

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

Sections	Cluster (Sub)-Section	Assembly	Assembly & Court	Court	Comments	
CWM	I. GOVERNANCE					
	A. Unified Governance					
	1. Structure of the Court: (1) ICC/Court Governance, (2) ICC/IO Governance		Recs 1,3,5		Recs 2,4,6,7	Governance issues can be discussed under SGG. The proposal for a Judicial Audit Committee has so far not been discussed in any facilitation. The Assembly is responsible for deciding whether to establish it. If established both ASP and the Court appoint members The role of the Assembly may be to monitor implementation of the Court's
	2. Decision-Making Process and Internal Legal Framework				Recs 8-11	
	3. Content of Internal Legal framework		Rec 13		Rec 12	
	4. Working Culture at the Court		Rec 15		Recs 14,16,17,18,19,20	
	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		Rec 33		Recs 21,22,23,24,25,26,27,28,29,30, 31,32, 34,35,36,37	The ASP can be advised by CBF
	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				Recs 38-45	

3. OTP Management and Leadership Structures (1) Prosecutor and Deputy Prosecutor - <i>Roles of Prosecutor and Deputy Prosecutor, Issue of two Deputy Prosecutors</i>			Recs 46-48	
3. (2) Executive Committee (ExCom)			Recs 49-52	
3. (3) Immediate Office of the Prosecutor (IOP) - <i>Chef de Cabinet, Public Information Unit (PIU)</i>			Recs 53-56	
3. (4) Integrated Teams			Recs 57-63	
4. OTP Staffing (1) Staff Qualifications			Recs 64-70	
4. (2) Quantity of Staff	Rec 75		Recs 71-74	The ASP can be advised by the CBF

D. Registry Governance				
1. Election of the Registrar and Deputy Registrar	Rec 78		Recs 76,77	Mandate for the topic allocated to SGG at ASP 19
2. Various Sections of the Registry			Rec 79	
3. Field offices			Recs 80-86	

II. HUMAN RESOURCES				
A. General; B. Working Environment and Culture, Staff Engagement, Staff Welfare; C. Bullying and Harassment;				
			Rec 87,88	

D. Management of Human Resources				
			Rec 89,90	This is tied to the proposal on unified governance

E. Adequacy of Human Resources - Recruitment; F. Short-Term Appointments, Local Recruitment				
	Rec 96	Rec 92	Recs 91,93,94,95	

G. Performance Appraisal				
			Recs 97,98	

H. Staff Training and Development				
			Rec 99	

I. Multilingualism				
			Rec 100	

J. Flexibility, Scalability and Mobility in Staffing				
1. Internal Mobility 2. External Mobility 3. Secondments			Recs 101-103	

4. Tenure	Recs 104,105	
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III. ETHICS AND PREVENTION OF CONFLICTS OF INTEREST

A. Ethics Framework

Court staff and/or officials, Individuals affiliated with the Court	Rec 109	Rec 108	Recs 106,107	The establishment of a judicial council has not previously been discussed, it was presented by the former President of the Court during discussions at the facilitation on the review of the mandate of the IOM.
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B. Prevention of Conflict of Interest

	Recs 112-114	Recs 110, 111		The establishment of an Ethics Committee is a new proposal not previously discussed under any facilitation
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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	Rec 124	Recs 125-127 & 131	Recs 115-123 & 128-130	Implementation of the recommendations may require a review of the mandate of the IOM
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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

	Recs 135,136,139,140,141,143	Recs133, 134,138	Recs 132,142	Rec 138 is linked to the recommendations on unified governance
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VI. PERFORMANCE INDICATORS AND STRATEGIC PLANNING

A. Efficiency B. Effectiveness

	Recs 144-148			Topic allocated to the SGG at ASP 19
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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

	Rec 150		Recs 149, 151,152	
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D. Relations with Civil Society and Media Organisations

	Rec 162	Recs 160,161	Recs 153-159	
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E. Communications Strategy F. Outreach Strategy

			Recs 163-168	
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G. External Political Measures against the Court		
Recs 169	Rec 170	

OSM: C

VIII. ELECTION OF THE PRESIDENCY		
Rec 173	Recs 171,172	

IX. WORKING METHODS		
A. Induction and Continuing Professional Development		
1. Induction Programme 2. Timing 3. Contents 4. Continuing Professional Development	Recs 174-177	

B. Full-Time Service of New Judges		
	Recs 178-180	

C. Code of Judicial Ethics		
	Recs 181-184	

D. Judicial Collegiality		
	Recs 185-188	

X. EFFICIENCY OF THE JUDICIAL PROCESS AND FAIR TRIAL RIGHTS		
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A. Pre-Trial Stage		
1. Disclosure of Evidence 2. Confirmation of Charges 3. Length of Pre-Trial Stage 4. Chambers Practice Manual and Judicial Case Management	Recs 189-198	

B. Trial Stage		
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<p>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</p>	<p>Recs 203, 206</p>	<p>Recs 199-202, 204,205, 208-212</p>	<p>Implimentation of Rec 203 can be initiated by the Court or a State Party. If initiated by the Court, the Road Map on the Amendment of the Rules of Procedure and Evidence provides that the proposals are first discussed at the SGG and then transmitted to the WGA</p>
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C. Interlocutory Appeals		
	Rec 213	

D. Management of Transitions in the Judiciary		
<p>1. Continuing in Office on Expiry of Term 2. Designation of an Alternate Judge 3. Appointment of a Substitute Judge</p>	<p>Recs 214,215</p>	<p>Mandate on the topic allocated to SGG at ASP 19</p>

XI. DEVELOPMENT OF PROCESSES AND PROCEDURES TO PROMOTE COHERENT AND ACCESSIBLE JURISPRUDENCE AND DECISION-MAKING		
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		
	Recs 216-225	

OSM: OTP

XII. OTP SITUATIONS AND CASES: PROSECUTORIAL STRATEGIES OF SELECTION, PRIORITISATION, HIBERNATION AND CLOSURE		
A. Initial Situation and Case Selection: Preliminary Examinations		
<p>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</p>	<p>Recs 226-229</p>	

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	Recs 230-239	
2. The Process of Case Selection and Prioritisation	Recs 240-242	

C. Situation Prioritisation, Hibernation and Closure		
	Recs 243 - 250	

XIII. PRELIMINARY EXAMINATIONS		
A. Concerns Related to Preliminary Examinations Section (PES)		
	Recs 252-253	

B. Length of PE Activities, Time Limits		
	Recs 254-261	

C. Complementarity and Positive Complementarity		
1. Complementarity Assessments for Admissibility (Article 17) 2. Positive Complementarity	Recs 262-265	

D. Transparency of Preliminary Examinations		
	Recs 266, 267	

XIV. INVESTIGATIONS		
A. Investigative Strategy		
	Rec 271	

B. Investigative Technique and Tools		
1. Cooperation for Evidence Collection	Recs 274, 275	Recs 272, 273, 276-278
2. Cooperation Requests - JCCD International Cooperation Section		Recs 279-282
3. Developing Technical Expertise within the ID (1) Financial Investigations (2) Tracking and Arrests of Fugitives (3) Remote Investigations	Recs 284, 289	Rec 290
		Recs 283, 285-288, 291,292
		The topic on arrests has previously been discussed in the facilitation on cooperation.

C. ID Field Presence in Situation Countries		
	Recs 293-298	

D. Evidence Assessment and Analysis			
		Recs 299-304	
XV. OTP INTERNAL QUALITY CONTROL MECHANISMS			
A. Evidence Reviews: Internal and Peer Review			
		Recs 305 - 310	
B. Trial Monitoring			
		Recs 311, 312	
C. Lessons Learnt			
		Recs 313 - 319	
OSM: R	XVI. DEFENCE AND LEGAL AID		
	A. Institutional Representation		
			Recs 320 - 327
	B. Legal Aid		
Rec 332	Recs 328-331, 333-335		
XVII. VICTIM PARTICIPATION			
A. Outline of the System B. The System in Operation C. Recognition of Victims as Participants D. Concerns about the System as a Whole E. Legal Representation of Victims F. Tracing Victims in the Reparations Phase			
		Recs 336-341	
XVIII. VICTIMS: REPARATIONS AND ASSISTANCE			
A. Current Framework for Victims Participation in the Rome Statute System, and its Functioning B. Judicial Matters Related to Reparations			
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	Recs 344, 352	Recs 342, 343, 345-351, 353	As per the Road map on amendment of the Rules of Procedure and Evidence, proposals from the Court are first discussed at the SGG and then transmitted to the WGA.
C. The TFV and its Secretariat: Governance and Functioning			
1. Delivery of Mandate 2. Governance, Oversight and Management	Recs 354, 357	Recs 359, 360	For implementation by the TFV - Recs 355,356,358

EG	XIX. OVERSIGHT BODIES		
	A. ASP - Court Relations		
	Rec 361	Rec 363	Rec 362
	B. Internal and External Oversight Mechanisms		
	Recs 364, 366-368	Rec 365	
	C. Secretariat of the ASP		
Recs 369, 370	This is an issue of Governace and may be discussed in the SGG		
XX. IMPROVEMENT OF THE SYSTEM OF NOMINATION OF JUDGES			
Recs 371-380			
XXI. DEVELOPMENT OF THE RULES OF PROCEDURE AND EVIDENCE			
Recs 381-384		The mandate for discussing the procdure for the amendment of the Rules of Procedure and Evidence was allocated to the SGG at ASP 19	

RI	RESOLUTION ICC-ASP/18/Res.7	
	OP 18 Appendix II, para 5	(a) Strengthening, cooperation (b) Non-cooperation, (c) Complementarity, and the relationship between national jurisdictions and the Court, (d) Equitable geographical representation and gender balance The election of the Prosecutor, implementation of arrest warrants and reviewing Assembly working methods

KEY	
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