) all related medical bills incurred up to that date; and
  - (b) proof of payment of such bills.

## Section 6

### *De minimis claims*

6.1 The Registrar and the Prosecutor hereby delegate authority and responsibility to the Director of the Division of Management Services (Registry) and the Senior Manager (Office of the Prosecutor) respectively, to receive, consider and make determinations – without the consideration of the ABCC – with respect to claims which:

- (i) have a potential cumulative cost to the Court of less than 5000 EUR per annum, per injury or illness; and
- (ii) are solely for reimbursement of medical expenses, funeral expenses, or granting of sick leave credit (“*de minimis claims*”).

6.2 If the official with delegated authority makes a determination on a claim pursuant to section 6.1 above, and the claim later exceeds the amount for *de minimis* claims, the claim shall be presented to the ABCC for new consideration.

## Section 7

### ABCC’s recommendation, and decision

7.1 Recommendations by the ABCC shall reflect the majority vote of its voting members. When a recommendation is not unanimous, the dissenting opinion(s) shall be reflected in the ABCC’s recommendation to the Registrar or the Prosecutor, as appropriate.

7.2 The Registrar or the Prosecutor, as appropriate, shall take a decision on the claim, on the basis of the ABCC’s recommendation. In the event that the Registrar or the Prosecutor, as

appropriate, would decide not to follow the ABCC's recommendation, they shall record their reasons in writing.

## Section 8

### Reconsideration of medical determinations and review/appeal of administrative decisions

- 8.1 Claimants wishing to contest a decision taken on a claim under the present Administrative Instruction, to the extent that decision is based upon a medical determination of the Medical Officer, may appeal against the medical determination to a medical referee, in accordance with Staff Rule 106.11.
- 8.2 Claimants wishing to contest a decision taken on a claim under the present Administrative Instruction, to the extent that the decision was based on considerations other than a medical determination, may appeal such administrative decision under the terms set out in Article XI of the Staff Regulations and Chapter XI of the Staff Rules.

## Section 9

### Final Provision

- 9.1 This Administrative Instruction shall enter into force on the date of its issuance.



Peter Lewis

Registrar