

INDEPENDENT EXPERT REVIEW: CATEGORIZATION OF RECOMMENDATIONS AND REMAINING ISSUES
Prepared by the Review Mechanism

| Sections | Cluster (Sub)-Section | Assembly | Assembly & Court | Court | Comments |
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| CWM | I. GOVERNANCE | | | | |
| | A. Unified Governance | | | | |
| | 1. Structure of the Court: (1) ICC/Court Governance, (2) ICC/IO Governance | | R1, R3, R4 | R2, R5-R7 | R-4 - Court-wide ethics rules that extend to counsel and members of external legal teams (<i>see also R106</i>) may require amendment of ASP texts, such as the Code of Professional Conduct for counsel. |
| | 2. Decision-Making Process and Internal Legal Framework | | | R8-R11 | |
| | 3. Content of Internal Legal framework | | | R12, R13 | |
| | 4. Working Culture at the Court | | R15 | R14, R16-R20 | R15 - this recommendation rightly covers "all individuals affiliated with the Court". In respect of counsel and members of external defence and victims teams, possible amendment to ASP texts, such as the Code of Professional Conduct for counsel, may need to be considered. |
| | B. Chambers Governance (Working Environment and Culture, Structure, Management and Organisation) | | | | |
| | 1. Working Environment and Culture, 2. Chambers Structure and Organisation (1) Static and Dynamic Case Teams Led by référendaires (2) Specialised Pre-trial Team (3) Transferability of Case Teams (4) Role of Presiding Judges (5) Legal Staff Support to Judges, 3. Managment in Chambers (1) Head of Chmabers Staff (2) Legal Advisers to Divisions (3) Quality of Legal Support Staff and Professional Development (4) Administrative Assistants | | | | |
| | C. OTP Governance | | | | |
| | 1. The OTP Structure, 2. The OTP Regulatory Framework (1) Current OTP Regulatory Framework (2) Areas Not Addressed Under the Current Framework | | | | |
| 3. OTP Management and Leadership Structures (1) Prosecutor and Deputy Prosecutor - <i>Roles of Prosecutor and Deputy Prosecutor, Issue of two Deputy Prosecutors</i> | | | | | |
| 3. (2) Executive Committee (ExCom) | | | | | |

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| 3. (3) Immediate Office of the Prosecutor (IOP) - <i>Chef de Cabinet, Public Information Unit (PIU)</i> | |
| 3. (4) Integrated Teams | |
| 4. OTP Staffing (1) Staff Qualifications | |
| 4. (2) Quantity of Staff | |

| D. Registry Governance | |
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| 1. Election of the Registrar and Deputy Registrar | R76, R77, R78 |
| 2. Various Sections of the Registry | R79 |
| 3. Field offices | R80-R86 |

| II. HUMAN RESOURCES | |
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| A. General; B. Working Environment and Culture, Staff Engagement, Staff Welfare; C. Bullying and Harassment; | |
| R87 | R88 |
| | R87 - In respect of external counsel and legal team members, should it be the case that amendment of ASP texts are needed - for example the Code of Professional Conduct for counsel or the mandate of the IOM - then the ASP will also need to act in this area. The ICCBA is presently in discussions with the Registry on this subject. |

| D. Management of Human Resources |
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| E. Adequacy of Human Resources - Recruitment; F. Short-Term Appointments, Local Recruitment |
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| G. Performance Appraisal |
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| H. Staff Training and Development |
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| I. Multilingualism |
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| J. Flexibility, Scalability and Mobility in Staffing |
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| 1. Internal Mobility 2. External Mobility 3. Secondments |
| 4. Tenure |

| III. ETHICS AND PREVENTION OF CONFLICTS OF INTEREST | |
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| A. Ethics Framework | |
| Court staff and/or officials, Individuals affiliated with the Court | R106 |
| | To make this binding on all persons linked to any part of the Court this may need involvement from the ASP. Particularly so if this involves amendment to the Code of Professional Conduct for counsel since it is an ASP document. |

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| B. Prevention of Conflict of Interest | |
| R112-114 | |

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| IV. INTERNAL GRIEVANCE PROCEDURES | |
| A. General; B. Accountability of Judges | |
| 1. Disciplinary Mechanisms and Complaints 2. Disciplinary Standards 3. A Readjusted Disciplinary Arrangement 4. Judicial Council of the Court | |

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| V. BUDGET PROCESS | |
| A. Court Budget Process, B. Committee on Budget and Finance (CBF) C. Enhancing Trialogue D. Assembly of States Parties E. Miscellaneous | |
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| VI. PERFORMANCE INDICATORS AND STRATEGIC PLANNING | |
| A. Efficiency B. Effectiveness | |
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| VII. EXTERNAL RELATIONS | |
| A. Relations with the United Nations B. Role of the Court's New York Liason Office to the UN (NYLO) Relations with UN Agencies and Other International and Regional Organisations | |
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| D. Relations with Civil Society and Media Organisations | |
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| E. Communications Strategy F. Outreach Strategy | |
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| G. External Political Measures against the Court | |
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OSM: C

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| VIII. ELECTION OF THE PRESIDENCY | |
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| IX. WORKING METHODS | |
| A. Induction and Continuing Professional Development | |
| 1. Induction Programme 2. Timing 3. Contents 4. Continuing Professional Development | |

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| B. Full-Time Service of New Judges | |
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| C. Code of Judicial Ethics | |
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| D. Judicial Collegiality | |
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| X. EFFICIENCY OF THE JUDICIAL PROCESS AND FAIR TRIAL RIGHTS | |
| A. Pre-Trial Stage | |

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| 1. Disclosure of Evidence 2. Confirmation of Charges 3. Length of Pre-Trial Stage 4. Chambers Practice Manual and Judicial Case Management | R189-R198 | R190 (review of disclosure process) can be implemented by the Court alone, but the results of the review will almost certainly require action from the ASP |
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B. Trial Stage

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| 1. Transfer of the Case to Trial Division 2. No Case to Answer 3. Amicus Curiae 4. Evidence Admitted vs Submitted 5. Witness Preparation/Proofing 6. Prior Recorded Testimony and Live Testimony by Means of Audio or Video-Link Technology 7. Management of the Trial 8. Court Activities <i>in situ</i> and Site Visits 9. Brief Absence of a Judge 10. Technology in the Judicial Process (1) Case Law Database (2) Other Digital Resources and Legal Tools (3) Effect on the Defence and Legal Representatives of Victims | R203, R206 | R199-R202, R204-R205, R207-R212 | R203 - the proposed new rule is for the ASP, but should involve the Advisory Committee on Legal Texts; hence placement in the ASP & Court category. R206 is framed as something that could be implemented by the Judges alone, or by an amendment to the Rules |
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C. Interlocutory Appeals

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| | R213 | |
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D. Management of Transitions in the Judiciary

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| 1. Continuing in Office on Expiry of Term 2. Designation of an Alternate Judge 3. Appointment of a Substitute Judge | R214, R215 | |
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XI. DEVELOPMENT OF PROCESSES AND PROCEDURES TO PROMOTE COHERENT AND ACCESSIBLE JURISPRUDENCE AND DECISION-MAKING

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| A. Standard of Review in Appeals B. Departure from Established Practice and Jurisprudence C. developing a Deliberation Culture D. Judgment Structure and Drafting E. Conflicts Between Different Legal Systems and Best Practices | | |
| R218 | R216, R217, R219-R225 | R218 - discrete long-term proposal of increasing size of Appeals Chamber is for the ASP. |

OSM: OTP **XII. OTP SITUATIONS AND CASES: PROSECUTORIAL STRATEGIES OF SELECTION, PRIORITISATION, HIBERNATION AND CLOSURE**

A. Initial Situation and Case Selection: Preliminary Examinations

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| 1. Situation Selection During Phase 1 2. Situation Selection during PRs (Phases 2-4) (1) Narrower Standards for Admissibility (2) Feasibility Considerations in Situation Selection and Prioritisation | | |
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B. Selection and Prioritisation of Cases and Perpetrators

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| 1. The Criteria for Case Selection and Prioritisation (1) The Policy in relation to Selecting and Charging Suspects (2) Defining a Case: Charging Practices (3) Case Prioritisation: Feasibility Issues 2. The Process of Case Selection and Prioritisation | |
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| C. Situation Prioritisation, Hibernation and Closure | |
| | R243-R250 |

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| XIII. PRELIMINARY EXAMINATIONS | |
| A. Concerns Related to Preliminary Examinations Section (PES) | |
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| B. Length of PE Activities, Time Limits | |
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| C. Complementarity and Positive Complementarity | |
| 1. Complementarity Assessments for Admissibility (Article 17) 2. Positive Complementarity | |

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| D. Transparency of Preliminary Examinations | |
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| XIV. INVESTIGATIONS | |
| A. Investigative Strategy | |
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| B. Investigative Technique and Tools | |
| 1. Cooperation for Evidence Collection 2. Cooperation Requests - JCCD International Cooperation Section 3. Developing Technical Expertise within the ID (1) Financial Investigations (2) Tracking and Arrests of Fugitives (3) Remote Investigations | |

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| C. ID Field Presence in Situation Countries | |
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| D. Evidence Assessment and Analysis | |
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| XV. OTP INTERNAL QUALITY CONTROL MECHANISMS | |
| A. Evidence Reviews: Internal and Peer Review | |
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| B. Trial Monitoring | |
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| B. 1. General (Judicial) Principles on Reparations 2. Specialised Reparations Chamber 3. Non-Stay of Reparation Proceedings 4. Individual Requests for Reparations 5. Registry-Led Victim Application Process 6. New Potential Beneficiary Requests and Information 7. Reparations Experts 8. Mutually Agreed Protocols 9. Chambers Oversight Role in Implementation | R344; R352 | R336-R341; R342-R343; R345-R351; R353 | R339 - Recommendations of the "standing coordination body" may require ASP involvement for modification of legal texts. However the body itself does not appear to intend ASP involvement. R344 calls for amendment of the RPE, which is for the ASP to do but should involve the Advisory Committee on Legal Texts, hence it is included in the "Assembly & Court" column |
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| C. The TFV and its Secretariat: Governance and Functioning | | | |
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| 1. Delivery of Mandate 2. Governance, Oversight and Management | R357 | R354-R356, R358-R360 | For the purpose of these recommendations we have treated the TFV as part of "the Court". R359, R360 - Recommendations of the "standing coordination body" may require ASP involvement for modification of legal texts. However the body itself does not appear to intend ASP involvement. |

| EG | XIX. OVERSIGHT BODIES | | |
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| | A. ASP - Court Relations | | |
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| | B. Internal and External Oversight Mechanisms | | |
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| | C. Secretariat of the ASP | | |
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| | XX. IMPROVEMENT OF THE SYSTEM OF NOMINATION OF JUDGES | | |
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| | XXI. DEVELOPMENT OF THE RULES OF PROCEDURE AND EVIDENCE | | |
| | R381-R384 | | As above re amendment of texts - although it is for the ASP to amend, the Advisory Committee on Legal Texts involves the Court in this too. |

| RI | RESOLUTION ICC-ASP/18/Res.7 | | |
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| | OP 18 | (a) Strengthening, cooperation (b) Non-cooperation, (c) Complementarity, and the relationship between national jurisdictions and the Court, (d) Equitable geographical representation and gender balance | |

Appendix II, para 5

The election of the Prosecutor,
implementation of arrest warrants
and reviewing Assembly working
methods

| KEY | |
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| CWM | Court-wide Matters |
| OSM: C | Organ Specific Matters: Chambers |
| OSM: OTP | Organ Specific Matters: Office of the Prosecutor |
| OSM: R | Organ Specific Matters: Registry |
| EG | External Governance |
| RI | Remaining Issues |