

**Annex 2 to Administrative Instruction ICC/AI/2005/001 on the  
Procedure for compensation for Loss or Damage to Personal Effects  
attributable to Service**

**Terms of Reference for the Claims Board**

Section 1

Purpose

- 1.1 The purpose of this annex is to set out the terms of reference for a Claims Board (CB) that shall be established by the Registrar and that shall operate as set out in the Administrative Instruction to which this is an annex.

Section 2

Terms of Reference

- 2.1. The CB is established to settle claims or compensation originating from Claimants for loss or damage to personal effects while performing official functions and third party claims submitted against the Court.
- 2.2. The authority to decide on compensation, within the authorized financial limits as referred to in section 3.4 of this Administrative Instruction is hereby delegated by the Registrar to the Controller. Where the decision of the Controller is materially different to the recommendation of the CB, the Controller shall submit in writing the reasons for such decision to the Registrar or the Prosecutor, as appropriate, with a copy to the CB.

Section 3

Composition

- 3.1. The Chairperson, members and alternates shall be appointed by the Registrar at his/her discretion. The CB shall comprise the following members or those with comparable responsibilities as determined by the Registrar:

Chairperson:	Finance Officer
Member:	Human Resources Officer
Member:	Officer from any section
Member:	Legal Officer from Registry Legal Advisory Section
Secretary (ex officio):	Property Control and Inventory/Claims Officer
Member	Senior Administrative Officer from OTP
Member:	Staff Council Representative.

- 3.2. It should be borne in mind that it will be acting in an advisory capacity to the Controller. The Controller should therefore not be directly involved in the formulation of the Board's recommendation.
- 3.3. At least three members of the CB shall at any given time participate in the consideration of cases presented to the Board.
- 3.4. The CB shall determine its own rules and procedures.

#### Section 4

##### Financial Limits

- 4.1. The following financial limits shall be established by the Controller:
  - (a) Claims up to €600 shall be settled by the Controller, following the necessary procedure by the Claims Board.
  - (b) Claims above €600 shall be settled by the Controller, upon the recommendation of the Claims Board. No compensation shall be paid for any loss of or damage occasioned by the negligence or misconduct of the claimant.

#### Section 5

##### Review of third party claims

- 5.1. The CB shall examine and make recommendations on settlement of third party claims for personal injury, death or loss or damage of property.
- 5.2. The CB shall examine and make recommendation to the Controller on settlement of third party claims which are attributable to acts performed by staff or officials of the Court in connection with their official duties.
- 5.3. CB shall not review third party claims which are covered by the Court's third party insurance policies.