<table>
<thead>
<tr>
<th>Rec. No.</th>
<th>Recommendation</th>
<th>Categorization</th>
<th>Allocation (within Court, Independent Offices and ASP Mandate)</th>
<th>Prioritization</th>
<th>Timeline</th>
<th>Additional comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>I. GOVERNANCE</td>
<td>A. Unified governance</td>
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<tr>
<td>1.1 The Three-Layered Governance Model should be used as a tool to ensure effective and efficient governance, clarify reporting lines and improve cooperation among stakeholders.</td>
<td>Court &amp; ASP</td>
<td>Court + SGG</td>
<td></td>
<td>1st half 2022</td>
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<tr>
<td>1.2 IEC/Court: Layer 1, Judicial and Prosecutorial activity, is in the hands of the Presidency, the Judges, and the Prosecutor respectively, and requires absolute independence. There can be no auditing by States Parties, ASP or external actors. States Parties should not use their role in the ICC/IC to influence judicial and prosecutorial activity. In Layer 2, the Presidency and the Prosecutor are the leaders. Accountability should be achieved through judicial and prosecutorial auditing, carried out by judges. Inter-court comparisons of performance indicators on issues of administration of justice can further contribute to assessing efficiency in Layer 2. The Registry supports Layers 1 and 2 and, in this regard, the Registry cooperates with the Prosecutor and acts under the guidance of the Court President.</td>
<td>Court &amp; ASP</td>
<td>Court + SGG</td>
<td>x</td>
<td>1st half 2022</td>
<td>Old Irish that given the cross-cutting nature of the recommendations 1-20 concerning Unified Governance and the effect they may have on other recommendations assessment should start early but may take some time.</td>
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<td>1.3 A non-permanent cross-cutting committee should be made up to carry out audits of the administrative or judicial areas in companies and courts. The internal Audit Committee should be made up of current or former, national or international judges and prosecutors with relevant experience, appointed similarly to the committee recommended in R113.</td>
<td>Court &amp; ASP</td>
<td>Court + SGG</td>
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<td>1st half 2022</td>
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<td>1.4 The ICC/IO should function as a unified organization, with a vertical hierarchical structure. The Registrar is the Chief Administrative Officer, responsible for the development and implementation of administrative processes and policies, including the budget. In this regard, the Registrar should consult other Principals, but as Chief Administrative Officer – should remain the decision-maker. The Court/Court principle should be in full effect in Layer 3, through the uniform application and interpretation of administrative processes, ethical standards, staff regulations, values, disciplinary processes and so forth to all staff, regardless of Organ. Uniform, Court-wide instruments and approaches should be prioritised for all aspects of the ICC/IO. There should be no duplication or parallel working groups in different Organ. All staff should be treated the same way; regardless of the Organ they work in, and should be united around the same Court-wide values.</td>
<td>Court &amp; ASP</td>
<td>Court + SGG</td>
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<td>1st half 2022</td>
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<td>1.5 The uniform approach guided by the one Court principle should also be applied to the independent units and offices within the Court. The Court-wide efforts to assess efficiency through key performance indicators should be extended to such independent offices. As units within the Rome Statute system, such offices should develop and align their strategies to the Court’s Strategic Plan.</td>
<td>Court</td>
<td>Court</td>
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<td>1st half 2022</td>
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<td>1.6 The incoming Prosecutor is encouraged to delegate to the Registry, as much as possible, the services/activities within the OTP that pertain to administrative matters (Layer 3). The OTP and Registry should consult on this issue and on the extent to which the Registry has the capacity to support the OTP’s needs. States Parties are advised to discuss this matter with candidates for the role of the Prosecutor.</td>
<td>Court</td>
<td>Court</td>
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<td>1st half 2022</td>
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<td>1.7 The Registry should take the lead in further integrating offices or units within the Court that perform similar tasks, with the goal of strengthening capacity through pooling or reallocation of resources, and avoiding overlap.</td>
<td>Court</td>
<td>Court</td>
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<td>1st half 2022</td>
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<td>1.8 Each Organ should aim to focus on its core business, as prescribed by the Rome Statute and interpreted with the help of the Three-Layered Governance Model. This model should be employed to clarify responsibility areas and reporting lines, leading to more efficient and effective decision-making processes. The matter at hand will dictate who the owner of the process should be. A clear distinction needs to be drawn between who the ultimate decision-maker is and who needs to be consulted. There should be no veto from a Principal in matters that do not fall under their responsibility.</td>
<td>Court</td>
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<tr>
<td>1.9 The Registrar should be the sole official responsible for developing, updating, interpreting and implementing internal administrative instruments related to internal administrative matters (IC/ICG). The Registrar should consult the President and Prosecutor in CoCo on the strategic objectives, but should not be required to obtain approval of the latter on the final language and implementation details. The approach of consulting all Organs, implying all Heads of Organs, their support staff and their legal officials, on such details should be discontinued. Where needed, clear deadlines for consultations should be employed, with tacit approval implied after the deadline has passed.</td>
<td>Court</td>
<td>Court</td>
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<td>1st half 2022</td>
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<td>1.10 The Registrar should report regularly to the ASP on the length of the inter-Organ consultation process for all Layer 3 internal legal documents.</td>
<td>Court</td>
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<td>1st half 2022</td>
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<td>1.11 An extended Coordinating Council (CoCo) should regularly bring together the Principals and the Heads (functionally) independent offices within the Court (OPD/C, OPV, RV, Secretariat, ASP, Secretariat) to ensure strategic coordination at the highest level, enabling the Court as a whole to work in harmony and with unity of purpose.</td>
<td>Court</td>
<td>Court</td>
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<td>1st half 2022</td>
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<td>1.12 The Court’s internal legal framework should be reviewed to identify and amend as needed outdated internal legal instruments or those that are contradictory to principles set out in ILOT decisions against the Court. A systemic process should further be put in place to enable a review of the Court’s internal legal framework’s compliance with ILOT decisions, as soon as practicable after such a decision involving the Court is delivered, to identify and implement any necessary amendments.</td>
<td>Court</td>
<td>Court</td>
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<td>2nd half 2022</td>
<td>Court indicates this R is in process of implementation.</td>
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<tr>
<td>1.13 The Experts also recommend the Court to follow the UN administrative procedures as a starting base in developing new policies. When needed, the approaches can then be tailored to the Court’s needs, taking into account the differences in size of the organization and mission. The use of UN Common System should also lead the Court and ASP to review the decision to make use of ILOT rather than the UN Appeals Tribunal.</td>
<td>Court &amp; ASP</td>
<td>Court + SGG</td>
<td></td>
<td>2nd half 2022</td>
<td>See also RM 120. RM points out that Staff Union Council should be involved in discussions. May require amendments to Staff Regulations.</td>
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</tbody>
</table>
R14. The Court, and senior management specifically, need to make efforts to rebuild and strengthen internal trust and re-shape the working culture at the Court. Specifically, the Court should aim to move away from a highly litigious, adversarial atmosphere in a human resources management context. This can be achieved, for example, through more transparent and regular communication from leadership to staff; in practice, this would include communicating quickly and effectively executive decisions to concerned staff/Organs, and prioritising opportunities for staff to engage in a constructive and meaningful dialogue with the leadership, on topics such as: 2nd half 2021

R15. Decisive action needs to follow the ASP’s and Court’s commitment to achieving gender equality and ensuring the dignity, wellbeing, safety and inclusion of all individuals affiliated with the Court, regardless of gender or sexual orientation. Targeted interventions for gender equality should be complemented by gender mainstreaming.

R16. Recruitment processes for managers should place more emphasis on the required managerial and leadership skills. Capacity building should also be employed as needed to support the further strengthening of Court managers’ leadership skills.

R17. The Leadership Framework project, as well as the Wellbeing Survey should be effectively supported by the Court and its Principals.

R18. Sick leave rates should be compared with data from other international courts and international organisations to clarify whether the situation at the Court is similar to, or better or worse than at other similar institutions.

R19. Regularly carrying out the Staff Engagement Survey, Wellbeing Survey, and comparing sick leave rates through a consistent methodology would also enable monitoring the evolution of situations. Such comparisons in time would offer an indication of progress and should guide relevant actors’ decisions.

R20. The Staff Union Council can and should play an important role in supporting the process of strengthening trust within the Court and re-shaping its culture, by advocating for and practicing a collaborative and constructive approach.

R21. The Presidency should formally adopt an integrated case team organisation, with in-built flexibility, for all Chambers and Divisions.

R22. The General Section is to continue operating the role described in R23, including the receipt of cases referred to it by the President – i.e., the Pre-Trial legal support team, headed by a senior legal officer, and available to assist and service the Pre-Trial Division exclusively. Similar static teams should be employed in the Appeals Division to ensure consistent and coherent jurisprudence.

R23. Decisions should be taken on the establishment of a Chamber or a case, not a judge, and have a limited maximum duration of nine years in the role (tenure).

R24. The Presidency should consider developing and issuing guidelines on the assignment of legal officers to individual Judges in accordance with the demands of their official responsibilities.

R25. The Presidency should consider an organised scheme on the inter-divisional transferability of legal officers.

R26. The Presidency should consider measures aimed at ensuring that all Chambers and Divisions have a balanced and diverse representation, including of regions other than Western Europe, of legal officers in Chambers.

R27. The Presidency should consider measures aimed at ensuring that all Chambers and Divisions have a balanced and diverse representation, including of regions other than Western Europe, of legal officers in Chambers.

R28. The Presidency and the Registrar should consider reviewing and harmonising the job descriptions of the Chef de Cabinet, Head of Chambers Staff, and their administrative, human resource and other responsibilities.

R29. The Presidency should consider measures aimed at ensuring that all Chambers and Divisions have a balanced and diverse representation, including of regions other than Western Europe, of legal officers in Chambers.

R30. The Court should consider adopting a policy or an appropriate directive specifying that Judges should neither be involved with the recruitment of Chambers legal staff, nor with their performance assessments, nor with their decisions on staff matters concerning recruitment in Chambers, assigning individual or teams to and for which the proposed timeline is applicable, includes R16, R88, R91 - R95 and R100.

R31. The Court comments: “This recommendation is connected to, and will be assessed in concert with, other recommendations in relation to internal grassations (R11, R12), staff mobility (R88, R89, R90, R92, R101, R102, R105, R924), performance appraisal system (R97 and R98), staff wellbeing (R97, R12, R13), and Court-wide values (R95).” RM advises SGG/Involvement. See also R82. RM points out that this is an ongoing commitment.
34. The Presidency should consider developing and implementing a tailor-made professional development programme for legal staff.

35. The Presidency and the Registrar should immediately fill the position of Administrative Coordinator of Chambers.

36. The Registrar should update the present framework of administrative assistants to sbgs. It should be noted clearly that they are administrative and not personal assistants. Consideration should also be given to the designation of appropriate reporting officers for administrative assistants for the purposes of supervision and performance appraisals.

37. "An independent administrative panel should be established to handle administrative issues. The procedures should be open and transparent and provide for an appeal process." (see para 23A)

C. OTP Governance

38. The Prosecutor should consider consulting an independent advisory group to provide recommendations on the existing regulatory framework and its impact on the efficiency of the OTP.

39. The Operations Manual should be updated and consolidated, and incorporate the Policy Papers, Standard Operating Procedures, and Internal Guidelines of the OTP. Inconsistent regulations in different Divisions should be avoided.

40. There should be explicit clarity with regard to which of the OTP regulatory documents are mandatory and which are optional. Provision should be made for a mechanism to monitor the compliance with regulatory requirements.

41. The Prosecutor should consider an independent review of the regulatory framework. An independent auditor should be designated to review regulatory documents as they evolve or are otherwise revised, to ensure that they adhere to the role, functions, and decision-making responsibilities at each management level (P-4 and above). It should also provide for clear reporting lines from staff to the management and the OTP.

42. A consistent induction package for new staff, should be developed, in line with Court-wide efforts on the matter. It should contain both OTP-wide documents (Operations Manual, Regulations, legal tests, and section-specific guidelines). The induction package should explain the relevant management structures and reporting mechanisms that apply to the staff member concerned. It should also contain details of the internal governance procedures.

43. Consideration should be given to the head of IAS being made responsible for the overall quality of the management of the OTP and compliance with its regulatory framework. Training, and compliance, with the regulatory framework of the OTP should be included in the Key Performance Indicators.

44. As provided in the programme budget for 2020, the OTP should allocate a budget line for monitoring the implementation of regulatory requirements.

45. ExCom should be regarded solely as an advisory body with the responsibility of advising the Prosecutor. Decision-making within the OTP rests with the Prosecutor. The regulatory framework should be consistent in recognising the advisory role of ExCom, and references to ExCom as a decision-making body should be avoided.

46. As provided in the programme budget for 2020, the OTP should allocate a budget line for monitoring the implementation of regulatory requirements.

47. The Public Information Unit should devise an internal communications strategy for the OTP, beyond email communications and an annual Town Hall meeting, to ensure that staff who are not members of team leadership (lower level staff, as well as staff from support Sections who are not part of integrated teams) can have regular and meaningful contact with the Prosecutor and Deputy Prosecutor.

48. The functions and responsibilities of the Chef de Cabinet should be considerably reduced. They should correspond to the current professional grade attached to this position. The regulatory framework should be consistent in recognising the advisory role of ExCom, and references to ExCom as a decision-making body should be avoided.

49. The appropriate functions and responsibilities of the Chef de Cabinet should align with the current professional grade attached to this position.

50. The functions and responsibilities of the Chef de Cabinet should be considerably reduced. They should correspond to those of the senior executive secretary of the Organ, responsible for administrative matters. Strategic and policy-related advice should rest with ExCom, the Legal Advisory Section, and the Senior Deputy Counsel. All communications related responsibilities should rest with the PIU and the Special Assistants to the Prosecutor.

51. The role of ICS in the integrated teams should be standardised and fully explained to and discussed with the whole integrated team.
R63. The relationship between integrated teams and support units (Gender and Children Unit (GCU), Language Services Unit (LSU), Operational Risk and Support Unit (ORSU), Protection Strategies Unit (PSU)) needs to be clarified and standardised. They should be consulted early in the operation planning cycle, in order to avoid delays and additional expenses.

R64. To ensure that all newly recruited staff have sufficient expertise, consideration should be given to a review of the requirements for future recruitments that include the skills that the OTP is lacking. See infra Section 91II.E. Adequacy of Human Resources - Recruitment.

R67. A regular assessment of whether staff members require follow-up training should be introduced. (See infra Section 91II.E. Performance Appraisal.

R68. Professional development should be consistently included in the performance appraisal, and given appropriate attention.

R69. The current situation prioritisation practices should be reconsidered in order to adapt to the diminishing capacity of the Office to take on new situations/areas of responsibility.

R70. In order to address the training needs within the available budget in the OTP, consideration should be given to outsourcing certain training to third parties.

R71. The process of selecting the Registrar should be more thorough. The ASP, in accordance with its responsibilities under the Three-Layered Governance Model, should hold a selection process with the assistance of an expert committee that would vet candidates, perform background checks, carry out interviews, and present a shortlist to the States Parties. The ASP would then reduce the list of candidates to those before it is transmitted to the Judges for their decision. The same procedure would be followed in the case of a Deputy Registrar, if one is to be elected.

R74. The compatibility of current human resources requirements with the LSU’s requirement to recruit specific-language staff in a timely manner should be assessed.

R75. The process of electing the Registrar should be more thorough. The ASP, in accordance with its responsibilities under the Three-Layered Governance Model, should hold a selection process with the assistance of an expert committee that would vet candidates, perform background checks, carry out interviews, and present a shortlist to the States Parties. The ASP would then reduce the list of candidates to those before it is transmitted to the Judges for their decision. The same procedure would be followed in the case of a Deputy Registrar, if one is to be elected.

R77. The Experts recommend making use of the possibility of installing a Deputy Registrar, to enable the Registrar to focus on administration of the AO/JO Layer D. The role would coincide with the Chief of Judicial Services (JJO) position, which would make the decision practically cost-neutral. The Deputy Registrar should be elected in the same manner recommended for the Registrar, if possible. If not, the ASP could consider having candidates apply jointly, as a pair, for the positions of Registrar and Deputy Registrar, and electing them as such, to promote gender and geographic diversity. A similar approach should be considered by the ASP for the joint election of the Prosecutor and Deputy Prosecutor.

R78. In the long term, States Parties are recommended to consider amending the provisions referring to the Registrar’s term to limit it to a 7 – 9 years renewable mandate.

R79. It is recommended that the Registrar evaluates the needs of the VWS and its staffing structures, especially compared to other international tribunals, to see whether and which improvements could be brought.

R80. Field offices need to be adapted to the reality of judicial activity, modulated based on capacity and workload. More local staff should be recruited, for increased flexibility in the opening and closing of field offices.123 Similarly, more flexibility is desirable for Heads of offices in terms of recruitment and measurement.

R83. In the interests of ensuring that staff are fully able to engage with local communities, they should be trained in the local language and culture of the respective country. Recruitment of local staff would guarantee both knowledge of the local language and culture, and reduce costs otherwise needed for language training.

R84. The Registry is recommended to consider tenure for field office positions, following the example of embassies and UN field offices. The ASP, Acting in the interest of several countries in the region, should be consulted.

R85. Increased internal mobility between field office staff and the headquarters, as recommended by the Experts in the Human Resources Section,123 would also contribute to increased awareness by staff in the Hague of the challenges faced in the field, and – vice versa – enable field staff to establish a network at the Headquarters.

R86. The Registry is recommended to consider tenure for field office positions, following the example of embassies and UN field offices. The ASP, Acting in the interest of several countries in the region, should be consulted.

R87. The process of selecting the Registrar should be more thorough. The ASP, in accordance with its responsibilities under the Three-Layered Governance Model, should hold a selection process with the assistance of an expert committee that would vet candidates, perform background checks, carry out interviews, and present a shortlist to the States Parties. The ASP would then reduce the list of candidates to those before it is transmitted to the Judges for their decision. The same procedure would be followed in the case of a Deputy Registrar, if one is to be elected.
87. The leadership of the Court should adopt and demonstrate a clear commitment to a multi-pronged strategy to deal with predatory behaviour in the workplace, namely bullying, harassment and sexual harassment. It must be clear to all staff, particularly supervisors, that such behaviour is unacceptable and unacceptable by the Court and will not be tolerated. There should be awareness of which staff can safely report bullying and harassment to managers and receive guidance and support as to the procedure to follow if they wish to lodge a complaint.

88. The Court should work adroitly, through its recruitment, promotion and training programs, to bring more women into senior managerial positions, in the spirit of bringing about a change in the prevailing practices that have tolerated unacceptable predatory behaviour in the past.

89. RM proposes to assign discussion to SGG as platform for discussion as part of broader working culture discussion.

90. RM proposes to assign these recommendations to SGG as discussion platform with the exception of R105 where the RM proposes to use the RM itself as a platform.

91. Where this is currently not the case, all recruitment panels in future should have at least one woman, a representative of an under-represented geographical region and as a representative of the Registry HRS. All panels should include speakers of both working languages of the Court.

92. RM proposes to assign the recommendation to the Registrar on the exception of RM and ASP involvement.

93. In order to encourage fresh thinking and bring more dynamism to the Court, a system of tenure should be adopted by the Court, applicable to all positions of 5-S and above. The system should stipulate a maximum tenure in positions of these levels of somewhere between five and nine years, and should allow five, or any exceptions. For reasons of procedural fairness, the limitations should not be applied to those occupying these positions currently and would only apply to those newly appointed to the positions. Nonetheless, long serving officers of P-5 or Director level might be encouraged to retire early to allow the new system to be established as quickly as possible.

94. Court & ASP + CBF involvement

95. The Experts recommend that the ASP, the CBF and the leadership of the Court give serious consideration to strengthening the training and development function of the Court, which again should be centralised in the Registry.

96. Court & ASP Registry + Budget involvement

97. In order to encourage fresh thinking and bring more dynamism to the Court, a system of tenure should be adopted by the Court, applicable to all positions of 5-S and above. The system should stipulate a maximum tenure in positions of these levels of somewhere between five and nine years, and should allow five, or any exceptions. For reasons of procedural fairness, the limitations should not be applied to those occupying these positions currently and would only apply to those newly appointed to the positions. Nonetheless, long serving officers of P-5 or Director level might be encouraged to retire early to allow the new system to be established as quickly as possible.

98. Court & ASP + CBF involvement

99. The Court should develop a comprehensive strategy on knowledge management, to ensure that critical information and experience is not lost every time a member of staff moves out of the work unit on transfer, secondment, retirement or resignation, and to inform the training program across the Court, including the induction training for new recruits.

100. Court + SGG involvement

101. RM thinks that R102 and R103 should be dealt with in conjunction. RM advises SUC involvement.

102. The Principals should support and encourage exchanges and secondments between the Court and other relevant international courts and organisations, inter alia through application of the UN Inter-Agency Mobility Agreement. Such exchanges could be contemplated with other external institutions, including NGOs and universities.

103. As of 2019 the Court is a signatory to the UN Inter-Agency Mobility Agreement.

104. Court + SGG involvement

105. Because of the complex nature of this issue RM thinks that reaching a conclusion will require some time. Discussion of the issue should start early however. Information from Court, inter-agency consultations and analysis to start in September 2021 with a view to providing a report to the CBF during spring 2022. SUC involvement.

106. Because of the complex nature of this issue RM thinks that reaching a conclusion will require some time. Discussion of the issue should start early however. Information from Court, inter-agency consultations and analysis to start in September 2021 with a view to providing a report to the CBF during spring 2022. SUC involvement.

107. The leadership of the Court should adopt and demonstrate a clear commitment to a multi-pronged strategy to deal with predatory behaviour in the workplace, namely bullying, harassment and sexual harassment. It must be clear to all staff, particularly supervisors, that such behaviour is unacceptable and unacceptable by the Court and will not be tolerated. There should be awareness of which staff can safely report bullying and harassment to managers and receive guidance and support as to the procedure to follow if they wish to lodge a complaint.

108. The Court should work adroitly, through its recruitment, promotion and training programs, to bring more women into senior managerial positions, in the spirit of bringing about a change in the prevailing practices that have tolerated unacceptable predatory behaviour in the past.

109. RM proposes to assign these recommendations to SGG as platform for discussion with the exception of R105 where the RM proposes to use the RM itself as a platform.

110. The experts recommend that the ASP, the CBF and the leadership of the Court give serious consideration to strengthening the training and development function of the Court, which again should be centralised in the Registry.

111. The Court should develop a comprehensive strategy on knowledge management, to ensure that critical information and experience is not lost every time a member of staff moves out of the work unit on transfer, secondment, retirement or resignation, and to inform the training program across the Court, including the induction training for new recruits.
## III. ETHICS AND PREVENTION OF CONFLICTS OF INTEREST

### A. Ethics Framework

<table>
<thead>
<tr>
<th>Recommendation</th>
<th>Court</th>
<th>IOM</th>
<th>CoC</th>
<th>Year</th>
<th>Consideration</th>
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<tbody>
<tr>
<td>R106</td>
<td>Court</td>
<td>IOM</td>
<td>CoC</td>
<td>1st half 2022</td>
<td>RM proposes to assign these recommendations to IOM-F as platform for discussion in consultation with ACN on R110</td>
</tr>
<tr>
<td>R107</td>
<td>Office of the Prosecutor</td>
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<td>1st half 2022</td>
<td>RM proposes to assign these recommendations to IOM-F as platform for discussion in consultation with ACN on R110</td>
</tr>
<tr>
<td>R108</td>
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<td>1st half 2022</td>
<td>RM proposes to assign these recommendations to IOM-F as platform for discussion in consultation with ACN on R110</td>
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<tr>
<td>R109</td>
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<td></td>
<td>1st half 2023</td>
<td>RM proposes to assign these recommendations to IOM-F as platform for discussion in consultation with ACN on R110</td>
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### B. Prevention of conflict of interest

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<th>Recommendation</th>
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<th>IOM</th>
<th>CoC</th>
<th>Year</th>
<th>Consideration</th>
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<td>R110</td>
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<td>RM advises to start discussion early because of the complex nature.</td>
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<tr>
<td>R111</td>
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<td>1st half 2021</td>
<td>RM advises to start discussion early because of the complex nature.</td>
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<tr>
<td>R112</td>
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<td>1st half 2021</td>
<td>RM advises to start discussion early because of the complex nature.</td>
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<tr>
<td>R113</td>
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<td>1st half 2021</td>
<td>RM advises to start discussion early because of the complex nature.</td>
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<tr>
<td>R114</td>
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<td>1st Half 2022</td>
<td>RM proposes as discussion platform for these recommendations with exception of R113/120 where the RM proposes that Staff Regulations, RM thinks Staff Union Council should be involved.</td>
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### IV. INTERNAL GRIEVANCE PROCEDURES

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<tr>
<th>Recommendation</th>
<th>Court</th>
<th>IOM</th>
<th>CoC</th>
<th>Year</th>
<th>Consideration</th>
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<tbody>
<tr>
<td>R115</td>
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<td>RM assumes involvement Union Staff Council on R115-120</td>
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<tr>
<td>R116</td>
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<td></td>
<td>2nd half 2021</td>
<td>RM assumes involvement Union Staff Council on R115-120</td>
</tr>
<tr>
<td>R117</td>
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<td>2nd half 2021</td>
<td>RM assumes involvement Union Staff Council on R115-120</td>
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<tr>
<td>R118</td>
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<td></td>
<td>2nd half 2021</td>
<td>RM assumes involvement Union Staff Council on R115-120</td>
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<td>R119</td>
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<td>2nd half 2021</td>
<td>RM assumes involvement Union Staff Council on R115-120</td>
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<td>R120</td>
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<td></td>
<td>1st Half 2021</td>
<td>RM assumes involvement Union Staff Council on R115-120</td>
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<tr>
<td>R121</td>
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<td>2nd half 2021</td>
<td>RM assumes involvement Union Staff Council on R115-120</td>
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122. Court & ASP

123. Court & ASP

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148. ASP

149. ASP

150. ASP

RM proposes to assign discussion to the platform of the Budget facilitation with involvement of Arrears on R140, BMO and CBF.

1st half 2022

RM sees a link with R108, R125 and R131 and thinks it is advisable to deal with these 3 recommendations in conjunction.

1st half 2022

RM considers this as part of discussion on R122.

1st half 2022

RM sees a link between R108, R125 and R131 and thinks it is advisable to deal with these 3 recommendations in conjunction.

1st half 2013

RM points out that this is an ongoing commitment, See also R87.

2nd half 2021

See also R87. This is a continuous commitment.

1st half 2022

RM sees a link between R108, R125 and R131 and thinks it is advisable to deal with these 3 recommendations in conjunction.

1st half 2013

RM sees a link with recommendations on unified governance especially R 4.

1st half 2012

RM sees a link with recommendations on unified governance especially R 4.

1st half 2022

RM sees a link between R108, R125 and R131 and thinks it is advisable to deal with these 3 recommendations in conjunction.

1st half 2021

RM sees a link between R108, R125 and R131 and thinks it is advisable to deal with these 3 recommendations in conjunction.

1st half 2022

RM sees a link between R108, R125 and R131 and thinks it is advisable to deal with these 3 recommendations in conjunction.

1st half 2022

RM sees a link between R108, R125 and R131 and thinks it is advisable to deal with these 3 recommendations in conjunction.

1st half 2021

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<tr>
<th>144</th>
<th>Court &amp; ASP</th>
<th>Court + SGG</th>
<th>2nd half 2022</th>
<th>May be related with Budget Management Oversight.</th>
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</thead>
<tbody>
<tr>
<td>145</td>
<td>Court &amp; ASP</td>
<td>Court + SGG</td>
<td>2nd half 2022</td>
<td>Court’s comment: By 17 June 2021 OTP and Registry will present the Court’s KPI report including an initial response to the recommendation (SGG meeting). By October 2022 the Court will provide an update on the assessment and implementation of the IER Recommendations related to KPIs (to the SGG) for consideration of the ASP in December 2021.</td>
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### A. Efficiency & Effectiveness

<table>
<thead>
<tr>
<th>146.</th>
<th>All Major Programmes should develop concrete and measurable KPIs, in relation to the strategic goals identified in the Court’s or relevant Registrar’s specific Strategic Plans, following the Registry model.</th>
<th>Court &amp; ASP</th>
<th>Court + SGG</th>
<th>2nd half 2022</th>
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<tr>
<td>147.</td>
<td>To assess the Court’s efficiency, a report presenting raw data based on quantitative indicators should be compiled. The data should be presented in a coherent, consistent and reader-friendly manner. The document should be available to the Oversight Committee, the States Parties, data collection and presentation should be standardized, to enable comparison across several years. Review of KPIs based on lessons learnt should take into account this need for stability in data.</td>
<td>Court &amp; ASP</td>
<td>Court + SGG</td>
<td>2nd half 2022</td>
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<tr>
<td>148.</td>
<td>To enable comparison with other international organisations, including other international courts and tribunals, the Registrar should engage in dialogue with various such institutions and agree on the type of indicators that can be tracked and shared (e.g. with other international courts - number of days of Courtroom use; with other international organisations - staff engagement, sick leave).</td>
<td>Court</td>
<td>Court</td>
<td>2nd half 2022</td>
</tr>
<tr>
<td>149.</td>
<td>Assessing the Court’s impact should be delegated to external partners (civil society organisations, academia, international/regional organisations), and encompass quantitative and qualitative indicators. Such efforts could be funded through voluntary contributions.</td>
<td>Court &amp; ASP</td>
<td>Court + SGG</td>
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### C. Communications Strategy - Outreach Strategy

| 150. | The OTP should consider establishing a focal point for maintaining bilateral relations with the CSOs, and responding to their information needs. | Court & ASP | Registry + RM | 1st half 2022 |
| 151. | The OTP should appoint a field staff member to be responsible for relations with relevant CSOs and the media, jointly with the Registry’s Outreach staff. | Court | Registry | V | 2nd half 2022 |
| 152. | Consideration should be given to hosting regional workshops for CSO and local media representatives on the Court’s legal framework, evidentiary standards, and collection of information. | Court | Court | 2nd half 2022 |
| 153. | Consideration should be given to making sufficient resources available for maintaining relations with CSOs, jointly across the Court’s Organs. | Court | Court | 1st half 2022 |
| 154. | The OTP should consider establishing a focal point for maintaining bilateral relations with the CSOs, and responding to their information needs. | Court | Court | 1st half 2022 |
| 155. | The OTP should appoint a field staff member to be responsible for relations with relevant CSOs and the media, jointly with the Registry’s Outreach staff. | Court | Court | 1st half 2022 |
| 156. | Outreach programs and activities should be built into the program budget of any new investigation, to ensure that this dimension of the case is not ignored. Given the importance of the support of complementary intelligence and evidence-gathering activities, this dimension should be adequately funded. | Court | Court | 1st half 2022 |
| 157. | Relationships with CSOs should be formalised, similar to the Guidelines Governing the Relations between the Court and the Intermediaries. | Court | Court + RM | 1st half 2022 |
| 158. | Paid visiting professional positions dedicated to journalists/media professionals from situation countries could also contribute to increasing the internal and external capacity of the Court to communicate directly with the situation countries, and especially the victims. | Court & ASP | Court + RM + Budget | 1st half 2022 |

### E. Relations with the United Nations & Role of the Court's New York Liaison Office to the UN (NYLO)

| 159. | The Court leadership should decide on and identify a focal point in The Hague responsible for relations with the UN Secretariat. | Court | Court | 2nd half 2021 |
| 160. | The Court should consider an institutional platform for discussion in relation to the UN’s General Assembly, the Security Council, the Human Rights Council and the Peacekeeping and Special Political Committee. | Court & ASP | Registry + RM | 1st half 2022 |
| 161. | The Court should maintain a practice of engaging actively with other relevant regional bodies. | Court | Court | 1st half 2022 |
| 162. | Consideration should be given to making sufficient resources available for maintaining relations with CSOs, jointly across the Court’s Organs. | Court | Court | 1st half 2022 |
| 163. | Consideration should be given to hosting regional workshops for CSO and local media representatives on the Court’s legal framework, evidentiary standards, and collection of information. | Court | Court | 1st half 2022 |
| 164. | Outreach programs and activities should be built into decisions to pursue particular investigative activities from the start, giving the critical importance of the support of complementary intelligence and evidence-gathering activities, this dimension should be adequately funded. | Court | Court | 1st half 2022 |
| 165. | Outreach activities should be built into the program budget of any new investigation, to ensure that this dimension of the case is not ignored. Given the importance of the support of complementary intelligence and evidence-gathering activities, this dimension should be adequately funded. | Court | Court | 1st half 2022 |

### D. Relations with Civil Society and Media Organisations

| 159. | During Court/OTP official visits to situation countries, side-events with local CSOs and media should be organized. | Court | Court | 1st half 2022 |
| 160. | Relationships with CSOs should be formalised, similar to the Guidelines Governing the Relations between the Court and the Intermediaries. | Court | Court | 1st half 2022 |
| 161. | Paid visiting professional positions dedicated to journalists/media professionals from situation countries could also contribute to increasing the internal and external capacity of the Court to communicate directly with the situation countries, and especially the victims. | Court & ASP | Court + RM | 1st half 2022 |
| 162. | A scholarship/grant fund for journalists from situation countries could be considered, to enable them to report from The Hague for limited periods of time. | Court & ASP | Court + RM + Budget | 1st half 2022 |

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For more information on recommendations to RM as platform for discussion, see R162.
The Court should develop communication materials to be shared during outreach activities, according to the specific Outreach Strategy. Such materials should cover:
(a) The role and mandate of the Court;
(b) The role and mandate of the OTP and its strategy;
(c) The goals and steps of PIS investigations;
(d) The specific progress of PIS investigations in a given situation;
(e) Next steps envisioned within each PIS investigation;
(f) The rights of victims in the Rome Statute system, at each stage of the proceedings;
(g) The independent character of the OTP and the parameters under which the Court can and cannot act in relation to different country situations.

The Court should consult the PIS in designing its outreach activities to ensure a coordinated approach and avoiding overlaps.

In order to improve media access to the Court/OTP, the Court/OTP should simultaneously host video press conferences with situation/regional countries.

G. External political measures against the Court

The ASP and States Parties should develop a strategy for responding to attacks on the Court by non-States Parties, and should be prepared to speak up in the Court’s defence, given that its dignity and political impartiality seriously inhibits its ability to defend itself against untruthful and biased attacks. The ASP and States Parties could further conduct public information campaigns in their countries, with support from the Court’s PIS in developing communication materials.

VIII. ELECTION OF THE PRESIDENCY

A. Induction and continuous professional development

The Presidency should undertake, as a matter of priority, a review directed to update and strengthen the Code of Judicial Ethics. The Presidency should include in the Code an express prohibition of inappropriate campaigning and pledges, promises or indications in the election of the Presidency and for any other judicial leadership position.

The Presidency should, in reviewing the Code, consider comparable Codes of other international criminal tribunals and courts, as well as regional and national courts, and take into account lessons learnt and other relevant developments.

The Presidency should consider including in the Code a provision requiring its review and update at least every five years.

The Presidency should consider developing further the Annual Judicial Seminar, including its content, duration and participants from States Parties’ highest courts.

B. Judicial collegiality

The Presidency should, with the assistance of the Registrar, give priority to and ensure effective succession planning of Judges.

C. Code of judicial ethics

The Presidency should undertake, as a matter of priority, a review directed to update and strengthen the Code of Judicial Ethics. The Presidency should undertake in this case an express prohibition of inappropriate campaigning and pledges, promises or indications in the election of the Presidency and for any other judicial leadership position.

The Presidency should consider including in the Code a provision requiring its review and update at least every five years.

D. Judicial independence

The Presidency and the Presidents of the Divisions and Chambers should act as a matter of priority actively and continuously promote a more cohesive judicial culture of collegiality in the discharge of the judicial functions of Judges and Chambers.
186. The Presidency should consider including or reintroducing collegially as a subject for facilitated discussion among Judges at the Induction Programme for new Judges, the Judges’ Venue Retreat or other judicial professional-development events.

187. The Presidency should consider the incorporation of a reference to collegiality in the Code of Judicial Ethics.

188. The Presidency should, in consultation with the Judges, consider more specific measures and the issuance of guidelines designed to foster collegiality, including improvements in the quality of the working relationships, through (i) improved methods and means of communications, (ii) increased intra-Chamber and extra-Divisional dialogue and discussions, (iii) augmented extra-Divisional consultations, (iv) promoting the awareness that lack of collegiality leads to dysfunctionality of Chambers, affects the final result of their work and as a consequence also the credibility of the Court, and (v) reinforcement of mutual respect and trust among Judges, and between Judges and Court.

189. The system of Pre-Trial disclosure of evidence and all related matters, including redaction and other relevant protocols, should be the subject of urgent review by a Review Team which should be chaired by a Judge and should include a senior prosecutor, a senior member of Chambers staff, the Head of the OTP and the President or nominee of the ICCBA with a view to making recommendations to render the system more predictable and expeditious.

190. Judges should consider in connection with the preparation of the Chambers Practice Manual to incorporate a provision to the effect that, if the Prosecution supports the Chambers in supporting the Prosecution in preparing the Chambers Practice Manual.

191. Throughout the conduct of confirmation proceedings, Judges should have regard to the purpose of the confirmation process as a filter for inadequately supported charges and to ensure the fair trial rights of the accused, including by conducting efficient and expeditious proceedings leading to a clear and unambiguous confirmation of charges decision.

192. Judges should issue guidelines to ensure that the timelines for the purposes of Topical Matters (TM), and the hearing thereof throughout the conduct of all proceedings, unless there are compelling reasons for being unable to do so.

193. The presentation of evidence for the purposes of confirmation of charges, the parties’ submissions thereof, the hearing thereof and language more prescriptive and identifying provisions which could suitably be incorporated into binding Regulations of the Court. The Manual should be amended to provide that its remaining contents should be adhered to unless the Chamber considers that it would be contrary to the objectives of efficiency, expeditiousness or fair trial.

194. Reform the management of the text language of the Chambers Practice Manual to provide for the appointment of an amicus curiae or independent expert to support the Chambers in their work, in circumstances where the Prosecution is alleged, in circumstances where there is a potential conflict of interest for the Prosecution.

195. It is recommended that a rule should be drafted to provide for the appointment of an amicus curiae or independent expert to support the Chambers in their work, in circumstances where there is a potential conflict of interest for the Prosecution.

196. Judges should consider whether desirability is the appropriate standard for representations by an amicus curiae and whether Chambers should be required to give 100 days for authorising an amicus curiae to make submissions and, where necessary, for selecting those to whom authority is given (EPP, Rule 103(1)).

197. It is recommended that a rule should be drafted to provide for the appointment of an amicus curiae or independent expert to support the Chambers in their work, in circumstances where there is a potential conflict of interest for the Prosecution.

198. Judges may take the lead on this, but OTP, OPCD and ICCBA to be involved.

199. An occasional symposium among Judges of the Pre-Trial Division, members of the OTP and defence counsel in active and/or previous cases before the Court would provide a suitable forum for discussion of topical matters relating to the work of the Pre-Trial Division.

200. Change in desirability standard may require change to Rule 103(1) of the RPE with ASP involvement, but Court to take the initial step.

201. An occasional symposium among Judges of the Pre-Trial Division, members of the OTP and defence counsel in active and/or previous cases before the Court would provide a suitable forum for discussion of topical matters relating to the work of the Pre-Trial Division.

202. Change in desirability standard may require change to rule 103(1) of the RPE with ASP involvement, but Court to take the initial step.

203. Change in desirability standard may require change to rule 103(1) of the RPE with ASP involvement, but Court to take the initial step.

204. Change in desirability standard may require change to rule 103(1) of the RPE with ASP involvement, but Court to take the initial step.

This recommendation can be prioritized given the extant lacuna, and the work done by SGG already in 2014. See related R381-R384 as well. ASP lead; Judiciary urges this to be a top priority and stands ready to engage in consultations.
Proposed platform for the assessment of the recommendations: SGG.

R207. Budgetary provision should be made for the completion and on-going update and development of the Case Law Database.

R208 to R211 are linked and prioritisation should be extended recognizing the linkage, and the importance of technology in the judicial process, and the principle of fairness. From the Court’s view, this recommendation is to be considered in the context of the exercise envisaged in R209.

1st half 2022

R209. Following delivery of the first modules of the JWP in 2021, the Registry should develop a plan for regular review and evaluation of the current capabilities of the Court's digital systems in light of developments in digital technology with a view to taking timely and appropriate steps to update digital support to ensure efficiency and expeditiousness of proceedings. In order to ensure successful implementation of such plans, a Task Force, comprising staff from both Chambers and the Registry, IT Department should be set up. That Task Force should also be entrusted with the responsibility for identifying working methods and technological tools that could potentially be introduced for use in Chambers and proceedings. The OIP and Defence Office should be consulted as appropriate. The Task Force should issue an annual report and share this with the Judges and all Chambers staff.

1st half 2022

R210. Chambers and the Registry should develop a consistent practice of recording oral decisions made in judicial proceedings in a digitally searchable database, numbering them and notifying the parties of the details thereof.

1st half 2022

R211. The JWP Project Board should facilitate the widest possible access to the JWP for external legal teams.

1st half 2022

R212. The VPRS should intimate to all potential clients their willingness to provide VAMS services more directly through the provision of relevant user accesses.

1st half 2022

R213. The VPRS should consider allowing for additional users in the VAMS to facilitate adoption and use, and the VPRS should consult with relevant stakeholders as appropriate.

1st half 2022

R214. The Rome Statute should be amended to provide for the assignment of a substitute Judge to enable a trial to continue following the substitution of a Substitute Judge without a trial or appeals being adjourned, suspending decisions on sustainability and procedure issues which may be subject to interlocutory appeal, as well as clarification of the cases in which the proceedings should be stayed for the time necessary to adjudicate the interlocutory appeals.

1st half 2022

R215. When the workload of the Court develops to the point where it no longer allows for a substitute Judge to be assigned from the 18 regularly elected, the ASP should consider applying Article 36(2) and electing one or more Judges for such purpose.

1st half 2022

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

R217-R218 prioritized by the IE, and Court in the overall response noted that due attention will be accorded to R217 in future discussions on working methods.

R218. Before departing from practice or jurisprudence approved by the Appeals Chamber, the Chamber should be required, by procedures stated in a Regulation of the Court, to identify the point precisely in a written notice to parties requesting written submissions thereto. Argument should be heard before deciding the point either as a preliminary issue or in the course of the appeal. In the event that the Chamber is faced with inconsistent decisions of the Appeals Chamber or in a case, the same process should apply. In the long term, consideration should be given by the ASP to amending the Rome Statute by increasing the Appeals Chamber to seven Judges in order to address important issues including such as conflicts in previous decisions.

1st half 2022

R219. The Presidency should encourage the development within Chambers of a genuine deliberation practice.

1st half 2022

R220. Deliberations and Judgment drafting should begin upon the constitution of the relevant Trial/Appeals Chamber and be a continuous process grounded on the instructions and directions generated through on-going deliberations by the Judges, and should follow the judgment structure and Writing Guidelines as set out in the Chambers Practice Manual.

1st half 2022

R221-224 are linked, should be clustered and prioritized as per the Annex 1A of the IER report. Court noted that recommendation already implemented or being implemented.

1st half 2022
R223. Chambers should be required to circulate the final draft of the proposed judgment among all the Judges of the Chamber, sufficiently in advance of the judgment being issued, to enable any Judge, who intends to issue an opinion separate from the judgment of the Chamber, to have time to finalise and circulate that judgment to other members of the Chamber before the judgment is finalised.

R224. Guidelines as to the length and content of all forms of separate opinions should be introduced into the Chambers Practice Manual.

R225. The Judges should keep the Judgment Structure and Drafting Guidelines under constant review and update them regularly in light of their ongoing experience.

A. Initial situation and case selection: Preliminary Examinations

R226. The Prosecutor should develop a policy on the criteria relevant to the opening of a PE based on Article 15 communications (PE Phase 1) and include it in an update to the Policy Paper on Preliminary Examinations.

R227. In order to address the disparity between the OTP resources and the high number of PEs resulting in investigations, the Prosecutor should consider adopting a higher threshold for the gravity of the crimes alleged to have been perpetrated. Gravity should also be taken into account at Phase 1 of PEs.

R228. Feasibility should not be taken into account with regard to PE assessments.

R229. As a general point, in the prioritization of OTP-specific recommendations the approach taken by the Court focal points is to aim at operational improvements that are already being initiated or that are logical, from the perspective of how to strengthen the work of the OTP presently. This approach is taken with the Court focal points being mindful of the transition in the OTP and the possibility of the new Prosecutor having a view on those recommendations.

R230. The OTP should consider establishing a hierarchy among the criteria for case selection. The criteria of highest importance might be considered to be: (i) the gravity of the crimes (in line with the Policy Paper); (ii) the strength and diversity of the evidence (currently included only in relation to case prioritization); and (iii) the degree of responsibility of potential suspects.

R231. The OTP should consider retaining an evidential strength, giving priority to the cases where the strongest evidence, in particular non-testimonial evidence, such as intercepts, contemporaneous videos and forensic records, and the hierarchical rank of the accused (‘mid’- and ‘high-level perpetrators’).

R232. The OTP should consider more transparency with regard to its approach to assessing the degree of responsibility for crimes (‘those most responsible’) and the hierarchical rank of the accused (‘mid’- and ‘high-level perpetrators’).

R233. As part of a larger situation strategy, prosecuting mid-level perpetrators might be appropriate in terms of effectiveness, fighting impunity, and developing judicial independence. Where notorious or mid-level suspects are prosecuted, consideration should be given to their role in the overall strategic planning for the situation.

R234. Charges should be concise and well-grounded on the available evidence. They should be limited to those charges in respect of which the evidence is the strongest.

R235. Changes should be concise and well-grounded on the available evidence. They should be limited to those charges in respect of which the evidence is the strongest.

R236. The OTP should consider limiting the scope of the cases temporally, geographically, and with regard to modes of liability.

R237. In line with the Court jurisprudence, the OTP should consider all modes of liability to be of equal seriousness and importance.

R238. The OTP should abandon policy considerations when determining the modes of liability, and focus on the mode of liability best supported by the evidence available.

R239. The OTP should develop guidelines concerning guilty pleas. Such guidelines should govern the situations in which guilty pleas would be acceptable having regard, in particular, to the seriousness of the crimes and any moral or ethical issues involved.
240. In order to improve the process of case selection and prioritisation, the OTP should:

(a) Complete the development of Case Selection Documents;
(b) Institute an annual cycle of input collection from Integrated teams regarding the status of their investigations, and their recommendations for case selection and prioritisation;
(c) Ensure that team-leaders (ID Team leader and PD Sector trial lawyer) are able to submit their views directly to the Prosecutor.

241. In order to be more strategic in its case selection, the OTP requires situation-specific strategic plans, which should include the goals of the OTP in relation to discrete investigations and prosecutions. In other words, the goals may be provisional at the outset of the investigation and develop as further evidence collection and analyses are conducted.

242. The OTP should consider developing a situation-specific case overview document, so that case selection or prioritisation decisions are made in the context of strategies developed for each discrete situation. In this regard, the analysis of crime patterns and structures are an important starting point, providing an overview of the incidents based on their gravity, temporal and geographical scope, as well as the structures of all the groups potentially responsible for the incidents.

C. Case prioritisation, hibernation and closure

243. The OTP should devise a policy for the prioritisation, de-prioritisation and hibernation of situations. It should contain the criteria and benchmarks to guide the strategic planning in each situation. Such plans should also include the activities that are necessary during the de-prioritisation or hibernation of a situation in order to ensure that the situation remains viable and capable of re-activation.

244. Feasibility-related factors should be seriously considered after the opening of an investigation. Should more situations reach the investigation stage than what the OTP can handle simultaneously, the OTP should consider developing a situation-specific case overview document, so that case selection or prioritisation decisions are made in the context of strategies developed for each discrete situation.

245. If the strategy for a situation is not successful for factors considered to be temporary, new investigation should be commenced or priorities re-assessed. A lack of success is due to factors assessed to be permanent, e.g. death of the accused or building up of national prosecuting capacity so that cases can be transferred, the investigation should be closed.

246. The OTP should determine and communicate to the ASP the resources required to de-prioritise or hibernate and/or reactivate a situation.

247. The following elements should be incorporated into the forthcoming OTP policy paper on completion:

(a) Coordination between the OTP, Registry, and TVU in devising and implementing completion strategies;
(b) Strategies to address the avoidance of impunity and support for local justice processes. The ASP should establish a working group to assist and support the Court in addressing impunity gaps and facilitating partnerships to develop domestic justice processes and maintenance of the rule of law;
(c) Strategies to facilitate evidence- and information-sharing with domestic courts and authorities;
(d) Consider developing a joint Outreach strategy for completion of situations by the OTP, in line with the Court-wide Outreach strategy (See supra Section VII.F Outreach Strategy).

248. Following the development of the OTP Policy Paper on Completion, the Office should consider integrating it into a wider and more comprehensive strategy for the ‘life-cycle’ of the OTP’s involvement in a given situation. It should reference all stages of the Court’s engagement, including PEs, investigations, prosecutions, and engagements with victims. This comprehensive strategy should also be translated into the Operations Manual for the OTP, with clear responsibilities defined for devising and implementing the situation-specific strategies, and for monitoring compliance therewith.

249. The OTP should ensure that when an investigation is opened, an implementation and completion strategy is in place.

250. The implementation and strategy plans should be included in the Key Performance Indicators.

251. In order to increase the efficiency of the handover process from the PES to AS in the conclusion of a PE, the OTP should institutionalise the practice of appointing an integrated team from Phase 2 of PEs to include a member from each of the IS, PD, and CC.

252. The OTP should harmonise the working methods of PES and AS in the IB. It should also consider adopting cross-functional analysis guidelines.

253. The OTP should encourage streamlining investigative recommendations to avoid unnecessary repetitive investigative actions, which impose on-going resource requirements, and to facilitate the smooth and efficient start-up of an investigation at the conclusion of a PE.

254. The OTP should consider carrying out the PE activities more holistically. There is little benefit to a phased approach (Phases 2-6). The OTP should consider reducing the number of separate reports produced by the PES, and combining the Phase 2-4 reports into a single PE report comprised of the assessment of subject matter jurisdiction, complementarity, gravity, and the interests of justice.

255. The OTP should consider adopting an overall strategy plan for each PE, with benchmarks and provisional timelines for all its phases and activities, including issues, and, if relevant, re-opening.

256. The strategy plan should include, at minimum: (i) the timeline of the PE with an estimate of the dates for delivery of the analytical reports to the Prosecutor; (ii) benchmarks and timelines for the assessment of complementarity; (iii) benchmarks and time limits for any responses requested from the state concerned; (iv) any missions (visits or other activities) apart from the analyses conducted at the seat of the Court, together with an estimate of the time and resources required for each of them (including unique investigative opportunities). It should be made apparent that such a plan retains flexibility and is subject to change, in the event of supervening material and substantial changed circumstances.

257. The strategy plan should be prepared on the basis that the PE is to last no longer than two years. This period can be extended by the Prosecutor, but only in exceptional and justified circumstances.

258. The strategy plan should be a living document, updated regularly throughout the course of the PA. Upon authorisation of an investigation, this plan should provide the foundation on which to build the OTP’s targets and strategies for the investigation. Upon the completion of the investigation, this plan should provide the basis for the OTP’s Annual Report on Preliminary Examination Activities.

259. The two-year time limit for a PE is relevant, since we should ensure that we have enough time to assess the need for investigations in the case of prosecution or in evidence. The ID member of the integrated team should be tasked with finding any unique investigative opportunities and, where possible, to initiate steps to ensure such evidence.

260. R241-R250 are linked and should be considered as a cluster. These recommendations may require the attention of the new Prosecutor, and consideration in the first half of 2022 should be made.
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<tr>
<td>263</td>
<td>R261. Compliance with the PE strategy plan should be included in the Key Performance Indicators of the OTP, and reported upon to the ASP.</td>
<td>Court</td>
<td>Office of the Prosecutor</td>
<td>V</td>
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<tr>
<td>264</td>
<td>C. Complementarity and positive complementarity</td>
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<td>266</td>
<td>R262. The OTP should not have regard to prospective national proceedings and focus solely on whether national proceedings are or were ongoing (Article 17). This would further align the admissibility criteria on complementarity with Article 17 of the Rome Statute ('...has been' conducted), and the requirements set out by the Appeals Chambers ('tumble-up' steps).</td>
<td>Court &amp; ASP</td>
<td>Office of the Prosecutor + Coop. (to facilitate discussions)</td>
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<td>267</td>
<td>R263. Time limits should be considered for states to comply with OTP requests during complementarity assessments, in combination with providing clear criteria of what the OTP requires in order to make an Article 17 determination.</td>
<td>Court &amp; ASP</td>
<td>Office of the Prosecutor + Coop. (to facilitate discussions)</td>
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<td>268</td>
<td>R264. Positive complementarity activities should not delay the opening of an investigation or closure of a PE. The OTP should consider positive complementarity operations to the extent of the strategy for the situations at all stages of proceedings, and not restricted to PEs. The OTP should consider whether positive complementarity activities would be more appropriate after an investigation is authorised.</td>
<td>Court &amp; ASP</td>
<td>Office of the Prosecutor + Coop. (to facilitate discussions)</td>
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<tr>
<td>269</td>
<td>R265. Positive complementarity should be considered in the design of completion strategies.</td>
<td>Court &amp; ASP</td>
<td>Office of the Prosecutor + Coop. (to facilitate discussions)</td>
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<td>270</td>
<td>D. Transparency of Preliminary Examinations</td>
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<td>271</td>
<td>R266. The OTP should continue with its current level of transparency in relation to PE activities: announcements of opening and closing each PE, annual report to the ASP, situation-specific updates and statements.</td>
<td>Court</td>
<td>Office of the Prosecutor</td>
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<td>272</td>
<td>R267. The Prosecutor should consider appointing an OTP focal point to be in charge of responding to queries and otherwise communicating with the civil society and other stakeholders during the PE. (See supra Section VII.D. Relations with Civil Society and Media Organizations).</td>
<td>Court</td>
<td>Office of the Prosecutor</td>
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<td>273</td>
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<td>274</td>
<td>R268. The ID should consider drafting a policy paper on OTP Investigations, combining the best practices and lessons learnt from its 18 years of practice. It should include its vision for the way forward. The policy paper should cover the principles, practices, standards, and strategies that should be applied in OTP investigations.</td>
<td>Court</td>
<td>Office of the Prosecutor</td>
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<tr>
<td>275</td>
<td>R269. The ID should develop long-term situation-specific investigative strategies that cover all stages of investigations from the opening of an investigation to probe de-prioritisation, triage, and closure of an investigation. These plans should have flexible benchmarks to monitor the implementation of the strategy.</td>
<td>Court</td>
<td>Office of the Prosecutor</td>
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<td>276</td>
<td>R270. The strategy should include, at minimum: (i) the goals of the investigation; (ii) the main incidents identified, and discrete investigative strategies for each incident; (iii) a matrix of the incidents identified, together with potential suspects, to form part of the case selection and prioritisation document; (iv) types and volume of evidence available, including evidence that might be obtained through financial, cyber, and other investigations; (v) analysis requirements in terms of software and resources; (vi) planned for an ID KIT presence; (vii) cooperation prospects, partners and stakeholders; (viii) prospects of arrest, assessment of tackling capabilities in relation to the situation; (ix) resources necessary to comply with the goals of the strategic plan; (x) closure and hibernation benchmarks and strategies.</td>
<td>Court</td>
<td>Office of the Prosecutor</td>
<td>V</td>
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<tr>
<td>277</td>
<td>R271. The OTP should consider requesting assistance from the ASP in raising the awareness of States Parties to the needs of the OTP. Best practices and lessons learnt should be shared.</td>
<td>Court &amp; ASP</td>
<td>Office of the Prosecutor + Coop.</td>
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<tr>
<td>278</td>
<td>R272. The OTP and the ASP should consider improvements in cooperation. Consideration might be given to the development of a uniform cooperation framework for all States Parties, or for regional groups of States (See R152 (a.111)).</td>
<td>Court &amp; ASP</td>
<td>Office of the Prosecutor + Coop.</td>
<td>V</td>
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<tr>
<td>279</td>
<td>R273. The OTP and the ASP could consider revisiting agreements with international and intergovernmental agencies with which the OTP engages frequently, such as the UNHCR and International Organisation for Migration.</td>
<td>Court &amp; ASP</td>
<td>Office of the Prosecutor + Coop.</td>
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<tr>
<td>280</td>
<td>R274. The OTP and the ASP should consider improving cooperation related recommendations.</td>
<td>Court &amp; ASP</td>
<td>Office of the Prosecutor + Coop.</td>
<td>V</td>
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<tr>
<td>281</td>
<td>R275. The OTP should consider a review of relevant domestic cooperation laws, procedures, and policies for the purpose of enabling cooperation with States Parties for evidence collection.</td>
<td>Court</td>
<td>Office of the Prosecutor</td>
<td>V</td>
</tr>
<tr>
<td>282</td>
<td>R276. The OTP could improve information sharing among court staff and investigators from States Parties, not only to improve capacity, but also to strengthen an informal network of contacts.</td>
<td>Court</td>
<td>Office of the Prosecutor</td>
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</table>

Proposed platform for the assessment of the recommendations: Complementarity

R264-R266 are linked and should be considered as a clustered. The entity responsible is the OTP and views on substance may be obtained from ASP and other stakeholders. This can be done through the Complementarily facilitation. Note further that R263, R262 is prioritised by the IE and certainly represent an important recommendation. With the transition in the OTP, assessment by 1st half of 2022 affords the new Prosecutor the opportunity to express a view (if any) on the said recommendations, and for the OTP to take the lead as the “entity identified as responsible for implementation” (see preambular para. 6 of resolution 19/7).

R263 is actionable and substance addressed in the draft OTP Policy Paper on Completion Strategy. This recommendation may therefore be assessed before ASP20.

The OTP should continue with its current level of transparency in relation to PE activities: announcements of opening and closing each PE, annual report to the ASP, situation-specific updates and statements.

Although a priority as suggested by Cooperation facilitation, time may be needed for the OTP to go through the transition and provide the information necessary for the substantive assessment of the recommendation. The recommendations are being put into practice by the OTP with possible further development (Court overall response).

Although R274-R275 are identified as priorities, they may be addressed together with other cooperation related recommendations. The recommendations are being put into practice and could be enhanced following assessment.

The OTP should consider revisiting agreements with international and intergovernmental agencies with which the OTP engages frequently, such as the UNHCR and International Organisation for Migration.

The OTP could improve information sharing among court staff and investigators from States Parties, not only to improve capacity, but also to strengthen an informal network of contacts.

Cooperation facilitation, time may be needed for the OTP to go through the transition and provide the information necessary for the substantive assessment of the recommendation.
V. OTP INTERNAL QUALITY CONTROL MECHANISMS

A. Evidence assessment and analysis

299. The important role of analysis should be recognised and valued by the OTP. Collection of evidence should be analysis-driven to avoid over- and under-collection. It would also support evidence-led, rather than target-led, investigations.

300. Analysts should play a key role in the preparation of cases. They should assist in the formation of factual hypotheses and theories, and help guide the collection of evidence.

301. Analysts should contribute to the OTP’s internal quality control mechanisms. For example, they should receive feedback from the senior analyst on each team.

302. Analysts should be encouraged to attend internal training courses on evidence analysis.

303. Analysts should be encouraged to attend external training courses on evidence analysis.

304. Analysts should be encouraged to attend external training courses on evidence analysis.

305. The OTP should consider increased monitoring of internal evidence reviews. They should be mandatory in every investigation and trial preparation, and not be dependent on the case or case type.

306. Analysts should be encouraged to attend external training courses on evidence analysis.

307. Reporting on compliance with source evaluation of witnesses should be included in the OTP report on Key Performance Indicators.
R308. Peer evidence reviews should be made more efficient and meaningful by:
(i) Allowing more time for the panels to prepare for the reviews. The minimum preparation time for review should be two weeks;
(ii) including analysts and investigators in the preparation and consideration of reviews. The ID staff should lead the discussions on evidentiary/fact-finding questions, while the ID staff would lead on the legal analysis;
(iii) considering moving F-2/F-3/F-4 staff into the panels, in order to optimize the time available for preparation of the review. Allowing more junior grade staff to participate would also be a positive recognition of their work;
(iv) in appointing members of review panels, consideration should be given to the situation or regional expertise of possible panel members.

R309. The OTP should consider surveying the practices employed by the trial teams to date, to develop a comprehensive and consistent approach to the manner in which trial teams prepare for witness examinations, presentations of complex evidence, and oral arguments.

R310. The OTP should institute a process of rigorous testing of the trial readiness of cases between the confirmation of charges and the commencement of the trial (Currently, the peer evidence reviews are mandatory at the stages before filing an Application for Warrant of Arrest (AWA), and before filing the Document Containing Charges (DCC)).

R311. The OTP should consider surveying the practices employed by the trial teams to date, to develop a comprehensive and consistent approach to the manner in which trial teams prepare for witness examinations, presentations of complex evidence, and oral arguments.

R312. The OTP should record all the findings of the above in the lessons learnt portal.

R313. The OTP should review the guidelines relating to lessons learnt, and consider making adherence to the process either mandatory and/or part of the performance appraisal of managers.

R314. Apportion a senior staff member of the OTP management to be responsible for monitoring compliance with lessons learnt.

R315. Incorporate lessons learnt into the work of the teams.

R316. Consider the incorporation of lessons learnt into the workflow of the teams, at the level of continuous improvement. Note that this does not mean simply recording the practices/practical actions reported to bring members/at the level or at a case, being immutably transposed to other cases and consequently not being available to consider lessons learnt.

R317. Consider the incorporation of lessons learnt into the workflow of the teams, at the level of continuous improvement. Note that this does not mean simply recording the practices/practical actions reported to bring members/at the level or at a case, being immutably transposed to other cases and consequently not being available to consider lessons learnt.

R318. Consider ways to maintain the investigations jurisprudence report. Consider assigning a junior qualified staff member to maintain this project.

R319. Adherence to the jurisprudence should be integrated as lessons learned and new staff should be introduced to the relevant jurisprudence.

R320. Although accused have mainly been represented by private, external Defence Counsel, appointed from the List of Counsel maintained by the Court, the possibility for the OPCD to be appointed as public Defence Counsel (duty counsel) should be maintained.

R321. In light of KICTAN’s recognition as the Bar of the Court, its role in the annual training for counsel ought to be formally recognised. Further, consideration should be given to having an elected ICSDA representative as a member of the Advisory Committee on Legal Tests (ACLT).

R322. Regarding the role of the OPCD, the Court should consider ways to ensure that, as far as practicable, the OPCD is responsible for representation of the defence to the extent determined by the Court. The OPCD is currently involved in the representation of the defence in a limited capacity, primarily in the areas of legal aid and assistance, as the OPCD currently has, and represents defence interests within the Court, as for example through attendance in CoC meetings (See R11 (p.22)) and representing the Defence in the ACLT. This would also resolve the difficult position the OPCD is in, having to represent the Defence while maintaining its neutrality.

R323. The Defence Office would further be responsible for oversight, capacity building and strategic development for defence representatives before the Court.

R324. The Defence Office would further be responsible for oversight, capacity building and strategic development for defence representatives before the Court.

R325. It is further recommended that the PIOS enables Defence-generated press releases on the Court’s website, in the spirit of institutional equality of arms.

R326. Finally, in developing the Court’s public Information and outreach strategies, the Defence Office should also be consulted, to ensure such communication efforts respect the principles of fair trials and presumption of innocence.
R328. Renewed efforts, taking into account past assessments and consultations already carried out, should take place to finalise the reform of the legal aid policy. It should be accessible, effective, sustainable, and credible, including ensuring equality of arms with the Prosecution and adequate facilities to Defence teams to prepare and conduct a effective defence. A full reform of the Policy is recommended, rather than only updating numbers. Otherwise, the topic will return to the ASP agenda in the coming years. The reform should be carried out and finished with the help of a working group composed of individuals with specific experience working with defence and victims and legal aid policies before international courts, nominated by the Registrar, OPCD, OPCV, and ICCBA. The working group should not begin its work within close limits (e.g. budgetary limitations).

R329. Decisions on interpretations and application of legal aid should be made accessible to other Defence and Victims' teams, with any needed redactions that might be necessary, to ensure uniform application of the policy.

R330. The current framework and operation of the finances regarding financial investigations on suspects and accused persons should be reviewed, to ensure increased efficiency. It should also be brought into closer working-relation to other units within the Court that collect information that might be relevant.

R331. Additional resources are needed in the Registry to strengthen and complete the sole Financial Investigator position, as well as the Registry’s capacity to support States Parties in implementing cooperation requests in this field. For this, the Experts recommend that the Court make use of seconded personnel with specific expertise. The Experts note that strengthened Registry capacity in this area would contribute to lowering legal aid costs.

R332. States Parties to the Rome Statute have a role to play in ensuring that declarations of indigence by prosecuted persons are honest and that assets, including property of the prosecuted persons are secured pending the result of the trial. The Court should consider monitoring claims or proceedings held regarding former or current服者, especially young professionals and women. Alongside the maximum rate indicated in the legal aid policy per role, a minimum rate should also be foreseen. The use of the money provided by the Court in terms of legal aid should respect different functions, while not being discriminatory.

R333. The relationship between the Court and support staff assisting external victims’ teams should be formalised by granting them SSA contracts or consultant status.

R334. The relationship between the Court and support staff assisting external victims’ teams should be formalised by granting them SSA contracts or consultant status.

R335. As recommended elsewhere, in line with the One-Court principle, the Court wellbeing framework (including for example the system forsworn by the Administrative Inspector on harassment, access to ODH) and disciplinary procedures should be extended to support staff (See supra Section IV.C(3) Governance A.4. Judicial Council of the Court R131 (p. 2021).

VII. 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

R336. The VPRS should be recognised as the lead entity charged with tracing and identifying further victims with claims for reparation during the reparations phase.

R337. In particular, in a case where normally applications would be collected from the time of the submission of the DCC, the date of commencement should be advanced to more than 48 hours before the relevant hearing.

R338. Victims admitted to participate in proceedings should be automatically admitted to participate in any other case opened within the same situation for more than 48 hours before the relevant hearing.

R339. The standing coordination body (See R350 (p.111)) should carry out a full appraisal of the effectiveness of the scheme with the aim of facilitating the meaningful participation of the maximum possible number of victims in proceedings.

R340. In consideration of this, the Court recommends that the newly established OPCD be linked to R328. The SUC should have a role in the consideration and taking appropriate action on R335. Noted that the ICCBA is engaged with Registry on the topic. OPCD may also play a role for Defence teams support staff.

R341. Consideration should be given by the Registry to extending the range of proceedings in which the Court can appoint counsel for victims to include preliminary examinations and requests for authorization to open an investigation.
<table>
<thead>
<tr>
<th>Recommendation</th>
<th>Author(s)</th>
<th>Due Date</th>
<th>Description</th>
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<tbody>
<tr>
<td>R343</td>
<td>Court</td>
<td>2nd half 2022</td>
<td>The Court should, in the context of its judicial proceedings, and as a priority, further the development of consistent and coherent principles relating to reparations in accordance with Article 75(1) of the Rome Statute.</td>
</tr>
<tr>
<td>R344</td>
<td>Court &amp; ASP</td>
<td>2nd half 2022</td>
<td>The Presidency should incorporate in the Chambers Practice Manual standardised, streamlined and consistent procedures and best practices applicable in the reparations phase of proceedings.</td>
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<tr>
<td>R345</td>
<td>Registry &amp; OPCV</td>
<td>2nd half 2022</td>
<td>The Court and the ASP should incorporate in the RPE or any other statutory text that reparations proceedings under Article 75 (Reparations to victims) and subsection 4 (Reparations to victims) of section III, Chapter 4 of the RPE, shall not be stayed pending an appeal against conviction and/or sentence, with proper safeguards for the fundamental rights of the accused or appellant.</td>
</tr>
<tr>
<td>R346</td>
<td>Registry + OPCV</td>
<td>2nd half 2022</td>
<td>Increased investment should be made in, and more value drawn from, an early and proper completion, collection and processing of the combined standard application form for victim participation and reparations. The more complete the information gathered on the form, particularly on questions 6 and 7, including the collection of proper supporting documentation, the more facilitative it would be for subsequent use, in the eventuality of a conviction, in the reparations phase and in expediting the implementation of reparations.</td>
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<tr>
<td>R347</td>
<td>Registry + OPCV/TFV</td>
<td>2nd half 2022</td>
<td>The TFV and its Secretariat: Governance and functioning</td>
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<tr>
<td>R348</td>
<td>Registry + OPCV</td>
<td>2nd half 2022</td>
<td>There should be continued identification and collection of applications from victims who wish to join the reparations process, even after the final time limit before the commencement of the trial set by the Trial Chamber, has elapsed.</td>
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<tr>
<td>R349</td>
<td>Registry + OPCV</td>
<td>2nd half 2022</td>
<td>The TFV should promptly finalise and publish a Strategy Document, aligned with the Court's and with relevant KPIs (See also R5 (p.19) and R144 (p.117)).</td>
</tr>
<tr>
<td>R350</td>
<td>Registry + OPCV</td>
<td>2nd half 2021</td>
<td>The Registry should intensify efforts to identify, and register reparations experts on its list of experts under Regulation 4 of the Regulation of the Court.</td>
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<tr>
<td>R351</td>
<td>Court (Registry + OPCV +TFV)</td>
<td>2nd half 2022</td>
<td>The Court should encourage the Registry, TFV, LRV, OPCV, TFV and the Defence to appropriately enter into Protocols that would enhance the efficiency and effectiveness of reparations proceedings in all its phases.</td>
</tr>
<tr>
<td>R352</td>
<td>Court &amp; ASP</td>
<td>2nd half 2021</td>
<td>The TFV and its Secretariat: Governance and functioning</td>
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<td>R353</td>
<td>TFV</td>
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<td>The TFV should promptly finalize and publish a Strategy Document, aligned with the Court's and with relevant KPIs (See also R5 (p.19) and R144 (p.117)).</td>
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<td>R354</td>
<td>TFV</td>
<td>2nd half 2021</td>
<td>The TFV should also review the level of involvement and oversight it wishes the Board of Directors to provide the TFV, and resource it accordingly. The outcome of the assessment of R359 will inform the manner in which R339 will be assessed, and the standing coordination body may be the forum for the consideration of other-related recommendations (R212, R347, R358).</td>
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<td>R355</td>
<td>Court TFV</td>
<td>2nd half 2021</td>
<td>The TFV should develop as soon as possible a comprehensive and effective fundraising strategy that includes as targets private donors (e.g. large foundations and non-governmental organisations). The strategy should further anticipate engagement with civil society organisations, aiming to benefit from their position as multipliers for the purpose of obtaining additional funds for the TFV.</td>
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<td>R356</td>
<td>Court TFV</td>
<td>2nd half 2021</td>
<td>The ASP should also review the level of involvement and oversight it wishes the Board of Directors to provide the TFV, and resource it accordingly.</td>
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<tr>
<td>R357</td>
<td>ASP TFV</td>
<td>2nd half 2021</td>
<td>The ASP should also review the level of involvement and oversight it wishes the Board of Directors to provide the TFV, and resource it accordingly.</td>
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<tr>
<td>R358</td>
<td>Court Registry + OPCV + TFV</td>
<td>2nd half 2021</td>
<td>The Standing Coordination Body should also facilitate the drafting and adoption of Manuals and Standard Operating Procedures on Reparations to Victims and on Assistance to Victims. These instruments should aim to assist Chambers in conducting efficient reparations proceedings through consistent application of judicial principles; bring clarity as to division of responsibilities between relevant actors; set out principles and guidelines for decisions on reparations and assistance; provide a practical basis for handling all reparations and assistance projects; and best practices and lessons learnt from past TFV activities, as well as from the experience of other similar projects carried out by third parties. In this process, and especially on the latter point, the Court is also encouraged to consult with local CSOs working with victims.</td>
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**Note:** For R344, and others including R345, R346, R351 within the judicial sphere, or the Registry’s judicial support function as in R45F, R45H and R45J, a collaborative coordination with the TVC is recommended.
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<th>Title</th>
<th>Description</th>
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<tr>
<td>1st half 2022</td>
<td>R361</td>
<td>Cooperation between the Court and the ASP needs to be encouraged by the implementation of the recommendations in this Report and by stronger political support for the Court by States Parties.</td>
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<td>361</td>
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<td>1st half 2022</td>
<td>R362</td>
<td>The Court should adopt the legitimate authority of the ASP to decide its budget and should tailor its activities to match the resources available.</td>
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<tr>
<td>2nd half 2021</td>
<td>R363</td>
<td>A discussion among stakeholders (Court, States Parties and civil society) should be convened on the strategic vision for the Court for the next ten years, which will enable the Court and the ASP to focus their efforts on implementing the Rome Statute in the same direction. An outcome of the discussion should be agreeing on the level of activity that the Court is expected and desired to reach in ten years’ time and the steps (resources, cooperation and institutional developments) that need to gradually occur for the organization to reach that point.</td>
<td>R363. A discussion among stakeholders (Court, States Parties and civil society) should be convened on the strategic vision for the Court for the next ten years, which will enable the Court and the ASP to focus their efforts on implementing the Rome Statute in the same direction. An outcome of the discussion should be agreeing on the level of activity that the Court is expected and desired to reach in ten years’ time and the steps (resources, cooperation and institutional developments) that need to gradually occur for the organization to reach that point.</td>
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<tr>
<td>1st half 2022</td>
<td>R364</td>
<td>Proposal for the assessment of the recommendations in part XX: SGG</td>
<td>R364. The Court and the OIA should be given enhanced authority and resources to be able to better carry out their functions.</td>
<td>364</td>
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<tr>
<td>1st half 2022</td>
<td>R365</td>
<td>Budget, resource management and operational structures need to ensure effective and fair cooperation with the Registrar and other relevant oversight bodies.</td>
<td>R365. The Audit Committee and the CBF can be merged into one Organ of budgetary control and audit; the mandate of CBF – Audit Committee members should be extended to a five-year, non-renewable term.</td>
<td>365</td>
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<tr>
<td>1st half 2022</td>
<td>R366</td>
<td>The ASP should initiate a process leading to the harmonisation of the nomination procedures followed by States Parties.</td>
<td>R366. As a start-set scenario, the ASP should consider properly report to the Executive Committee a summary of the ASP’s views on whether it would not be possible to transfer the OIA from appearing before the new budgetary control and audit body as required, and responding to its requests. The new body’s role towards the IOM would be overseeing the adequacy of the framework set up for the Court’s internal audit function, rather than oversight of the functioning of the IOM.</td>
<td>366</td>
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<tr>
<td>2nd half 2021</td>
<td>R367</td>
<td>The Court and the ASP should consider whether it is now appropriate to review the qualifications for membership of the ACN.</td>
<td>R367. The ACN should require the nominating state to submit along with the nomination a certificate setting the procedure followed leading to the nomination.</td>
<td>367</td>
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<tr>
<td>2nd half 2021</td>
<td>R368</td>
<td>Proposed platform for the assessment of the recommendations in part XX: SGG</td>
<td>R368. The ASP is recommended to make use of the upcoming recommendations of the External Auditor, tasked with assessing the Court’s oversight bodies, to find ways to streamline and render more efficient its oversight structures.</td>
<td>368</td>
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<tr>
<td>1st half 2022</td>
<td>R369</td>
<td>The Secretariat of the ASP</td>
<td>R369. An office and focal point should be appointed within the Registry to coordinate with the different services of the Court to provide all necessary support for the ASP.</td>
<td>369</td>
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<tr>
<td>2nd half 2021</td>
<td>R370</td>
<td>In line with the Experts’ recommendation for the ASP Secretariat to be absorbed into the Registry, it is envisaged that the Executive Secretary of the CBF and the Audit Committee position, currently located in the ASP Secretariat, should also be transferred to the Registry, which would maintain its functional independence.</td>
<td>R370. In line with the Experts’ recommendation for the ASP Secretariat to be absorbed into the Registry, it is envisaged that the Executive Secretary of the CBF and the Audit Committee position, currently located in the ASP Secretariat, should also be transferred to the Registry, which would maintain its functional independence.</td>
<td>370</td>
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<tr>
<td>1st half 2022</td>
<td>R371</td>
<td>Improvements to the System of Nomination of Judges</td>
<td>R371. The procedure for the nomination and election of Judges – based on an open, transparent and competitive process – needs to be improved and should include enhancing the diversity of candidates in order to ensure the Court’s awareness of the diversity of candidates.</td>
<td>371</td>
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<tr>
<td>2nd half 2021</td>
<td>R372</td>
<td>The ACN should include in the common questionnaire to be completed by all nominees provision for its accuracy to be certified by a senior member of the national Judiciary or of the nominations/appointments body which oversaw the nomination process.</td>
<td>R372. The ACN should consider whether it is now appropriate to review the qualifications for membership of the ACN.</td>
<td>372</td>
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<tr>
<td>2nd half 2021</td>
<td>R373</td>
<td>The ACN at the candidate interview should endeavour to assess the ability of the candidate to manage and conduct complex international criminal trials fairly and expeditiously and their suitability as a Presiding judge.</td>
<td>R373. The ACN’s role in the assessment process would need to be further enhanced to include the assessment of the candidates’ ability to manage and conduct complex international criminal trials fairly and expeditiously and their suitability as a Presiding judge.</td>
<td>373</td>
</tr>
<tr>
<td>2nd half 2021</td>
<td>R374</td>
<td>In time for the election of Judges in 2023, the Working Group on Nomination and Election of Judges should compile a set of criteria which should be applied in national nomination processes along with guidelines on the conduct of the nomination process.</td>
<td>R374. The ACN should ensure that the process leading to the nomination is transparent, fair and consistent.</td>
<td>374</td>
</tr>
<tr>
<td>2nd half 2021</td>
<td>R375</td>
<td>The Working Group on Nomination and Election of Judges should consider whether it is now appropriate to revise the criteria applicable to and the profiles of candidates from list B, having regard to the significance of criminal trial experience to the work of the Court.</td>
<td>R375. The Working Group on Nomination and Election of Judges should consider whether it is now appropriate to revise the criteria applicable to and the profiles of candidates from list B, having regard to the significance of criminal trial experience to the work of the Court.</td>
<td>375</td>
</tr>
<tr>
<td>2nd half 2021</td>
<td>R376</td>
<td>The Working Group on Nomination and Election of Judges should consider whether it is now appropriate to review the qualifications for membership of the ACN.</td>
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<td>376</td>
</tr>
</tbody>
</table>

Proposed platform for the assessment of the recommendations in part XX: SGG (WGA as appropriate)
### R381. Article 51(2) of the Rome Statute should be amended to provide that amendments to the RPE may be proposed by a Judge, the Prosecutor, the Defence Office or any State Party, and that any amendment will enter into force if agreed to by an absolute majority of the Judges at a plenary meeting convened with notice of the proposal. It would have immediate effect. Until such an amendment enters into force, the ASP should vote on RPE amendments by two thirds majority, rather than consensus, in line with the provisions of Article 51(1).

<table>
<thead>
<tr>
<th>381</th>
<th>Court &amp; ASP</th>
<th>Judiciary &amp; OTP &amp; SGG + WGA</th>
<th>V</th>
<th>2nd half 2021</th>
</tr>
</thead>
</table>

**For Coop. facilitation, the 66 recommendations on cooperation 2007 or the “Declaration of Paris on Financial Investigations and Asset Recovery” of 2017 should be implemented.**

### R382. Any proposal should be intimated to the Prosecutor and the Registrar a reasonable time before the plenary meeting for their comments.

<table>
<thead>
<tr>
<th>382</th>
<th>ASP</th>
<th>SGG</th>
<th>V</th>
<th>2nd half 2021</th>
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</table>

### R383. In adopting any proposal, the Judges should be required to ensure, and to certify to that effect, that the amendment is not inconsistent with the provisions of the Rome Statute and the right of accused persons appearing before the Court to a fair and expeditious trial.

<table>
<thead>
<tr>
<th>383</th>
<th>Court &amp; ASP</th>
<th>Judiciary &amp; SGG</th>
<th>V</th>
<th>2nd half 2021</th>
</tr>
</thead>
</table>

### R384. On adoption the amendment should be circulated to States Parties for comment and would remain in force in the absence of objection from a majority of States Parties within six months.

| 384 | Court & ASP | Judiciary & SGG + WGA + SASP | V | 2nd half 2021 |

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**Remaining Issues**

For Coop. facilitation, the 66 recommendations on cooperation 2007 or the “Declaration of Paris on Financial Investigations and Asset Recovery” of 2017 should be implemented.