

**JUDICIARY UPDATE TO THE REVIEW MECHANISM ON  
PRIORITIES AND TIMELINES FOR ASSESSMENT OF RECOMMENDATIONS**

11 June 2021

In considering the plan for the assessment of the recommendations contained in the IER report, the Court's Judiciary has divided the recommendations allocated to it into the following four categories.

**1. Recommendations that have already been implemented or are currently being implemented.**

This includes the following recommendations or thematic groups:

- Reform of the Code of Judicial Ethics in the field of presidential elections and election campaigns (R171-R172)
- Induction program (R174)
- Chapter IX.B. (Full-Time Service of New Judges, R178-R180)
- Review of the Code of Judicial Ethics (R181-R184, R187)
- Issues related to the use of prior recorded testimony (R204)
- Issues related to judicial deliberations (R219-R221). These either have been implemented or are being addressed to the extent appropriate. NB. These are issues related to the essence of judicial independence and will be discussed strictly between judges only.
- Keeping Judgment Structure and Drafting Guidelines under constant review (R225)

The implementation of some of the above-mentioned recommendations has already been described in the Court's Overall Response of 14 April 2021. For the rest, an update will be provided to the 20<sup>th</sup> session of the ASP, as appropriate.

**2. Recommendations that the Judiciary intends to assess first (short-term priorities)**

The Judiciary intends to assess the following recommendations by the middle of 2022:

- Bullying and harassment (R87-R88, to be considered in coordination with other organs)
- Collegiality (R129, R185-R186 and R188)
- An inter-related cluster of issues related to the pre-trial process, confirmation of charges, the pre-trial to trial phase transition, and the preparation of a trial (R189-R200)
- Interlocutory appeals (R213)

The Judiciary is in the process of setting up internal working groups and appointing focal points for the effective and expeditious consideration of the above-listed matters with a view to preparing their substantive consideration at a judicial retreat in September or October 2021. The Judiciary will provide an update to the 20<sup>th</sup> session of the ASP on progress achieved.

### 3. **Recommendations that will be considered at the next stage** (medium-term priorities)

During 2022, the Judiciary intends to commence the assessment of the following recommendations:

- Chapter I.B. (Chambers Governance, R21-R37). NB. Considering the resource implications of many recommendations in this chapter, consultation with the ASP or its relevant subsidiary bodies will be factored into the planning of the process of assessment. Connections to R1-R11 also have to be taken into account.
- Extension of the Financial Disclosure Programme to Judges (R110)
- Guidelines on extra-judicial activities (R111)
- Recommendations related to the Continuing Professional Development Programme (R175-R176).
- Chapters XVII (Victim Participation) and XVIII (Victims: Reparations and Assistance) of the IER report, in the areas where the Judiciary has the lead or co-lead. NB. Consultations with the relevant sections of the Registry as well as the Trust Fund for Victims and civil society will form part of the process.
- Issues related to separate opinions (R222-R224). NB. These are issues related to the essence of judicial independence and will be discussed strictly between judges only.

The Judiciary will provide an update to the 21<sup>st</sup> session of the ASP on progress achieved.

### 4. **Other matters** (long-term issues)

Recommendations not listed in categories 1-3 will be considered at a later stage. It is not possible to indicate a timeline at this point.