

**Cour
Pénale
Internationale**

**International
Criminal
Court**

**Administrative Instruction
ICC/AI/2005/001**

3rd March 2005

**PROCEDURE FOR COMPENSATION FOR LOSS OR DAMAGE TO PERSONAL
EFFECTS ATTRIBUTABLE TO SERVICE**

The Registrar, for the purpose of outlining the procedure for submission and examination of claims promulgates the following:

Section 1

Purpose

- 1.1 The purpose of this Administrative Instruction is to define, in the event of loss of or damage to personal effects attributable to service on behalf of the Court, the terms, conditions and limits governing compensation and to set forth the procedure for the submission and examination of claims in connection with such loss or damage. This compensation procedure shall apply to all officials and staff members of the Court (hereinafter referred to as "Claimants" and in the singular as a "Claimant").

Section 2

Condition for the entitlement

- 2.1. Loss of or damage to the personal effects of a Claimant shall be considered directly attributable to the performance of official duties when such loss or damage:
- (a) was caused by an incident which occurred while the Claimant was performing official duties on behalf of the Court; or
 - (b) was directly due to the presence of the Claimant, in accordance with an assignment by the Court, in an area designated by the Court as hazardous, and occurred as a result of the hazards in that area; or

- (c) was caused by an incident which occurred during any travel, by means of transportation furnished by or at the expense or direction of the Court, undertaken in connection with the performance of official duties.
- 2.2. No compensation shall be paid for any loss or damage which was:
- (a) caused by the negligence or misconduct of the claimant; or
- (b) sustained by a private vehicle which was being used for official business, including travel in connection with home leave, when such use of a private vehicle was solely at the request, and for the convenience, of the Claimant.
- 2.3. No compensation shall be paid for the loss of or damage to personal effects, except as provided under Rule 106.10 of the Staff Rules and section 2.1 of the present instruction. Otherwise, such loss or damage shall be the sole responsibility of the Claimant. For this reason, it is recommended that Claimants obtain, at their own expense, adequate personal property insurance coverage.

Section 3

Exclusions and limitations

- 3.1. The personal effects of a Claimant shall be deemed to include the personal effects of the Claimant's spouse and dependent children residing with the Claimant at the time of the damage or loss, provided that no claim shall be admissible for loss of or damage to the personal effects of the spouse or dependent children in a mission area if the Registrar has decided that special circumstances or local conditions make it undesirable for the Claimant to be accompanied by dependants.
- 3.2. Insurance coverage will be provided by the Court, up to specified limits, in connection with the removal of household goods or the shipment of personal effects (accompanied or unaccompanied) for travel on appointment, transfer and repatriation. Loss of, or damage to, such goods or effects shall be governed exclusively by the conditions of such insurance coverage and shall not be compensated for under this instruction.
- 3.3. No compensation shall be paid for loss of or damage to any articles which, in the opinion of the Registrar or the Prosecutor, cannot be considered to have been reasonably required by the Claimant for day-to-day life under the conditions existing at duty station. In addition, no compensation shall be paid for loss of or damage to pets, motor cycles, boats, engines of all types and their accessories, jewellery, money (except as provided in section 3.4 (h) below), negotiable instruments, tickets or documents.
- 3.4. Compensation in respect of the following items shall be subject to the maximum limits indicated:
- | | € |
|--|--------|
| (a) Automobile (and all accessories) | 14 000 |
| (b) Television, Digital Versatile Disc player (DVD) and/or Video Cassette Recorder (VCR) | 800 |
| (c) Stereo systems (compact disc players, | 1 000 |

tape recorder, radio, amplifier, speakers
and other accessories)

(d)	Video Camera	1 000
(e)	Still camera	400
(f)	Personal computer equipment (including hardware and software)	2 500
(g)	Watch	400
(h)	Cash	400

- 3.5. No compensation shall be paid for loss of or damage to more than one of each of the articles mentioned above, for any one incident. Compensation in respect of any single article, including its accessories, not listed in paragraph 3.4 shall be subject to a maximum limit of €3,500.
- 3.6. Excluding any compensation in respect of an automobile and all its accessories, which shall be treated as a separate award, the maximum allowable compensation in respect of any one incident shall be €13,000 for a Claimant without recognized dependants residing with him or her at the duty station, and €22,000 for a Claimant with recognized dependants residing with him or her at the duty station.

Section 4

Notification of loss and presentation of a claim for compensation

- 4.1. In the event of any loss of or damage to a Claimant's personal effects he or she shall, as soon as possible, notify the appropriate Court authorities and other authorities, including the local police, and submit any pertinent evidence. Where articles have been lost or damaged, the Claimant shall take all reasonable steps to recover said articles or to receive suitable compensation from the party responsible, or from his or her insurance company, for such loss or damage. Compensation shall be reduced by the amount of any such recovery.
- 4.2. In order to be receivable by the Claims Board (refer to paragraphs 5.1 and 5.2 below), claims for compensation shall be made within two months of the discovery of the loss or damage, shall include copies of reports of investigations into the loss or damage and shall be submitted by the claimant to the Registrar for examination and submission through the Property Control and Inventory/Claims Officer to the Claims Board. Both the submissions by the claimant and by the Property Control and Inventory/Claims Officer shall be in the form of signed statements as described below.
- 4.3. The claimant shall set out in detail:
- (a) Information pertinent to the amount of compensation claimed, including:
 - (i) a description of the article;
 - (ii) the age and the condition of the article;

- (iii) the original cost of the article and the date of purchase or acquisition; and
 - (iv) the replacement cost of the article and supporting documentation on both price and comparability of the proposed replacement article;
- (b) all the circumstances pertinent to the loss or damage and the action taken by the claimant in respect thereof (refer to paragraph 4.1 above), including:
- (i) statements signed by any other person or persons in a position to furnish information relating to the loss or damage, including copies of reports of investigations into the loss or damage;
 - (ii) personal insurance coverage, if any, and any action taken to claim under that coverage and the results thereof;
 - (iii) in the case of travel by common carrier (air, bus, rail, etc.), a copy of the lost property report and information on any reimbursement claimed from the carrier;
 - (iv) in the case of damage, the cost of repair supported by a copy of the invoice and receipt.

4.4. On receipt of a claim, the Property Control and Inventory/Claims Officer shall:

- (a) examine the claim and ascertain whether all required information and material as set forth in the present instruction have been provided and, if necessary, request such further information or material as may be required or as he or she considers desirable;
- (b) provide any additional information on the causes and circumstances of the loss or damage including copies of any investigation reports on the incident which may be available;
- (c) as appropriate, verify and provide supporting documentation:
 - (i) with regard to paragraph 3.6, as to the dependency status of the Claimant;
 - (ii) with regard to subparagraph 2.1(c), that the Claimant was on official travel status;
- (d) supply a copy of the inventory filed by the Claimant in accordance with the applicable security plan, as appropriate;
- (e) provide other pertinent observations including information regarding the replacement cost claimed as appropriate;

Section 5

Consideration of claims

- 5.1. All claims shall be examined by the Claims Board in accordance with its terms of reference, as set out in annex 2 to this Administrative Instruction.
- 5.2. The Claims Board shall act in an advisory capacity to the Controller and shall transmit its recommendation regarding the settlement of each claim to the Controller.
- 5.3. Where an article is lost, the amount of compensation shall be determined having regard to the following factors:
 - (a) the age, condition and place of purchase of the article;
 - (b) the original cost and the amount by which it had depreciated in value at the time of loss;
 - (c) the replacement cost of the article; and
 - (d) any other relevant factors.
- 5.4. Where an article is damaged and can be repaired, the amount of compensation shall be equal to the actual cost of repairs but shall not exceed the amount that would have been payable under paragraph 3 if the article had been lost.
- 5.5. In calculating the amount of compensation payable, consideration shall be given to such amounts as the claimant might have recorded or might be entitled to recover under insurance arrangements or from third party liable for the loss or damage.
- 5.6. When, in the opinion of the Claims Board, unusual hardship would be caused or it would be clearly unreasonable if the amount of compensation were limited to the relevant maxima prescribed in paragraph 3.4 above, or where the claims is otherwise not compensable under this instruction, the Claims Board may forward its recommendation in a particular case to the Controller, together with its view as to what would constitute reasonable compensation.

Section 6

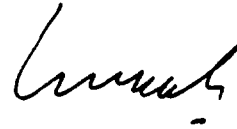
Payment of compensation

- 6.1. Payment of compensation shall be the responsibility of the Finance Section who shall initiate action upon receipt of the notification of the Controller's decision as communicated by the Secretary of the Claims Board.
- 6.2. Payment of the approved compensation shall be conditional on the recipient signing an instrument entitled "Acceptance and assignment". A sample, which should be used, is contained in the annex 1 to the present instruction.

Section 7

Entry into Force

7. This Administrative Instruction shall enter into force on 10th March 2005.



Bruno Cathala
Registrar