



WELCOME PACKAGE

*Prepared by the ICCBA Counsel
Support Staff Committee
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Contents

Welcome (who we are).....	4
1. What is the ICCBA?	4
2. What is the ICCBA’s role?	4
3. How to become involved?	4
4. Focal Points	5
Relocation	6
5. EU citizens.....	6
6. Non-EU citizens.....	6
Accommodation.....	8
7. Finding a house for rent.....	8
8. Registering at your place in the Hague.....	8
9. Buying a house in the Netherlands.....	9
<i>a. Mortgage</i>	9
<i>b. Finding THE house</i>	10
Family (children and dependants)	12
10. Day-care for children and benefits	12
11. Elderly homes	13
12. Status of dependants in the Netherlands.....	13
Life in The Hague	14
13. Embassies, consulates and other representations	14
14. Transport	14
<i>a. OV-chipkaart & OV pay</i>	14
<i>b. 9292 and NS app</i>	16
<i>c. International travel</i>	16
15. Bicycles.....	17
<i>a. Bicycle theft</i>	17
<i>b. Bicycle transportation & storage</i>	17
<i>c. Buy a bicycle</i>	18
<i>d. Rent a bicycle</i>	18
16. Grocery shopping.....	19
<i>a. Supermarkets and ethnic shops</i>	19
<i>b. The Hague market</i>	19
17. Other resources	19

<i>a. Public libraries</i>	19
Health.....	21
18. Digital identity in the Netherlands (DIGID).....	21
19. Health insurance	21
<i>a. Subscription to a Health Care</i>	21
<i>b. You have to subscribe to a Dutch Health Care</i>	22
<i>c. You do not have to subscribe to a Dutch Health Care</i>	22
20. Reimbursement of the Health Care costs by the Court	22
21. Registering at the General Practitioner (GP).....	23
22. Healthcare for internationals	23
23. When you register	24
24. Pregnancy in the Netherlands	24
HARASSMENT	26
Remuneration and labour rights	30
25. Remuneration of Defence and Victims pursuant to the current LAP.....	30
26. Remuneration of Duty and <i>ad hoc</i> Counsel.....	31
27. Remuneration in the case of several mandates	32
28. Remuneration during phases of reduced activity	32
29. Compensation of professional charges	33
30. Modality of payment of fees	34
31. Interim measures and salary raise.....	34
32. Interim measures and parental leave.....	35
33. New LAP	37
Tax.....	38
34. Background	38
35. Getting a blue envelope.....	39
36. Filing a tax declaration.....	39
37. Ways to address or mitigate the tax situation	40
<i>a. Appealing a tax assessment</i>	40
<i>b. Registering yourself as an enterprise:</i>	41
Your career (list of legal assistants and list of counsel).....	42
38. How to join the ICC List of Counsel and Assistants to Counsel	42

WELCOME (WHO WE ARE)

1. What is the ICCBA?

The International Criminal Court Bar Association's (ICCBA) establishment in July 2016 marked the fulfilment of a long-standing goal to establish a much-needed representative association of legal practitioners focused on matters relevant to the work of List Counsel and Support Staff before the International Criminal Court (ICC). At the 18th Session of the Assembly of States Parties, the ICCBA was officially recognised as the only representative body of counsel at the ICC in accordance with Rule 20(3) of the ICC Rules of Procedure and Evidence. The ICCBA is independent of the Court and is registered as a non-profit foundation (Stichting) under the laws of the Netherlands. The ICCBA's operations are primarily funded by the subscriptions paid by its members.

2. What is the ICCBA's role?

The ICCBA serves as a collective voice for independent Counsel and Support Staff who represent victims, defendants and other actors (such as witnesses) before the ICC, provides a range of support and services to its membership, and acts as a forum for discussion on all matters pertaining to the ICC. Those with demonstrable experience of international criminal law may be involved in the ICCBA as Affiliate members.

The ICCBA recognises that it is a part of a wider global legal community and seeks to develop and solidify its relationships with international, regional and national bars and other relevant organisations in order to promote and strengthen the Rome Statute system as well as discuss issues of mutual concern. The ICCBA has signed several affiliation agreements with national bar associations and legal organisations around the world.

3. How to become involved?

There are three (3) membership packages available.

1. Full membership – 150 euros per annum: All persons who are on the ICC list of Counsel practising as independent counsel are eligible to be Full Members. All persons who are assigned as Counsel on a case at the ICC and who directly represent individuals at the ICC are eligible to be full members.

2. Associate membership - 90 euros per annum: All persons who are either: (a) on the ICC list of Assistants to Counsel, or (b) otherwise assigned as support staff on a case at the ICC are eligible to be Associate members.
3. Affiliate Membership – 50 euros per annum: All persons who support the objectives of the ICCBA and have demonstrated experience of international criminal law, are eligible to be Affiliate Members.

4. Focal Points

The ICCBA Executive Council has appointed Regional and Thematic Focal Points to conduct outreach activities on behalf of the ICCBA within Focal Point's area of responsibility. The mandate of ICCBA focal points includes:

- Explaining the role of the ICCBA to List Counsel and Support Staff.
- Offering expert advice to the Executive Council.
- Explaining the benefits of joining the ICCBA as a Full, Associate or Affiliate Member to eligible individuals.
- Explaining the work and jurisdiction of the ICC to legal professionals in the region in question.
- Serving as a local conduit between the association, and List Counsel and ICCBA members, to convey suggestions, concerns and/or recommendations List Counsel and members may have regarding the work of the ICCBA.
- Where required, to assist the ICCBA President and Executive counsel in liaising with national bar associations.
- Providing recommendations to the ICCBA President on the training needs of local counsel and on other relevant issues in the region in question.

If you would like to contact any focal point, please send an email to: focalpoints@iccba-abcpi.org

RELOCATION

5. EU citizens

EU citizens do not require a visa to enter, reside and work in the Netherlands. However, upon arrival, they are required to register at the municipality they will reside, i.e. The Hague, to obtain a Citizen Service Number ('BSN').

The citizen service number (BSN) is a unique personal number allocated to everyone registered in the Personal Records Database (BRP). Everyone who registers with the BRP is automatically given a BSN. The government uses the BSN to process personal data, therefore the BSN is used for any government service in the Netherlands without providing all other data to each different government organisation. The BSN is used in healthcare, education, for childcare, housing and health benefits.

To register for a BSN you can visit the website of the municipality of The Hague see here <https://www.denhaag.nl/nl/verhuizen-en-migratie/verhuizen-vanuit-het-buitenland/inschrijven-vanuit-het-buitenland-u-heeft-nog-geen-bsn.htm>

The website explains the process and documents needed.

6. Non-EU citizens

To start the visa application procedure for the Netherlands – either for a visit or for a longer term stay based on an MFA ID card – the Counsel Support section will initiate the visa application procedure by sending the Travel Unit (TU) an e-mail.

The TU will then contact the traveller directly or will communicate with them through the team at the ICC.

Once the TU has received a copy of the passport and the completed visa details form, the TU will prepare a Note Verbale (NV) to support the visa application.

It is important to specify if the individual is travelling to the Netherlands as a visitor or if an MFA ID card is required as the type of visa issued will be different.

It is to be noted that the minimum of documents required by the embassies/consulates are: Schengen visa application form (electronic form available at every embassy internet site), photo, copy of the ICC NV, proof of travel insurance and flight details. Additional documents may be requested and the ICC cannot waive the request for additional documents, so it is of importance to find out which documents are required.

Many countries do not have a Dutch embassy or Consulate. The Netherlands is often represented by another Schengen country, for instance on the African continent the French or the Belgians often represent the Netherlands.

When the individual comes to the Netherlands for a visit, most of them can request a visa at the embassy representing the Netherlands like the French embassy in CAR or the Belgian embassy in DRC.

If the individual will apply for an ID card after arrival in the Netherlands, the countries representing the Netherlands will in most cases not be able to issue the visa. For instance, in CAR the French do not issue the so-called “long term visa” and the individual will then have to apply for the visa at a location in the region where a Dutch embassy is available.

The above procedure is applicable for nationals that requires a visa to enter the Schengen area, like most nationals of the African continent. Visa free nationals – like nationals of the UK, Australia, Canada, New Zealand, USA etc – can enter the Netherlands as visitors and no visa will be required prior to travel.¹

When the individual has arrived in the Netherlands, CSS will confirm to the TU if the person requires an ID card. The ID card can be issued for the team members and their families (1 spouse and children).

The MFA ID card will be valid for one year.

The ID card will function as a work permit, residence permit and it will also be considered replacement of the Schengen visa sticker in the national passport. The ID card can also be used as official form of identification in the Netherlands.

The team member can only work for the ICC based on the ID card. The spouse will be able to work in the Netherlands without having to apply for a work permit. Children have to attend school and are not allowed to work.

¹ For more information see Annex, p. 2-3.

Once the employment ends or is terminated, the MFA ID cards will have to be returned to the TU before leaving the country. During the so-called check out procedure, the TU will provide the team member with a statement which confirms that the individual has had a legal stay in the Netherlands. As this procedure has been set up together with the Dutch immigration authorities, the TU recommends leaving the Schengen area from Amsterdam to avoid any issues. This entails that routes through Paris (for instance) should be avoided, even if we haven't had any issues at airports in other Schengen countries lately.

ACCOMMODATION

7. Finding a house for rent

Normally, the ICC will not be able to assist you in finding a house in The Hague and surroundings. It will similarly not assist you with the provision of documents demonstrating your employment status to the landlord. However, you can request lead counsel to draft a letter to your landlord, attesting to the fact that you are employed. You can also attach to this your letter of appointment received from the Court.

Websites to look for rental properties

- Funda: <https://www.funda.nl/>
- Pararius: <https://www.pararius.nl/>

You can also check the websites of real estate agents or Facebook groups.

8. Registering at your place in the Hague

Registering at your new place means that you will register at the municipality and obtain a BSN.²

If you have registered at your new place, you will likely be required to pay for certain municipality taxes: the water tax and waste tax. These taxes are paid annually and their amount depends on the size of your house, as well as on the amount of persons

² See above, Section 5.

registered at your address. You will be notified of the need to pay these via post, directly at your address.

9. Buying a house in the Netherlands

Should you decide to invest in a house in the Netherlands there are a certain number of elements to take into account. You will have to apply for a mortgage, unless you are lucky enough to buy it cash. In the first case, it is recommended to be assisted by a mortgage advisor (a). When visiting the houses on the market, it is also recommended to be assisted by a broker (b). Finally, once you are the happy owner of the house, there are certain benefits associated with it as well as certain costs (c).

a. Mortgage

Applying for a mortgage in the Netherlands has certain benefits compared to other countries if you are well advised, this is why we recommended getting the assistance of a mortgage advisor. The mortgage advisor will be the one comparing the various mortgages available in different banks, assess the mortgage and give you a price range, contact the bank and process your documents, advise you eventually on the reimbursement of the interest rates that you will owe to the bank.

First, you can make a gross assessment of your maximum mortgage capacity by doing an online assessment. There are several websites allowing you to do so. For example, [Easymortgage.nl](https://www.easymortgage.nl)³ will calculate briefly your mortgage capacity and compare the various banks interest rates. But you can also have a more detailed mortgage calculator if you go on the bank's websites directly. For example, ABN AMRO has its own mortgage calculator.⁴

Second, once you have an idea of your mortgage capacity you can start approaching the banks. If you have a mortgage advisor, he will take care of contacting the banks. Otherwise you will have to do it yourself. Check on the different websites, which documentation will be required in order to do the assessment of your mortgage capacity. It has to be noted that the external team's situation is particular given that you do not have contracts nor real payslips. In addition, whether you pay or not your taxes in the Netherlands, your "salary" will be considered as a gross salary. The banks could eventually require a letter from your employer for more clarity as to your status. CSS has agreed to provide such a letter to several members of external teams. Do not hesitate to approach CSS if you need it. This lack of status can prevent you from

³ <https://www.easymortgage.nl/calculate-mortgage/>.

⁴ <https://www.abnamro.nl/en/personal/mortgages/calculating-your-maximum-mortgage.html>.

obtaining a mortgage in several Dutch banks. From past experiences, ABN AMRO has shown flexibility and often works with expats therefore they are used to international statuses. They also have all their documentation in English, which is often not the case in other banks. Therefore it is advised to approach them as a safety net. However, you should not limit yourself to ABN AMRO and approach as many banks as possible with your status and compare the offers that will be made to you.

Third, you will notice that in the Netherlands the interest rates are quite high compared to other EU countries. However, be aware that the interest rates can be deducted for your taxes, if you or your partner pay them in the Netherlands. Note that this interest rate is variable. You can choose a fixed rate or a variable one which will have an impact on your interest rates. In addition, very often, in order to influence the market, banks offer lower interest rates if you apply for a house with an energy label A or A+. Therefore, keep in mind this criteria when looking for a house. There are certainly other benefits associated with your mortgage but they will depend on the bank you will choose therefore do not hesitate to do your own assessment. Also, do note that the interest rates will be higher if you buy the house for investment and not as your primary residence.

Finally, should you decide to be assisted by a mortgage advisor, keep in mind that his fees can also be deducted from your taxes if you pay them in The Netherlands. To find a mortgage advisor, the best advice is to ask around you for advice. You are not the only one in your situation, therefore, there is certainly a colleague that can help you with this. Please also note that applying for a mortgage can be a stressful experience. Therefore being assisted by an expert can remove part of the burden and help you go through this big step with more serenity.

b. Finding THE house

Once you have a gross assessment of your mortgage capacity, you can start your hunt. You have two ways to proceed : you approach an agency or you look by yourself. Once you find the perfect house, you have to make an offer. In the Netherlands, it is possible that you will have to overbid, but it is not always the case. Finally, once you go through this entire process, you will be the happy owner of a house. There are benefits associated with it but also downs, such as paying ownership taxes.

First, if you approach an agency, they can act as your broker and assist you throughout the process. They will propose houses, and can even propose houses that are not on the market yet. Therefore, it can be an advantage if the real estate market is saturated which is often the case in the Hague.

Second, you can decide to look for houses by yourself. To do so, you can look on the website <https://www.funda.nl/>. On this website you can set your criteria and look with the help of a map to restrict your search to your favorite areas. Please note that houses can be sold very quickly so you should act fast once you spot a house you really like. You can also check for houses on the websites of the various agencies.

Third, once you spot a house, you can visit it either by yourself or with a broker. From experience, if you do not have a broker, the sellers might not take your offers seriously. The fees of a broker can be deducted from your taxes, which explains that most buyers get the assistance of a broker. Therefore, you might be at a disadvantage if several buyers are interested in the same house and do have the assistance of a broker.. The assistance of a broker is also an advantage as he will look for defaults in the house, advise you on the area, the price of the house etc. Various elements you are not necessarily aware of if you do not have the experience.

Fourth, once you have a crush on a house, you will have to place a bid. Depending on the state of the real estate market, you might have to over bid. If you are interested in a house and have a lot of concurrence, it can be the case that there will be offers higher than the requested price. Do not hesitate to ask the seller's agency if other buyers are already interested, if there are already pending offers etc, keeping in mind that it is in their interest to keep the suspense high to obtain the best offer. You can also be in a situation where the market is very quiet, for example if the interest rates of the mortgage go high. Therefore, there will be less buyers and you could be in the comfortable situation of being able to underbid. You have to make this assessment yourself and accept the risk of eventually not getting the house.

Fifth, if your offer is accepted, you have to go back to your bank and apply for the mortgage. This is the moment where the bank will make a final assessment. There are extra costs associated with the purchase of a house and in particular the transfer tax. If you buy a house as your primary residence, the transfer tax is equivalent to 2% of the price of the house. If you buy the property as an investment, the transfer tax is equivalent to 10,4% of the price of the house. This tax DOES NOT apply, if you are between 18 and 35, and if the price of the house is lower than 440,000 euros.

FAMILY (CHILDREN AND DEPENDANTS)

10. Day-care for children and benefits

The general tip when looking for kindergartens is that you should register early on, i.e. start looking for day-care around the 2nd trimester, as the practice in the Netherlands is that, in most day-cares, children are automatically put on a waiting list and you will only be informed later on whether you got a spot or not. Therefore, it is advisable to register at more than one day-cares in order to ensure a spot.

To check for childcare facilities you can consult this register:
<https://www.landelijkregisterkinderopvang.nl/pp/#/>

If you are registered in the Netherlands you may be entitled to various benefits, namely the (i) child benefit (fixed amount per quarter, to cover expenses related to the child) and (ii) childcare benefit for day-care.

For more information see here <https://www.iamexpat.nl/expat-info/allowances-benefits-netherlands/child-benefits>

It is possible to benefit from childcare allowance as long as you are registered and work in the Netherlands and the child goes to day-care in the Netherlands. With this benefit, a part of the day-care expenses will be reimbursed to you. The amount you will be entitled to depends on your income.

For information about the childcare allowance see here:
<https://www.belastingdienst.nl/wps/wcm/connect/bldcontentnl/belastingdienst/private/toeslagen/kinderopvangtoeslag/kan-ik-kinderopvangtoeslag-krijgen/>

To calculate how much childcare you are entitled to:
<https://www.belastingdienst.nl/wps/wcm/connect/nl/toeslagen/content/hulpmiddel-proefberekening-toeslagen>

Conditions for childcare allowance if your partner lives abroad:
<https://www.belastingdienst.nl/wps/wcm/connect/bldcontentnl/belastingdienst/private/toeslagen/kinderopvangtoeslag/kinderopvangtoeslag-en-buitenland/partner-woont-in-buitenland/partner-woont-in-het-buitenland>

Tax information line:

<https://www.belastingdienst.nl/wps/wcm/connect/nl/contact/content/belastingdienst-bellen>

11. Elderly homes

According to the European Union, if you are living or working in the Netherlands and pay tax in the Netherlands, you are insured for long-term care through the Long-term Care Act (Wet langdurige zorg, Wlz). The Wlz provides care for vulnerable elderly people or people with severe mental or physical disabilities. Furthermore, people who have settled in the Netherlands and consequently become eligible for entitlements under the Wlz. They are subject to a waiting time equal to one month for every year that they were uninsured under the Wlz with a maximum of twelve months. However, insurance periods in EU, EEA countries, Switzerland and the UK are recognised in the Netherlands and will be counted as well.

For more information, please check the below websites:

<https://ec.europa.eu/social/main.jsp?catId=1122&langId=en&intPageId=4989>.

<https://www.government.nl/topics/nursing-homes-and-residential-care>

12. Status of dependants in the Netherlands

The status of dependants in the Netherlands varies depending on whether they are EU nationals or not.

For EU nationals the situation is easier; spouses can reside and work in the Netherlands and their children need to register for school.

For non-EU nationals, as mentioned in Section 6, the spouse will be able to work in the Netherlands without having to apply for a work permit since the partner has already obtained an MFA ID card. Children have to attend school and are not allowed to work.

LIFE IN THE HAGUE

13. Embassies, consulates and other representations

Most countries have a representation in the Netherlands. The official list of countries represented in the Netherlands, as well as their updated contact details can be found below

Official website of the Dutch government:

<https://www.government.nl/topics/embassies-consulates-and-other-representations/overview-countries-and-regions>

14. Transport

Public transport in the Netherlands consists of urban transport, regional transport and rail transport. It is considered efficient and relatively cheap.

The local train network – operated by NS (*Nederlandse Spoorwegen*) – covers much of the country. Other towns and villages are connected by bus, while the northern islands have ferry access.

In larger cities, you'll find either a tram or a metro system (or both),⁵ while smaller cities and towns have bus networks connecting suburbs with central areas.⁶ These networks are operated locally.

Disabled travellers are generally well-catered for, and public transport stops and stations are usually near each other. This lets you seamlessly move between transport modes during your journey.

a. *OV-chipkaart & OV pay*

The *OV-chipkaart* (OV stands for *openbaar vervoer*, or public transport) is the Dutch smart-card payment system that operates across the country on all public transport options.

There are two types of *OV-chipkaart*: (i) anonymous and (ii) personal.

- (i) The anonymous card is not personalised, meaning that you cannot add subscriptions on the card for your travel. You can use the anonymous card

⁵ In The Hague the buses and trams are operated by HTM.

⁶ For example there are buses from Den Haag Centraal Station going to Leiden or other smaller cities and villages.

with more people, but not at the same time. If you occasionally travel by public transport or if you do not want to disclose your personal details, the anonymous OV-chipkaart is probably suitable for you. Anonymous cards can be bought and topped up from machines and ticket offices at train and metro stations.

- (ii) Personal cards need to be purchased online, after providing a photo and a (Dutch) bank account. They are registered to your name and are valid for 5 years. These cards can be topped up online or at a ticket machine. Alternatively, you can sign-up for automatic top-ups when your balance falls below a certain amount. Travel plans and travel subscriptions can only be bought with a personal card.

If the *OV-chipkaart* is used at the train or the metro, you need to check-in with your card at the designated card readers (gates).⁷ When you leave the station, you need to check-out and that is when your card will be charged. Should there be no gates with card readers to access the platforms, then there will be a card reader either at the platform (for example at platform 1 in Den Haag Holland Spoor Station) or near the ticket machines (for example at Schiphol airport).

If the *OV-chipkaart* is used in the bus or tram, there are card readers on board.

Missed check-in or check-out: in case this happens, you can either go to a service point (NS service point for train or the respective service point for other types of public transport, e.g. HTM for buses and trams in The Hague) and request a refund or apply online (online refund is only available for personal *OV-chipkaart*).

For more information on the *OV-chipkaart* see

<https://www.ov-chipkaart.nl/>

For more information on how to request a refund for a missed check-in or check-out online see

<https://www.uitcheckgemist.nl/?locale=en>

In case you are travelling with the Intercity Direct you need an Intercity direct supplement if your journey includes travelling from Schiphol - Rotterdam Central or vice versa. You can buy this single supplement easily from the Supplement post.

⁷ When changing trains, e.g. you are going from The Hague to Amsterdam and you need to change trains in Leiden, you do not need to check-out and check-in again because you will simply change platforms, you check-out only when you arrive at your final destination and exit the station.

You just need to hold your *OV-chipkaart* up against the Supplement post (red card reader) on the Intercity direct departure platform. You still check in and out at NS's *OV-chipkaart* gates or posts as usual. You can also cancel the supplement again at the same station within 30 minutes if you think you do not need it.

The *OV pay* is the new way to check in and out for people who travel second class, without discounts or subscriptions.

The check-in and check-out are exactly the same; instead of an *OV-chipkaart*, you can use a contactless debit or credit card,⁸ or mobile⁹ up to the card reader or gate and to check-in. When you arrive at your destination, check out the same way.

For more information on the *OV pay*: <https://ovpay.nl/en/>

There is also the option to buy a single use ticket. This can be bought at the ticket machines (train, tram and metro), at the service points or on the bus. It can however only be used for this particular type of transport.

b. 9292 and NS app

To plan your trips around the Netherlands you can use the 9292 app or the NS app. Both can be downloaded from Google Play or the App Store.

c. International travel

International travel by train is possible thanks to the Dutch railway system which connects the Netherlands to major European cities, such as Brussels, London and Paris. For those living in The Hague, the closest train station for international trains is Rotterdam Centraal.

Passengers can choose from NS International, Thalys or Eurostar, depending on their destination. For destinations, schedules and price tickets see below.

If train is not an option for your destination, you can always use Flixbus.

NS International : <https://www.nsinternational.com/en>

Thalys: <https://www.thalys.com/nl/en>

⁸ Contactless debits card from ABN AMRO, ASN bank, bunq, ING, Rabobank, Knab, Regiobank, or SNS; Contactless credit cards from Mastercard and Visa (issued by ICS); a foreign contactless debit or credit cards from Maestro, V pay, Mastercard, or Visa.

⁹ Smartphones that are set up with contactless payment with a card from the above-mentioned debit and credit cards or using Apple Pay and Google Wallet.

Eurostar: <https://www.eurostar.com/rw-en>

Flixbus: <https://global.flixbus.com/>

15. Bicycles

Cycling in the Netherlands is the most popular form of daily transport. The Netherlands' flat terrain is ideal for cycling, as it does not require a high degree of physical fitness for short-distance routes.

There are designated bike lanes (*fietspad*) and traffic lights. Cyclists are expected to follow the same rules as motor vehicle drivers, adhere to traffic lights and signs and signal by putting out your arm when you change direction.

Cyclists are also expected to have lights (both headlight and tail-light) on their bicycle otherwise they risk receiving a police ticket.

a. Bicycle theft

Bicycle theft is a common phenomenon in the Netherlands and the police will probably do nothing about it.¹⁰ To avoid theft as much as possible, use both an ordinary and a u-shaped lock (*slot*, a factory-installed lock that passes through the rear spokes) and always attach your bike to something immovable and solid such as a tree, fence or pole. If possible, lock your bike in a bike stand or at a bicycle parking lot.

There are also insurance options for bicycles

[Univé](#)

[HEMA](#)

[Allianz Global Assistance](#)

b. Bicycle transportation & storage

Bicycles can be transferred by plane as checked luggage (20 kilos allowance).

Bikes are not allowed on buses and trams.

If you want to take your bicycle on the train, you need to buy a special ticket before boarding. There are designated places for bicycles; usually at the end of the train. It is not possible to transport bicycles on the train during rush hours (before 9am and between 4.30pm - 6pm). This does not apply to weekends (Saturday and Sunday) and

¹⁰ Around 5% of all bicycles in the Netherlands are reported stolen every year.

the summer period (July and August). You do not need an extra train ticket if your bicycle is packed or folded.

You can find bike stands to park your bicycle all over the country, as well as indoor bicycle parking lots

c. Buy a bicycle

Some of the most popular bike stores for new bicycles are:

4. [Decathlon](#)
5. [Super Fietsen](#)
6. [Bol.com](#)
7. [CityBikes.nl](#)
8. [Bike.nl](#)

Aside from these stores, you can always get a bike in one of the many thousands of stores across the Netherlands. You can go in and look for more established brands such as [Gazelle](#) or [Cortina](#). Plus, some bike brands have their own stores — such as [VanMoof](#) or [Trek](#).

If you are interested in a second-hand bicycle, which will be a cheaper option, you can check Facebook Marketplace and other online buy-and-sell groups. Other options are the Marktplaats,¹¹ second-hand bicycle stores or flea markets.

As a last resort, you can always ask your friends and co-workers if they have a bike they're selling on, or know of someone who is selling their bike.

Beware of buying a very cheap bike as it might be stolen and the person selling it will probably want to pass it on someone before they get caught.

Just like with most second-hand purchases, there's always an underlying fear that the item you're buying is not as good as it seems. It is recommended to always look at the bike in person. Make sure the gears work, and that both the back and front brakes are in good condition. It might be a scam if the bike looks freshly painted, as this is a way for thieves to resell stolen bikes.

d. Rent a bicycle

¹¹ <https://www.marktplaats.nl/>

Renting a bicycle with a subscription is also an option. There are different subscription plans and bicycle options to choose from.

Swapfiets: <https://swapfiets.nl/>

OV fiets: <https://www.ns.nl/en/door-to-door/ov-fiets>

16. Grocery shopping

a. Supermarkets and ethnic shops

The two largest supermarket chains in the Netherlands are Albert Heijn and Jumbo. There are also some smaller chains, such as Hoogvliet, Dirk van den Broek, as well as Lidl and Aldi. Besides supermarkets, there are also ethnic grocery stores in The Hague (African, Asian, Middle Eastern etc). A quick search on Google can show you the closest ones.

b. The Hague market

The Hague Market (Haagse Markt) is the biggest outdoor market in Europe. Approximately 500 stalls are built up under all weather conditions, offering a huge variety of exotic fruit, flowers, clothes, computer products, confectionary, shoes, materials, fish and more. You can also enjoy all sorts of juices and foods.

Transvaal and the Schilderswijk are The Hague's two multicultural districts. The Hague Market lies precisely in-between and reflects the neighbourhood's diversity. You can reach the market by tram on lines 11 and 12 or by bike.

Location: Herman Costerstraat, 2525 EP Den Haag

Opening hours: open on Monday, Wednesday, Friday and Saturday from 09:00 until 17:00.

Website: <https://dehaagsemarkt.nl/>

17. Other resources

a. Public libraries

The Hague Library (Bibliotheek Den Haag) holds an extensive collection of books, films, magazines, newspapers, and more. As the-place-to-be for free access to

information, the Hague Library inspires its residents to continue developing, serving as the living room of the city where people of all ages and backgrounds mingle.

It is an interactive space where adults can join educational activities, such as workshops, symposiums and courses. It is also a quiet place where students study and find resources for papers using the Basic Pass 'Basispas' at a student discount. Children until the age of 18 can borrow the library's collections via the Youth Pass 'Jeugdpass' for free and join the many activities for youths (in Dutch) organised by the library.

The Hague Library offers Dutch language classes nearly every day. The special collection, 'Learn Dutch,' includes language courses, books, and audio-visual materials for practising your Dutch language skills. The Taalhuis on the second floor of the Central Library can also help you find a suitable language course in The Hague.

For more information see

<https://www.bibliotheekdenhaag.nl/english.html>

HEALTH

18. Digital identity in the Netherlands (DIGID)

The DIGID is a system that allows your identity to be verified, so that you may access remotely various platforms such as that of your health insurance provider or of the tax authorities. In practice, it consists of an app that is installed on your phone and that provides you with a unique code that you are required to insert when accessing these websites.

In order to get a DIGID you will need to fill in an online request at <https://www.digid.nl/en/apply-and-activate/apply-digid/>. You will be required to provide your BSN number. You will also be required to provide your address in the Netherlands as well as your phone number (not necessarily Dutch), as the verification of your identity happens in two steps: (i) the sending of an activation code via post at your home address; and (ii) the sending of a verification code via SMS.

19. Health insurance

As part of the external teams, you are not provided with health insurance by the Court. You will have to subscribe to a Health Insurance on your own (1). The costs associated with the expenses related to your Health Insurance can be reimbursed by the Court as part of the Compensation for Professional Charges (2).

a. Subscription to a Health Care

Under Dutch Law, every resident of The Netherlands is obliged to be covered by Dutch Health Insurance. If you don't comply, you are exposed to an administrative fine which amounts to 472,25 euros in 2023. Given that external teams are under a specific status, in order to know whether you are under the obligation of subscribing to a Dutch Healthcare Insurance, you can contact the SVB, the Sociale Verzekeringsbank¹², for an assessment.¹³

Following this assessment, the SVB will inform you of either your obligation to subscribe to Dutch Health Care, or will indicate that you are not under the obligations according to Dutch Law and therefore you can subscribe to any Health Care.

¹² <https://www.svb.nl/en/>

¹³ <https://www.svb.nl/en/the-wlz-scheme/assessment-of-your-wlz-insurance-position/apply-for-an-assessment-of-your-wlz-insurance-position>

b. You have to subscribe to a Dutch Health Care

If you have to subscribe to a Dutch Healthcare Insurance, you have several options. The price range usually goes from 120 to 130 euros monthly for the most basic ones. You can add on top of this basic package various options such as dental care which is most often not part of the basic health package. You can personalize your Health Care based on your personal situation.

You can lower the monthly rate by increasing the amount of the Deductible excess. The Deductible excess is a minimum cost that you will pay from your pocket per year. All costs above this amount will be reimbursed by your Health Care if applicable i.e. if your Health Care covers the medical treatment. This Deductible excess is not applicable for the family doctor (GP) and coverages that are part of your dental or supplemental insurance. The standard Deductible excess is 385 euros and cannot be lower than that.

You can access this website to compare and have an overview of various health insurance providers <https://www.zorgwijzer.nl/zorgvergelijker/english#/search>

c. You do not have to subscribe to a Dutch Health Care

If the SVB assessment concludes that you are not obliged to subscribe to Dutch Healthcare you can be covered by your national health care or by a private one. Often national healthcares require that you live in the country to be able to subscribe to one. Some have systems for nationals abroad such as France.¹⁴

20. Reimbursement of the Health Care costs by the Court¹⁵

The costs incurred by the subscription of your healthcare can be reimbursed by the Court. You can claim the reimbursement of your professional charges under the Legal Aid Policy.¹⁶ The healthcare is one of the professional charges that the court agreed to reimburse as part of the professional charges. To do so you need to send the contract and the reimbursements effectuated during the year to CSS.

¹⁴ Caisse des français de l'étranger.

¹⁵ For more details about the reimbursement of the professional charges, see Section 29 of the Welcome package.

¹⁶ Section VII of the Legal Aid Policy describes the "Compensation for Professional Charges".

It must be noted that the Court reimburses the professional charges up to 15% of your yearly salary if you are Support Staff and up to 30% if you are Counsel. If the costs go beyond that amount, the remaining will not be covered by the Court. Similarly, if you claim not only the healthcare, but also other costs as Professional charges, the amounts altogether will be reimbursed up to 15%.

21. Registering at the General Practitioner (GP)

Most GPs will only register you as their patient, if you live in the service area of their practice. That is because your GP must be able to reach your home address within 15 minutes in emergencies. As soon as you know where you will be living, you need to register with a GP practice.

You may find a suitable practice by asking other internationals or by using the websites mentioned below. The websites are in Dutch but you can find a GP by entering your postal code into the search (zoek) box. You can also use translation tools to help you in the process.

<https://www.zorgkaartnederland.nl/>

<https://www.kiesuwhuisarts.nl/>

Nearby GPs ('huisarts' or 'Huisartsenpraktijk') will be listed on the page for you, most often with a link to their websites. However, not all practices will accept new patients, especially in the larger cities.

All GPs have the same education and most speak English. Many will be happy to hold a free, introductory meeting with you, during which you can discuss your personal requirements before deciding whether to register.

22. Healthcare for internationals

In cities with many internationals there are practices that provide healthcare services tailored to the needs of the international community.

<https://www.ihch.nl/>

23. When you register

When registering you will need to provide proof of your identity, your BSN and details of your health insurance (name and number). Some practices will allow you to register online. At your first visit bring along any medical records you have from your home country and, if applicable, a list of all medication that you are taking.

If you move within the Netherlands, your previous GP will, with your approval, send your records directly to your new GP.

You are also advised to register with a pharmacy near to where you live. Your doctor's office will then know where to send prescriptions.

24. Pregnancy in the Netherlands

In the Netherlands, pregnant women tend to register with a midwifery practice that follows them throughout the pregnancy. The midwifery practice takes care of everything, from check-up visits and blood tests, to scans and, ultimately, assistance during childbirth. The approach to pregnancy and childbirth in the Netherlands is not very medicalized. As such, if you show no signs of complications and you do not wish otherwise, you may go your whole pregnancy without ever seeing a gynaecologist, only your midwife. You can however ask your midwife to schedule an appointment with a gynaecologist if that is your preference. Your midwife will also provide information and arrange available pre-natal tests and screenings, as well as elective vaccinations that may be advised (such as the whooping cough vaccination).

If you have a Dutch health insurance you will normally bear no costs for most of the above-mentioned visits and services, as they are covered by even the most basic health insurance plans (this excludes extra checks and certain pre-natal screenings). Most midwifery practices liaise directly with your health insurance to claim back costs, which means that you do not even need to pay a bill and then claim the money back to your health insurance provider.

In the Netherlands, a large amount of women choose to give birth at home. The healthcare system provides, free of charge, all of the tools and facilities that may be required for a homebirth. You just need to request the needed items online and they will be later delivered to your home. It is however always possible to opt for giving birth at the hospital, even when the pregnancy shows no signs of complications.

You can also arrange to receive the services of a Kraamzorg for a certain number of days (normally 10) following delivery. A Kramzoorg will assist you with your newborn, check on the stage of your recovery and even help you with some house chores. Registration with a Kraamzorg should be arranged a few months before delivery. Most costs will be covered by your health insurance.

HARASSMENT

We are constantly working to improve the safety and well-being of the support staff. We believe it is imperative that when a staff is harassed or bullied, action must be taken. In order to do so, we believe in providing as much information as possible to the staff to take action.¹⁷ Should you believe you have been harassed, please speak to your supervisor. If you are uncomfortable with approaching your team, the Court has a point of contact to address harassment and other issues. His contact information is provided below:

Deniz Ogretir
Ombuds of the ICC / Ombuds de la CPI

Email: icc-cpiombuds@proton.me/ Deniz.Ogretir@icc-cpi.int

T: +31 (0) 70 2500650
M: +31 (0) 6 25501940
Skype: ICC-CPI ombudsion.

Other than reaching out to the Ombudsman, the staff can also directly file a complaint with the Law Society where the accused lawyer is licensed.

While this list includes bar associations where the majority of counsels may practice in front of the International Criminal Court, the list is not exclusive. Many bar associations have their own procedure to discipline the lawyers and this may be a quicker route to getting a response than other venues. Please note that each jurisdiction has its own policy regarding filing a complaint with a licensed lawyer.

Argentina

Buenos Aires Bar Association
Website: <https://new.cpacf.org.ar/noticia/4054/tribunal-de-disciplina>

Brazil

Each state Bar Association chapter has its own ethics and discipline tribunal with the authority to apply the following sanctions to lawyers:

- Reprimands.

¹⁷ See also Annex, p. 4-13.

- Suspensions.
- Disbarment.
- Fines.

Decisions made at state level can be appealed to the Federal Council of the Brazilian Bar Association.

Brazil Bar Association

Website: <https://www.oab.org.br/institucionalinstituicao/prestacaocontas>

Canada

Ontario

Law Society of Ontario <https://lso.ca/protecting-the-public/complaints/how-to-make-a-complaint>

Quebec

Barreau Du Québec/ Quebec Bar Association

<https://www.barreau.qc.ca/en/filing-complaint-against-lawyer/how-file-complaint-against-lawyer/>

Cameroon

Cameroon Bar Association/ Ordre Des Avocats Au Barreau Du Cameroun

Website: <https://www.barreaucameroun.org/>

France

Disciplinary Authorities: The prosecuting authority is the President of the association, who receives the complaints, and, if necessary, handles them by conducting an ethics-based inquiry into the alleged facts, or the Attorney General of the Court of Appeal.¹⁸

http://cnb.avocat.fr/Being-a-Lawyer-in-France-Professional-Regulations-Obligations_a1741.html

¹⁸ It should be noted that the Code of Conduct for Lawyers in the European Community, which applies to cross-border activities within the EU, and was adopted in Strasbourg in 1988 by the Council of Bars and Law Societies of Europe, was incorporated into the RINs, and is, therefore mandatory for all French attorneys. Contact information: http://cnb.avocat.fr/Reglement-Interieur-National-de-la-profession-d-avocat-RIN_a281.html#CDAE

Paris Bar Association

Contact information:

Ethical and professional basis

- Corinne MONS

Tel. : 01 44 32 47 63

cmons_desachy@avocatparis.org

- Nadine MOKDAD

Tel. : 01 44 32 47 61

nmokdad@avocatparis.org

Documentary files - Great law library

lagbd@avocatparis.org

- Agnès SECRÉTAN

Tel. : 01 44 32 48 09

asecretan@avocatparis.org

Germany

Complaints should be addressed to the respective regional bar association where the lawyer is registered.

The relevant bar association can be found using the online register:
<https://bravsearch.bea-brak.de/bravsearch/index.brak>

India

The Bar Council of India

Website: <http://www.barcouncilofindia.org/>

More information: <http://www.barcouncilofindia.org/about/professional-standards/procedure-for-complaints-against-advocates/>

Italy

National Bar Council of Italy

Disciplinary Authorities: initial disciplinary proceedings begin with the local bar councils and then if necessary are passed on to the Consiglio Nazionale Forense.

Other Bodies involved in Regulation of the Legal Profession

Ministry of Justice

<https://www.giustizia.it/giustizia/>

For more information:

https://www.consiglionazionaleforense.it/web/cnf/search?p_p_id=com_liferay_portal_search_web_search_results_portlet_SearchResultsPortlet_INSTANCE_CjtoMX1EbUiu&p_p_lifecycle=0&p_p_state=maximized&p_p_mode=view&com_liferay_portal_search_web_search_results_portlet_SearchResultsPortlet_INSTANCE_CjtoMX1EbUiu_mvcPath=%2Fview_content.jsp&com_liferay_portal_search_web_search_results_portlet_SearchResultsPortlet_INSTANCE_CjtoMX1EbUiu_assetEntryId=219271&com_liferay_portal_search_web_search_results_portlet_SearchResultsPortlet_INSTANCE_CjtoMX1EbUiu_type=content&p_l_back_url=%2Fsearch%3Fdelta%3D40%26start%3D167

The Netherlands

Filing a disciplinary complaint against a lawyer with the Dutch Bar Association: To file a disciplinary complaint against a lawyer, you should send a letter to (the office of the Dean of the) local Bar Association.

For more information, please see Dutch Law Institute's guidance on this matter at: <https://dutch-law.com/dutch-bar-association.html/>

United States of America

New York Bar Association

<https://www.nycbar.org/for-the-public/about-lawyers-and-judges/complaints-about-lawyers-and-judges-how>

Complaint form:

<https://www.nycourts.gov/courts/ad2/forms/Grievance%20Committee%20Complaint%20Form.pdf>

California

California Bar Association

Website: <https://www.calbar.ca.gov/Public/Complaints-Claims/How-to-File-A-Complaint>

United Kingdom

The Law Society

Website: <https://www.lawsociety.org.uk/public/for-public-visitors/using-a-solicitor/complain-about-a-solicitor>

The International Bar Association has a list of directory where further information can be found regarding each country. Please visit the website for more information: https://www.ibanet.org/Legal_Regulators_Directory

REMUNERATION AND LABOUR RIGHTS

25. Remuneration of Defence and Victims pursuant to the current LAP

According to the current LAP¹⁹, the net base salaries for External teams' members are the following:

<i>Category</i>	<i>Net base salary (€)</i>	<i>Max. percentage (%)</i>	<i>Maximum total monthly payment (€)</i>
Counsel	8,221	30	10,687
Associate counsel	6,956	30	9,043
Legal assistant	4,889	15	5,622
Case manager	3,974	15	4,570

The rates detailed in the above table are paid monthly as fees to team members. With the exception of the professional investigator and the resource person, payment for the other team members is based on the assumption that each team member guarantees a fulltime commitment to the case to which he or she has been appointed. This lump-sum payment policy has been set primarily with the interests of suspects, accused persons and victims in mind, and secondly, to reasonably justify a lump-sum payment scheme.²⁰

As far as the monthly fees of professional investigators and resource persons, these are listed below:

<i>Professional Investigator</i>	<i>Resource Person</i>
38 €/hour, a maximum of	17 €/hour, a maximum of
299 €/day, a maximum of	135 €/day, a maximum of
8,965 €/month	4,047 €/month

¹⁹ ICC-ASP/12/3.

²⁰ ICC-ASP/12/3, para. 81.

26. Remuneration of Duty and *ad hoc* Counsel

Duty and *ad hoc* counsel are appointed in accordance with regulations 73 and 76 of the RoC. Such appointments are by definition limited in both time and scope. Payments of duty and *ad hoc* counsel who intervene in proceedings before the Court are ordinarily deducted against the Court's publicly funded legal aid system.²¹ When the Court's legal aid system assumes the remuneration of duty and *ad hoc* counsel, the following payment scheme will apply:

Duty and <i>ad hoc</i> Counsel
€86.53 per hour, ²² with an upper limit of
€649 per day, with an upper limit of
€8,221 per month.

The Court's policies for payment of duty and *ad hoc* counsel – for work carried out in the field or at the Seat of the Court – cover the costs of travel; remuneration for expenses of accommodation, a lump-sum terminal expense; visa and vaccination costs when required, and legal fees for work actually conducted and directly linked to the purpose of the mission and specific mandate of the duty counsel.²³

The Court's policy does not remunerate counsel in the form of legal fees for the time spent by counsel in connection with confirming his or her availability or related preliminary engagements. Ordinarily, the policy limits payment for legal fees to the duration of the mission in the field and exceptionally for pre-mission preparation work.²⁴

In addition to legal fees, duty and *ad hoc* counsel are also entitled to reimbursement of additional reasonable expenses incurred in the course of the execution of his or her Court-granted mandate, provided that the expenses do not exceed the maximum monthly allotment of €3,000 for expenses. Duty and *ad hoc* counsel are provided with relevant documentation and templates in order that payment may be effected on

²¹ There are situations where resort to the Court's legal aid system for remuneration of duty and *ad hoc* counsel may not be justified. Two non-exhaustive examples include for instance, where the duty counsel assigned has been appointed to assist a non-indigent suspect for the purposes of the initial appearance before the Court. Another example is where a person being interviewed by the Office of the Prosecutor is not indigent, and duty counsel has been appointed to assist that person pursuant to Article 55 of the Rome Statute.

²² This rate applies when the counsel works in his/her place of residence; when counsel is on mission and therefore required to work outside his/her place of residence, the daily rate is applied.

²³ ICC-ASP/12/3, para. 90.

²⁴ ICC-ASP/12/3, para. 91.

completion of their intervention. The relevant templates provided are the time-sheets, expenses reimbursement and the requisite bank information forms.²⁵

27. Remuneration in the case of several mandates

In accordance with the Supplementary Report and the principles of judicious management of a publicly funded legal aid system, simultaneous mandates are limited to *no more than two cases*. The following fees arrangement applies when a counsel who has already been retained by one indigent client in Court proceedings is appointed to represent client(s) in a second case. The same regime of fees is applicable to duty and *ad hoc* counsel who may assume more than one mandate in proceedings before the Court.²⁶

<i>1st Case</i>	<i>2nd Case</i>
Counsel Fees 100% (€8,221 per month)	50% (€4,110.5 per month)

Under the Court’s legal aid system, the same proportionate reduction of fees equally applies to other team members appointed to two cases simultaneously.²⁷

Furthermore, there is no payment of professional charges in the second case if counsel (or other relevant team member) is already receiving such compensation in the first case.²⁸

In the event that proceedings in one case end prior to those in the second one, then remuneration in the second case will be restored to the full level.²⁹

28. Remuneration during phases of reduced activity

In instances where activity in the proceedings of the Court is considerably reduced, the default position is that the payment of lump-sum remuneration of team members under the Court’s legal aid system ceases. Phases of reduced activity are, *inter alia*, the period between closing statements rendered at trial and the decision of the Chamber; stay, suspension or other protracted delays in the proceedings; and the waiting period after an appeal against the confirmation of charges by a Pre-Trial Chamber.

In instances of reduced activity in the proceedings, remuneration of counsel and each team member in all situations is determined on the basis of hours actually worked up

²⁵ ICC-ASP/12/3, para. 92.

²⁶ ICC-ASP/12/3, para. 102.

²⁷ ICC-ASP/12/3, para. 112.

²⁸ ICC-ASP/12/3, para. 113.

²⁹ ICC-ASP/12/3, para. 114.

to a monthly ceiling equal to the payment for each category under the Court's legal system.³⁰ Payment is made after a detailed review of time-sheets submitted by each team member for actual work undertaken as required by the demands of the phase in the case at that juncture. In reviewing the time-sheets, the Registry assesses whether sufficient grounds exist for team members to be reasonably engaged in work on the case file.³¹

Not every team member will necessarily be remunerated during such phases of reduced activity. The onus of demonstrating, to the satisfaction of the Registrar, the need for the work of each team member will fall on the counsel in charge of the case and on the team member(s) in question.³²

29. Compensation of professional charges

Compensation for professional charges is designed to cover costs related to operating a law practice, the payment of clerks and outside associates where necessary, and bar fees, which may increase in the event of appointment at the Court, as well as contributions to social security, pension and health insurance schemes to which counsel belongs, including international hospitalization coverage for high-risk countries. The payment of such compensation is limited to the trial phase or to the pre-trial and appeals phase where the constraints imposed by the Court's calendar justify counsel's presence at the seat of the Court for a period exceeding 15 days.³³

Counsel, associate counsel, *ad hoc* and duty counsel may receive compensation for professional charges up to a maximum of 30% of the net base salary as compensation for all charges combined (including pension and health insurance contributions) that are directly related to a legal representation before the Court. Legal assistants and case managers may also receive this compensation up to a maximum of 15% of the net base salary, subject to the same conditions applied to counsel.³⁴

Where counsel and or a team member holds simultaneous mandates, the payment for compensation for professional charges is not applicable for the second case, if counsel or the team member is already receiving such compensation in the first case.³⁵

Professional investigators and resource persons are not entitled to compensation of professional charges for two main reasons; firstly, because their fees are funded out of

³⁰ ICC-ASP/12/3, para. 118.

³¹ ICC-ASP/12/3, para. 119.

³² ICC-ASP/12/3, para. 120.

³³ ICC-ASP/12/3, paras 130-131.

³⁴ ICC-ASP/12/3, para. 134.

³⁵ ICC-ASP/12/3, para. 136.

the budget for investigations and secondly, this budget would be considerably reduced if any percentage were to be applied to them.³⁶

Once the regime of remuneration during phases in which activities for legal teams are considerably reduced is triggered, the payment for professional charges for team members determined eligible to receive such compensation will be adjusted proportionally to reflect the changes in remuneration during the phases of reduced activity.³⁷

Compensation of charges is not paid automatically; Counsel and team members need to request compensation by emailing CSS either at the end of the year or the beginning of the year, to claim the compensation. Supporting evidence/documentation of actual payment of charges enabling the Registry to determine whether the person concerned is eligible for compensation and, if so, to calculate the applicable rate of compensation using objective criteria such as national statistics, where available is necessary.

30. Modality of payment of fees

The payment of fees under the Court's legal aid system is processed on a monthly basis upon the submission of time-sheets duly completed and signed by counsel and each team member (in the case of the time-sheet of the team members other than counsel, the latter also has the obligation to review and sign the timesheets of his or her team members).

While remuneration under the Court's payment system is based on a monthly lumpsum ceiling for each category of persons paid, time-sheets are nevertheless required before payment is made. Time-sheets are in effect a record or itemized statement of activity for each team member for the duration of the month in respect of which payment is being sought. Time-sheets need to be submitted until the 15th of each month to CSS. Ordinarily, money owed are transferred into the bank accounts of team members within two to three weeks of submission and after processing by the relevant sections of the Registry.

31. Interim measures and salary raise

Following the Assembly of States Parties' ('ASP') resolution³⁸, in which the ASP in paragraph 92 requests the Court "to consider interim measures, within existing resources in the legal aid budget, to the benefit of members of defence and victims'

³⁶ ICC-ASP/12/3, para. 135.

³⁷ ICC-ASP/12/3, para. 137.

³⁸ ICC-ASP/21/Res.2.

teams [...],”³⁹ the Registry sent a “Letter to Counsel on Implementation of Interim Measures” (“Letter”).⁴⁰

The implementation of the Assembly’s resolution follows an exchange on the scope of interim measures with representatives of defence and victims’ teams which took place on 13 and 20 January 2023.

The interim measures are of temporary nature and will stay in place until the agreement on a reform of the Court’s LAP. Upon entering into force of any new legal aid policy, the provisions therein will replace the interim measures as announced in this letter.

According to the Letter, as of 1 January 2023, all team members of external defence and victims’ teams remunerated under the applicable LAP will be given an increase of 10% of their remuneration as a temporary measure, pending the entering into force of the reform of the Court’s legal aid system. This increase does not require any action by counsel and may not be derogated from by counsel or any other team member.

To ensure that all team members of external defence and victims’ teams benefit equally from such increase, counsel are strongly recommended to remunerate all team members according to the maximum remuneration for each position as envisaged under the LAP. For team members recruited through the allocation of additional means, *i.e.* as full-time-equivalent (“FTE”), it is recommended that the amount allocated for one FTE is used only for the recruitment of one additional team member, irrespectively of their position. An exception to this recommendation only applies to cases in which the remuneration of a team member is determined by a chamber’s decision.

32. Interim measures and parental leave

As members of External teams, Support Staff do not have the social benefits, such as parental leave, the ICC Staff has. This difference in treatment has been one of the main reasons Support Staff has organised strikes in December 2022, during the annual ASP in The Hague, to bring awareness on these issues and demand labour rights similar to those offered to ICC Staff.

According to the Letter, for team members that are temporarily absent from a team due to maternity, paternity or adoption leave, additional means may be requested by

³⁹ ICC-ASP/21/Res.2, para. 92.

⁴⁰ Ref: 2023/IOR/00025, 27 January 2023, see Annex, p. 14-18.

lead counsel to recruit a replacement of such team member for the duration of such absence.

Under these circumstances, the granting of additional means is subject to three conditions:

- a) the continued full remuneration of the team member on maternity, paternity or adoption leave;
- b) the continuance of the employment of the team member upon return from said leave; and
- c) available resources within the existing legal aid budget, as determined by paragraph 92 of ICC-ASP/21/Res.2.4

The granting of additional means for the replacement of a team member on maternity, paternity or adoption leave is limited to the duration of the team member's absence with a maximum duration of sixteen weeks⁴¹ where the actual team member is on maternity leave; four weeks where the actual team member is on paternity leave; and six weeks where the actual team member is on adoption leave.⁴² If the team member going on maternity, paternity or adoption leave, is the lead counsel of the case, the granting of additional means to replace lead counsel during such leave, is also subject to the decision by the relevant chamber.

In practice, the team member going on parental leave should first speak to their Counsel and then send an email request to CSS. If CSS grants the request, a letter will be issued mentioning the modalities of the parental leave.

To request additional resources to replace the team member going on parental leave, Lead Counsel should make such a request to CSS. If the request is granted by CSS, recruitment should begin to find a team member that would replace the one on leave for the designated time.

⁴¹ For maternity leave, the time period refers to a recommendation to take up to six weeks pregnancy leave (prior to the child's birth) and up to ten weeks after the child birth. In case of a multiple birth, the maternity leave may be extended to 20 weeks.

⁴² This also applies for the adoption of a foster child.

33. New LAP

A new LAP is currently being negotiated between the Registry, States parties and relevant stakeholders. The President of the ICCBA has taken part in meetings regarding the new LAP and the budget, advocating for better working conditions and remuneration.

A draft of the new LAP has been circulated by the Registry to External teams for them to submit their comments.

TAX

As an external team member, you may find yourself subject to Dutch income taxes on the fees paid to you by the ICC.

34. Background

The position of counsel and external team members in the Host State is regulated in the Headquarters Agreement between the ICC and the Host State ('Agreement'). Pursuant to article 25(3) of the Agreement: "where the incidence of any form of taxation depends upon residence, periods during which counsel are present in the host State for the discharge of their functions shall not be considered as periods of residence". This is understood to mean that despite their factual presence in the Netherlands, counsels and external team members shall not be considered as residing in the Netherlands for the purpose of taxation. Up until 2014, the Dutch tax authorities ('DTA') appeared to share this interpretation, as fees of members of external teams were not subject to income tax. However, as of 2014, the DTA appears to have changed its understanding of the Agreement, and started requiring some external team members and counsels to pay income taxes on their ICC fees. In 2019, the DTA issued a public Note Verbale stating expressly that the Agreement did not entitle defence counsels or external team members to any exemption from income tax. This position was reiterated numerous times and as recently as 17 April 2023.

Currently, the State Parties, ICC and Dutch Authorities are discussing the issue, with the purpose of excluding counsel and external team members from income tax in the Netherlands. In fact, the current interpretation of the DTA is problematic for a number of reasons:

- it further increases the gap between external team members and ICC staff salaries, thereby affecting equality of arms at the Court;
- to compensate for the added costs due to income taxation, the ICC has to pay back 15% or 30% of those costs to external team members or counsel;
- given that the salaries of external team members/counsels are mostly paid with public money contributed by the State Parties, it is problematic for a part of this money to be "pocketed" by the Netherlands.

The ICC therefore wants this situation solved. It is however only moving on the diplomatic level, and unwilling to assist single individuals with their own complaints or tax related issues. This means that if you receive a blue envelope by the DTA, you are on your own and will have to sort things out yourself.

35. Getting a blue envelope

Whether or not you will receive a letter from the DTA or *Belaastingdienst* is, to an extent, uncertain. However, if you are registered in the Netherlands and have contracted a Dutch Health Insurance, it is likely that you will receive one. The first letter will probably indicate that you are expected to file a tax declaration by a certain date.

36. Filing a tax declaration

In the Netherlands, a tax declaration with your income may be filed between 1 March and 1 May of the following year. You can easily seek an extension to file your tax declaration by 1 September.

Taxes can be filed by using an online form on the *Belaastingdienst* page (you will need a DIGID for this). This is cost-free but complex, especially since the forms are in Dutch and while you can help yourself with Google translate, it may be hard to know exactly what to fill in. The details required are not limited to your ICC income: you will also be required to indicate whether you possess any real estate property, investments or accounts abroad, as well as their value (for your bank accounts, you will have to indicate their balance at the beginning and end of year). [It is not clear if this leads to the increase of the income tax due. My understanding is that there is an increase but that it is very limited. In any event this can be problematic as it may amount to double-taxation].

Sources of income: whether to declare that your income is from a tax free organisation or not. [Must identify this option better] This is problematic. It is arguably the truth that the money with which your salary is paid should not be subject to taxation. That said, since the issuance of the 2019 *Note verbale*, everyone is on notice that the DTA holds the understanding that your ICC salary is not exempt from income tax. If you declare that your salary is tax free, you may receive a tax return that states that you do not owe any money in income tax. However, there is a concrete risk that if the DTA is one day able to determine that you are not ICC staff but rather an external team member, they will require that you pay back this money.

Once you are done filling in your tax declaration, you will directly be presented with a calculation of the amount of tax you can expect to pay. The amount will indicate two different types of taxes that you will be expected to pay: the income tax (*inkomstenbelasting*) and the contribution to social security and healthcare (*bijdrage zorgverzekeringwet*).

The DTA will then receive and assess your tax declaration. In the fall, you will receive new letters indicating the (provisional) amounts due as well as the indication and deadlines to process the payments.

Only after you have paid you will receive a final assessment by the DTA, again via letter. There, it will be indicated whether the amounts paid were correct or if, based on further calculations, the DTA has determined that you have paid too little or too much. The final assessment is important because: (i) only after receipt thereof you can submit the payment of taxes for reimbursement to the Registry; (ii) only after receipt you can appeal the tax assessment by the DTA and begin judicial proceedings in the Netherlands.

Note that if you have filed a tax declaration online and have access to myBelaastingdienst, all of the correspondence will also be available there in electronic copy.

Note that if you feel unable to submit a tax declaration by yourself, you may make use of the services of a tax advisor.

37. Ways to address or mitigate the tax situation

a. Appealing a tax assessment

- Requirements to appeal a tax assessment: finality of tax assessment. You would have to check the “non-taxable” income and add “practicing before the ICC”.
- On which grounds: No taxes under HQ agreement - rejected; Alternative argument: effectively independent professionals therefore should be treated as business and deduct these expenses - rejected too.
- To whom do you appeal: file a notice of appeal to the appeal board of Belaastingdienst (within the indicated date). You can either pay and appeal, or defer payment and appeal (if you defer and lose appeal you’ll have to pay a small sum, but it seems for those who didn’t pay their appeal is frozen). After you file your substantive arguments. Once a final decision is filed you can go to the Courts and start a legal procedure. You appeal before the tax branch of the Dutch courts, the first instance decision can be appealed to the appeal level and eventually to the supreme court.
- Cost: Expensive but if you are successful, you could be granted legal costs.
- Length of process: It takes time, likely years. Anand lost the first instance and now is at appellate level, for which a decision is not expected before next year.

- Likelihood of success/would he advise someone to do it? If he had to do it again, probably he would not and would have gotten through another route, i.e. the enterprise way. Otherwise he would recommend barring the “non taxable” in the declaration.

b. Registering yourself as an enterprise:

- Very easy to set up, can be done online,⁴³ by filling up forms, after which you go in person and pay a small fee. Benefit: during the first year that you are registered as a business entity there are one-time benefits (a part of income is tax-free and other smaller benefits). After that, the main benefit is to deduct business expenses such as transport, supplies for home office, phone bills etc, so they would not be part of your taxable income. When you are an enterprise, you normally pay a taxation on services, but ICC is exempt from service taxation. You could even try to register with KVK and also bar “non taxable”.
- Negotiations are ongoing, pressure on the Dutch is there. If a resolution ever comes, it will not be retroactive.

⁴³ Information on that can be found in the chamber of commerce – KVK website.

YOUR CAREER (LIST OF LEGAL ASSISTANTS AND LIST OF COUNSEL)

38. How to join the ICC List of Counsel and Assistants to Counsel

The Registry is a neutral organ of the Court that provides services to all other organs so the ICC can function and conduct fair and effective public proceedings. The Registry is amongst other things also responsible for counsel support that includes lists of counsels, assistants to counsel, experts, investigators and offices to support the defence and victims.

If you wish to apply to be included in either list please click [here](#) for the 'Guide for applicants to the ICC List of Counsel and Assistants to Counsel'.