

***DRAFT WORKING PAPER*****Meeting the challenges of today  
for a stronger Court tomorrow****Matrix over possible areas of strengthening the  
Court and Rome Statute system****Introductory notes<sup>1</sup>**

1. Over the past decade, the Court has established itself as a pivotal component of the international rules-based order and a leader in the fight against impunity for international crimes. The Court is active in many situations across many regions, and is developing its jurisprudence. With the increased activities a number of challenges have also manifested themselves, inhibiting the development of a full-fledged international criminal justice system as envisaged by the contracting parties to the Rome Statute, the States Parties. Many of those challenges have been the focus of significant media and academic interest as well as discussions amongst States Parties. The Court itself has also acknowledged the challenges it faces and the need to address them. The challenges perceived to be facing the Court are many. Some are longstanding issues; others have materialized in recent times. Many have been highlighted by both recent judgements and decisions of the Court and other developments relevant for the Assembly of States Parties. For a relatively young institution with a ground-breaking mandate, this is only natural.

2. The matrix set out below attempts to distil a number of concrete and actionable issues based discussions among all stakeholders in the Bureau, the New York and The Hague Working Groups and through written procedures. The idea is not to draw any conclusions at this stage, but rather identify the range of issues that may merit further discussions and relevant fora/working groups where such discussions may take place in the future. As such, it is simply the starting point for a comprehensive dialogue and review aimed at strengthening the Court and the Rome Statute system further. Going forward, such discussions must be inclusive and transparent and conducted in close cooperation with the Court.

3. The following points should be kept in mind when reading the matrix:

(a) The matrix is a starting point and a framework for discussions. It is a tool for tracking progress. It does not foreshadow or indicate any particular decisions or other actions. Any such decisions and actions will go through established decision-making procedures. As such, it contains no binding elements nor is it intended to be a negotiated text. The matrix is an evolving document reflecting the outcomes of discussions to come in various fora when States Parties so decide. Issues can be removed, changed or added as discussions progress. The matrix will never be final or constitute any decision in itself.

(b) Dialogue on the matrix must be inclusive and transparent, open to all States Parties, the Court and other stakeholders. Such discussions can take place in the New York and Hague Working Groups. It is important to recall that such discussions are on process and will precede discussions on the issues in substance after agreement on procedure.

(c) The matrix attempts to give suggestions on what topics could usefully be discussed bearing in mind the overall objective to strengthen the Court and the Rome Statute System. It gives suggestions on what facilitations or working groups can be used for such substantive discussions

(d) As the matrix is updated and work progresses, prosecutorial and judicial independence must be preserved.

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<sup>1</sup> Introductory notes to be updated following adoption of the Review resolution by the Assembly.

(e) States Parties agree on the need for an independent expert review of a number of legal and complex issues. The Terms of Reference for an Independent Expert Review is currently under consideration.

(f) The expert review will be one key aspect of the overall efforts to strengthen the Court and the Rome Statute System. At the same time, a number of issues have been identified as falling within the exclusive remit of States Parties and/or States Parties and the Court.

(g) The processes evolving from the matrix are intended to be open-ended. In 2021 the Court and the Assembly will have new leadership, and as much progress as possible should be achieved by then, including a final report from the expert review. However, it is not realistic to expect, that a full review and its implementation can be completed by then. The expert review is a tool which will require further consideration by the Assembly and the Court in terms of implementation.

(h) To ensure progress, coordination and prioritization is required. This will entail a feedback-loop between the facilitations and working groups, the Bureau and the Assembly, possibly through the President of the Assembly. Some day-to-day work with the experts will also be required. The Assembly can set priorities for the process for the following year. The matrix can play an important role in tracking progress for the different issues as work progresses in the different working groups.

(i) In general, there seems limited interest in amending the Statute. Thus, the matrix does not refer to statutory amendments as a tool. However, it should be kept in mind as a possible long-term solution to some challenges, if there is a convergence on views on that. The independent experts may also make some recommendations that would go in this direction.

(j) For each topic the matrix sets out some ideas of where different topics can be discussed and who the main interlocutors are. This simply means that the working group is the forum for discussions with the Court and other stakeholders to determine the way ahead.

(k) It is also worth recalling that the working groups of the Bureau and the various facilitations are open to all States Parties, the Court, Observer States and Civil Society unless otherwise decided. This inclusiveness should be the guiding principle and the fact a particular entity is not mentioned does not mean it is excluded from discussions.

(l) References to 'Court Management' should generally be understood to encompass the heads of organ or someone designated by them and heads of other bodies such as the IOM, OIA, Secretariat of the TFV etc. where relevant.

(m) The Court has submitted comprehensive remarks on a number of topics. Those remarks should be taken fully into account in future work on a given topic.

(n) Irrespective of how and when a topic is addressed it is understood that only the Assembly of States Parties can make any final, binding decisions, unless such authority has been explicitly delegated to the Bureau or another subsidiary body.

(o) The Matrix does not prescribe how a given working groups should address an issue, nor can it set a specific timeline or end-goal. These will have to be defined in many instances in the working groups when they take up their topics, including what actions and tools should actually be pursued. As for the timelines some issues will never end (such as continuously working on gender and geographical balance), others may be addressed expeditiously. The timelines set out in the matrix is for guidance only, and in some instances reflect when a first deliverable can be submitted to the ASP.

4. Issues to be addressed by the independent expert review are marked in blue. Issues already being fully addressed by working groups are marked in green. There is flexibility given to the experts in developing their work and similar flexibility can be applied by states parties in addressing issues.

<b>1. Governance, Management &amp; Leadership</b>					
<i>Topic / Issue / Objective</i>	<i>Court organ / working group / forum for discussion</i>	<i>Possible action</i>	<i>Possible instruments to be considered</i>	<i>Potential timeline</i>	<i>Status</i>
<b>1.1. Election of Judges</b> <u>Objective:</u> ensure the highest quality of nomination and election of judges	Working Group on Nomination and Election of Judges ASP	<ul style="list-style-type: none"> <li>– Strengthen mandate</li> <li>– of Advisory Committee on Nominations and review working methods</li> <li>– Adopt additional binding or non-binding criteria for judicial nominations</li> <li>– Public hearings of nominated candidates</li> <li>– Encourage strong national nomination procedures, including possible peer reviews, training programmes etc. ACN could propose guidelines.</li> <li>– Consider judicial exam procedure for candidates</li> <li>– Review of the use of List B for election of Judges</li> <li>– Creation of a judicial appointments commission</li> </ul>	<ul style="list-style-type: none"> <li>– ASP resolution</li> <li>– Amending ASP resolution governing ACN</li> <li>– ASP resolution and assessment of feasibility of amendment of Statute</li> </ul>	First set of decisions by ASP18	Ongoing in WGNEJ

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<b>1.2. Election of Prosecutor</b> <u>Objective:</u> ensure election of the best qualified Prosecutor and Deputy Prosecutor(s) for conducting investigations and prosecutions and manage the OTP.	Bureau Assembly	<ul style="list-style-type: none"> <li>– Consider options for election of Deputy Prosecutors and possible integration with process of election of Prosecutor, in accordance with the Statute</li> <li>– Elect a Prosecutor</li> <li>– Election of Deputy Prosecutor(s)</li> </ul>	<ul style="list-style-type: none"> <li>– ASP resolution</li> <li>– Bureau decision</li> <li>– Nomination of candidates by Prosecutor / Election by ASP</li> </ul>	Decision by ASP19	Ongoing Bureau/ Committee on Election of Prosecutor

<b>2. Investigations, prosecutions and the judicial process</b>					
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<b>1.3. Election of ICC President and Vice-Presidents</b> <u>Objective:</u> ensure maximum transparency in elections of President and Vice-Presidents of the Court	Judiciary Bureau / SGG	<ul style="list-style-type: none"> <li>– Review process for election of President and Vice-Presidents of the Court with a view to maximize transparency, predictability and use of best practices.</li> </ul>	<ul style="list-style-type: none"> <li>– Independent Expert Review (Cluster 2)</li> <li>– ASP resolution/ Bureau decision</li> <li>– Review of Judicial Code of Ethics</li> </ul>	Report to ASP 19	Expert review

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<b>1.4. Election of Registrar</b> <u>Objective:</u> ensure election of best qualified candidate for Registrar and align to the extent possible with lines of reporting and accountability	Judiciary Bureau / SGG	<ul style="list-style-type: none"> <li>– Consideration of enhanced transparency of process / alternative mechanisms for election of Registrar</li> </ul>	<ul style="list-style-type: none"> <li>– Review of the legal framework guiding the election of Registrar</li> <li>– Amendment of Statute</li> </ul>	ASP19	No action

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<b>1.5. Management &amp; Governance culture</b> <u>Objective:</u> further develop strong and responsible management of the Court as a whole and sound and healthy working environment for staff	Court Management ASP Bureau/SGG	<ul style="list-style-type: none"> <li>– Strengthen management and governance culture</li> <li>– Enhanced management training</li> </ul>	<ul style="list-style-type: none"> <li>– Independent Expert Review (Cluster 1)</li> <li>– Management decisions</li> </ul>	Report to ASP19	Expert review Court activities undertaken with respect to gender equality, recruitment and mobility, occupational health and well-being, ethics/ standards of conduct and leadership.

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<b>1.6. Strengthening administrative role of the Registrar</b> <u>Objective:</u> strengthen uniform, efficient and transparent Court-wide administrative procedures and practices, enabling best possible scope for prioritization and efficiency-gains while preserving prosecutorial and judicial independence.	Court management Bureau / SGG	– Strengthen, streamline and centralize the administrative functions across the Court	– Independent Expert Review (Cluster 1) – Management decisions – Review administrative rules and practices	Report to ASP19	Expert review

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<b>1.7. Unified governance and leadership</b> <u>Objective:</u> strengthen unified court leadership and cultivate shared values and sense of purpose across the organs of the Court, while bearing in mind judicial and prosecutorial independence.	Court management Bureau / SGG	– Review the Court’s governance structure and framework	– Independent Expert Review (Cluster 1)	Report to ASP19	Expert review

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<b>1.8. Performance indicators</b> <u>Objective:</u> enable comprehensive performance monitoring and improvement	Court management Bureau / SGG HWG	– Continue to develop, implement and report on comprehensive, qualitative performance indicators. – Strengthen link between performance indicators and the budget	– Report and dialogue on Court’s strategic plans and their implementation	ASP18	Ongoing Court developing performance indicators and strengthening links with budget process, strategic plans and risk management. Enhanced reporting under consideration.

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<b>1.9. Staff engagement</b> <u>Objective:</u> Highly motivated, productive and satisfied staff striving for continuous improvement	Court management Bureau / SGG HWG	<ul style="list-style-type: none"> <li>– Strengthen performance appraisal framework</li> <li>– Strengthen governance and management culture</li> <li>– Review disciplinary / grievance procedures</li> <li>– Implement systematic and recurrent staff satisfaction survey and feed-back and implementation procedure</li> <li>– Compare best practices with other international organizations</li> </ul>	<ul style="list-style-type: none"> <li>– Independent Expert Review (Cluster 1)</li> <li>– Management decisions</li> </ul>	Report to ASP19	Expert review Court management has implemented new performance appraisal system in 2017 and accompanying AI in 2019

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<b>1.10. Adequate qualitative and quantitative human resources</b> <u>Objective:</u> Ensure that the Court's staffing is qualitatively and quantitatively fit-for-purpose and able to carry out the core functions effectively and efficiently	Court management HWG (budget) CBF	<ul style="list-style-type: none"> <li>– Review staffing structure, levels and competences</li> </ul>	<ul style="list-style-type: none"> <li>– Independent Expert review (Cluster 1)</li> <li>– Recruitment linked to performance indicators</li> <li>– Budget resolution</li> </ul>	Report to ASP19	Expert Review Court management preparing new AI strengthening recruitment procedures

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<b>1.11. Flexibility and scalability in staffing levels</b> <u>Objective:</u> ensure the necessary flexibility and scalability to adapt and respond to changing circumstances and workloads in a cost-efficient and effective way.	Court management Bureau CBF	<ul style="list-style-type: none"> <li>– Consider different staffing models and arrangements, including core staffing and possible future time limitations on employment</li> <li>– Consider future enhanced flexibility in terms of employment</li> <li>– Consider establishing career advancement partnerships and networks with other relevant organizations.</li> </ul>	<ul style="list-style-type: none"> <li>– Independent Expert Review (Cluster 1)</li> <li>– ASP Resolution</li> </ul>	Report to ASP19	Expert Review Court management preparing AI on Learning and Development

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<b>1.12. Establishment of ombudsman / internal grievance procedures</b> <u>Objective:</u> ensure adequate and efficient grievance procedures are in place limiting the need for resorting to external measures,	Court Management IOM Review facilitation	<ul style="list-style-type: none"> <li>– Review internal grievance procedures with a view to meeting staff needs and handling efficient conflict- resolution</li> </ul>	<ul style="list-style-type: none"> <li>– Management decisions</li> <li>– ASP resolution</li> </ul>	ASP19	Ongoing Court commissioned expert review

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<b>1.13. Procedure for amending Rules of Procedure and Evidence</b> <u>Objective:</u> ensure smooth and effective procedures for adapting, amending and clarifying the RoPE	Court / ACLT SGG / WGA	<ul style="list-style-type: none"> <li>– Review roadmap for amending RoPE, taking into account previous work on ASP working methods</li> <li>– Implement the regime of voting on amendments as foreseen in the Rome Statute, Article 51(2)</li> </ul>	<ul style="list-style-type: none"> <li>– ASP resolution</li> </ul>	ASP20	No action

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<b>1.14. Gender and Geographical balance in recruitment</b> <u>Objective:</u> ensure diversity, geographical representation and gender balance in the Court's staff at all levels while recruiting the highest quality applicants	Court management Registry NYWG (GRGB)	<ul style="list-style-type: none"> <li>– Targeted and tailor-made approach to increase numbers of highly qualified applicants from underrepresented regions and countries</li> <li>– Review recruitment panel policies to ensure maximum potential for gender and geographic balance</li> <li>– Consider use of funded internships, sourcing of additional JPO-positions and enhanced visiting professionals program.</li> </ul>	<ul style="list-style-type: none"> <li>– ASP resolution</li> <li>– Dialogue with the Court</li> </ul>	ASP18 / Ongoing Annual report to ASP via GRGB facilitation	Court management priority, actively pursued Registry and OTP priority in strategic plan

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<b>1.15. Secondments to and from national systems</b> <u>Objective:</u> enable the Court, in particular the OTP and other parties to proceedings, to benefit from diverse national experience and knowledge in a systematic way while observing judicial and prosecutorial independence and confidentiality.	Court management HWG	<ul style="list-style-type: none"> <li>– Consider establishing a comprehensive framework for secondments bearing in mind gender equality and geographical representation</li> </ul>	<ul style="list-style-type: none"> <li>– Dialogue with OTP and other Court organs</li> </ul>	ASP19	No action OTP exploring options



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<b>1.16. Strengthening performance appraisal framework</b> <i>Objective:</i> Enabling management to optimize use of human resources and make necessary work force adjustments	Court management External auditor CBF	– Review performance appraisal framework	– Independent Expert Review (Cluster 1) – Management Decision	Report to ASP19	Expert review Court management has implemented new performance appraisal system in 2017 and accompanying AI in 2019

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<b>1.17. Enhanced transparency in Court staffing and structure</b>	Court management HWG budget CBF	– Ensure full and transparent information on recruitment practice, staffing structure and levels of the court	– Information provided by the Court	ASP18	No action

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<b>1.18. Review budget process</b> <i>Objective:</i> ensure efficient, transparent and predictable budget process	CBF Court management HWG budget-facilitation	– Zero-based / core functioning budget review – Introduction of biannual budgeting – Review budget preparation and negotiation process.	– Independent Expert Review (cluster 1) – Court management decision – ASP resolution	Report to ASP19	Expert review

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<b>1.19. Role and mandate of the Trust Fund for Victims</b> <u>Objective:</u> ensure the implementation of the mandate of the trust fund for victims is done in the most effective, efficient and meaningful way, making best use of the limited resources available	Board / Secretariat of TFV Bureau / SGG HWG	<ul style="list-style-type: none"> <li>– Review the implementation of the different components of the TFV mandate and their relative resource consumption</li> </ul>	<ul style="list-style-type: none"> <li>– Independent Expert Review (cluster 1)</li> <li>– ASP resolution</li> </ul>	Report to ASP19	Expert review

<b>2. Investigations, prosecutions and the judicial process</b>					
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<b>2.1. Preliminary examinations</b> <u>Objective:</u> Further strengthening transparent and predictable framework for preliminary examinations, ensuring most efficient use of resources while safeguarding flexibility and prosecutorial independence.	OTP HWG Complementarity facilitation	<ul style="list-style-type: none"> <li>– Review policy on preliminary examinations, including prioritization and the possibility of establishing timelines</li> <li>– Review policy of confidentiality concerning Art. 15 communications</li> </ul>	<ul style="list-style-type: none"> <li>– Independent Expert Review (cluster 3)</li> <li>– Dialogue on OTP Strategy and its implementation</li> <li>– ASP resolution</li> </ul>	Report to ASP19	Expert review Reference to OTP Strategic Plan 2019 - 2021

<b>2. Investigations, prosecutions and the judicial process</b>					
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<b>2.2. Relationship between national jurisdictions and the ICC</b> <u>Objective:</u> Strengthen the ongoing dialogue on the implementation and application of the principle of complementarity, providing further clarity and predictability, while respecting prosecutorial and judicial independence	OTP HWG Complementarity facilitation	<ul style="list-style-type: none"> <li>– Identify ways to clarify and strengthen the interaction between the Court and national jurisdictions in implementing the complementarity principle</li> <li>– Consider possible frameworks for operational cooperation between the Court/OTP and national authorities in investigation and prosecuting at the national level.</li> </ul>	<ul style="list-style-type: none"> <li>– Dialogue on OTP Strategy and its implementation</li> <li>– ASP resolution</li> </ul>	ASP20	No action Reference to OTP Strategic Plan 2019 - 2021

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<b>2.3. Case selection and prioritization</b> <u>Objective:</u> review scope for optimizing effective use of resources through case-selection and prioritization policies of the OTP, while safeguarding flexibility and prosecutorial independence	OTP HWG SGG	<ul style="list-style-type: none"> <li>– Review policies on case selection and prioritization</li> </ul>	<ul style="list-style-type: none"> <li>– Independent Expert Review (Cluster 3)</li> <li>– Dialogue on OTP Strategy and its implementation</li> </ul>	Report to ASP19	Expert review Reference to OTP Strategic Plan 2019 - 2021

<b>2. Investigations, prosecutions and the judicial process</b>					
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<b>2.4. Investigations and case-preparation</b> <u>Objective:</u> ensure high quality of investigations and case-preparation as a means to efficient and expeditious trials, while maintaining fair trial rights and standards	OTP HWG	<ul style="list-style-type: none"> <li>– Review strategy and policy on investigations,</li> <li>– Review investigative tools, organisation and human resources</li> </ul>	<ul style="list-style-type: none"> <li>– Independent Expert Review (Cluster 3)</li> <li>– Dialogue on OTP Strategy and its implementation</li> </ul>	Report to ASP19	Expert review Reference to OTP Strategic Plan 2019 - 2021

<b>2. Investigations, prosecutions and the judicial process</b>					
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<b>2.5. Current Structure of the OTP</b> <u>Objective:</u> review structure of OTP with a view to optimize operations and ensure efficient and effective management and use of resources	OTP Bureau / HWG	– Review structure and decision-making procedures of OTP	– Independent Expert Review (Cluster 3)	Report to ASP19	Expert review Reference to OTP Strategic Plan 2019 - 2021

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<b>2.6. OTP Completion Strategies</b> <u>Objective:</u> establish holistic, transparent and robust framework or plan for the Court's engagement in given situations while maintaining flexibility and prosecutorial independence	OTP Registry Complementarity facilitation	– Develop and implement completion strategies, including with respect to victims and witnesses, defense and other entities	– Dialogue on OTP strategy and its implementation – ASP resolution	ASP19	No action Reference to OTP Strategic Plan 2019 - 2021

<b>2. Investigations, prosecutions and the judicial process</b>					
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<b>2.7. Efficiency of the Judicial Process</b> <u>Objective:</u> ensuring as efficient and expeditious trials as possible while respecting all fair trial rights	Judiciary SGG / WGA	– Review pre-trial phase – Improve efficiency of trial preparation and trial process – Review appeals procedures – Consider introduction of timelines for decisions and judgements	– Independent Expert Review (Cluster 2) – ASP resolution – Amendment of RoPE – Amendment of rules and regulations of the Court	Report to ASP19	Independent Expert Review Presidency of the Court & judiciary undertaking preliminary work. Work plan being considered.

<b>2. Investigations, prosecutions and the judicial process</b>					
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<p><b>2.8. Development of process and procedures to promote coherent jurisprudence and decision- making</b></p> <p><u>Objective:</u> ensuring effective, efficient, transparent and predictable basis for conducting investigations, prosecutions and trials while safeguarding judicial independence and fair trial rights</p>	Judiciary OTP / Registry SGG / WGA	<ul style="list-style-type: none"> <li>– Develop methods to promote more coherent, cohesive and consistent body of jurisprudence, procedures and decision-making, including resolving conflicts arising from differences between legal systems</li> <li>– Promote consistent interpretation of jurisprudence across organs and entities</li> <li>– Increase awareness of jurisprudence and practice of other international jurisdictions</li> </ul>	<ul style="list-style-type: none"> <li>– Independent Expert Review (cluster 2)</li> <li>– Review Chambers Practice Manual</li> <li>– Amendments to RoPE</li> <li>– Amendments to rules and regulations of the Court</li> </ul>	Report to ASP19	Expert review Judiciary undertaken preliminary work, including Judgement Drafting Guidelines and Judgement Structure Guidelines.

<b>2. Investigations, prosecutions and the judicial process</b>					
<i>Topic / Issue / Objective</i>	<i>Court organ / working group / forum for discussion</i>	<i>Possible action</i>	<i>Possible instruments to be considered</i>	<i>Potential timeline</i>	<i>Status</i>
<p><b>2.9. Management of transitions in the Judiciary</b></p> <p><u>Objective:</u> Ensure best possible use of judicial resources, avoid unnecessary delay in proceedings due to transitions and maximize efficiency in rendering decisions and judgements while safeguarding fair trial rights.</p>	Judiciary SGG / WGA	– Develop and implement clear and firm procedures for managing transitions in the judiciary, such as use of alternate judges, handover strategies etc.	<ul style="list-style-type: none"> <li>– Revision of Chambers Practice Manual</li> <li>– Amendments to RoPE</li> </ul>	ASP19	No Action Judiciary undertaken preliminary work

2. Investigations, prosecutions and the judicial process					
<i>Topic / Issue / Objective</i>	<i>Court organ / working group / forum for discussion</i>	<i>Possible action</i>	<i>Possible instruments to be considered</i>	<i>Potential timeline</i>	<i>Status</i>
<b>2.10. Working methods of the judiciary</b> <u>Objective:</u> Ensure strong judicial culture and sense of collegiality as an essential foundation for an effective and efficient judiciary.	Judiciary SGG / WGA	<ul style="list-style-type: none"> <li>– Develop common judicial culture and shared understanding of purpose</li> <li>– Introduce compulsory training for all judges</li> <li>– Introduce judicial code of ethics</li> <li>– Establishing timelines for key judicial decisions</li> <li>– Establish framework for dialogue, learning and sharing best practices with national jurisdictions</li> </ul>	<ul style="list-style-type: none"> <li>– Independent Expert</li> <li>– Review (Cluster 2)</li> <li>– Review chambers practice manual</li> <li>– Review judicial code of ethics</li> <li>– Amendments to RoPE</li> </ul>	Report to ASP19	Expert Review Preliminary work undertaken by the judiciary

2. Investigations, prosecutions and the judicial process					
<i>Topic / Issue / Objective</i>	<i>Court organ / working group / forum for discussion</i>	<i>Possible action</i>	<i>Possible instruments to be considered</i>	<i>Potential timeline</i>	<i>Status</i>
<b>2.11. Victims Participation</b> <u>Objective:</u> Optimize meaningful and predictable participation of victims in proceedings without compromising on efficiency and economy or fair trial rights	Judiciary Registry Bureau SGG WGA	<ul style="list-style-type: none"> <li>– Strengthen, streamline and clarify the legal and practical framework for victims participation</li> </ul>	<ul style="list-style-type: none"> <li>– Independent Expert Review (Cluster 2)</li> <li>– Chambers practice manual</li> <li>– ASP resolution</li> <li>– Amendments to RoPE</li> </ul>	Report to ASP19	Expert review

2. Investigations, prosecutions and the judicial process					
<i>Topic / Issue / Objective</i>	<i>Court organ / working group / forum for discussion</i>	<i>Possible action</i>	<i>Possible instruments to be considered</i>	<i>Potential timeline</i>	<i>Status</i>
<b>2.12. Reparations</b> <u>Objective:</u> Ensure effective, meaningful and predictable reparations for victims within the Statute and the existing resource constraints	Judiciary TFV Registry Bureau HWG	<ul style="list-style-type: none"> <li>– Develop procedures to facilitate consistent jurisprudence/principles on forms of reparations</li> <li>– Review mandate and operations of TFV</li> </ul>	<ul style="list-style-type: none"> <li>– Independent Expert Review (Cluster 2)</li> </ul>	Report to ASP19	Expert review

<b>2. Investigations, prosecutions and the judicial process</b>					
<i>Topic / Issue / Objective</i>	<i>Court organ / working group / forum for discussion</i>	<i>Possible action</i>	<i>Possible instruments to be considered</i>	<i>Potential timeline</i>	<i>Status</i>
<b>2.13. Fair Trial, defense and legal aid</b> <u>Objective:</u> Ensure effective and adequate defense and victims representation and the upholding of fair trial rights	Registry Bureau / SGG / WGA HWG legal aid facilitation	<ul style="list-style-type: none"> <li>– Review of legal aid scheme and organization</li> <li>– Review organization of defense, including drawing on best practices for other jurisdictions</li> <li>– Consider establishing defense focal point in HWG</li> </ul>	<ul style="list-style-type: none"> <li>– Independent Expert Review (Cluster 1)</li> <li>– Amendment to RoPE</li> <li>– ASP resolution</li> </ul>	Report to ASP19	Expert review Work ongoing in HWG / Legal Aid facilitation

<b>3. The external environment</b>					
<i>Topic / Issue / Objective</i>	<i>Court organ / working group / forum for discussion</i>	<i>Possible action</i>	<i>Possible instruments to be considered</i>	<i>Potential timeline</i>	<i>Status</i>
<b>3.1. Strengthening cooperation in general</b> <u>Objective:</u> ensure the Court, including defense, receives full and timely cooperation as requested, in conformity with the Statute, and has sufficient number of voluntary cooperation agreements in place	Registry / OTP HWG Bureau	<ul style="list-style-type: none"> <li>– Enhanced dialogue with the Court on its needs and priorities, and obstacles to cooperation</li> <li>– Review number of voluntary cooperation agreements</li> <li>– Sharing of information and best practices with other international jurisdictions, including with regard to defense issues.</li> <li>– Review status of previous ASP recommendations and guidelines on cooperation</li> </ul>	<ul style="list-style-type: none"> <li>– Regular Court briefings on cooperation to States Parties</li> <li>– Stronger focus on ASP plenary session on cooperation</li> <li>– Appointment of national focal points</li> <li>– ASP resolution</li> </ul>	ASP18	No Action

<b>3. The external environment</b>					
<i>Topic / Issue / Objective</i>	<i>Court organ / working group / forum for discussion</i>	<i>Possible action</i>	<i>Possible instruments to be considered</i>	<i>Potential timeline</i>	<i>Status</i>
<b>3.2. Implementation of arrest warrants</b> <u>Objective:</u> ensure timely implementation of the Court's arrest warrants and requests for other forms of cooperation in conformity with the Statute	OTP / Registry ASP HWG cooperation NYWG co-focal points on non-cooperation		<ul style="list-style-type: none"> <li>– Stronger focus in ASP session on cooperation</li> </ul>	Ongoing	No action

<b>3. The external environment</b>					
<i>Topic / Issue / Objective</i>	<i>Court organ / working group / forum for discussion</i>	<i>Possible action</i>	<i>Possible instruments to be considered</i>	<i>Potential timeline</i>	<i>Status</i>
<b>3.3. Non-cooperation</b> <u>Objective:</u> Discourage non-cooperation and consider sanctions of actual occurrence	ASP NYWG FPs non-Cooperation / HWG Cooperation facilitation		– Inclusion on agenda of ASP (plenary session on cooperation)	Ongoing	No action

<b>3. The external environment</b>					
<i>Topic / Issue / Objective</i>	<i>Court organ / working group / forum for discussion</i>	<i>Possible action</i>	<i>Possible instruments to be considered</i>	<i>Potential timeline</i>	<i>Status</i>
<b>3.4. Cooperation with the UN and UNSC (including cases of non-cooperation)</b> <u>Objective:</u> enhance cooperation with the UN and the UNSC in terms of providing operational and political support for the Court's operations and following-up on UNSC referrals, including possible financial support in line with article 115 (b).	ASP HWG cooperation NYWG FPs non-cooperation	– Further mainstreaming of ICC into the work of the UN and the UNSC	– Outreach and awareness-raising in New York, for instance during international law week and at other opportune moments	Ongoing	No action

<b>3. The external environment</b>					
<i>Topic / Issue / Objective</i>	<i>Court organ / working group / forum for discussion</i>	<i>Possible action</i>	<i>Possible instruments to be considered</i>	<i>Potential timeline</i>	<i>Status</i>
<b>3.5. External political measures against the Court</b> <u>Objective:</u> insulate the Court against negative impact of external pressure and measures	ASP Bureau Civil society	– Counter external pressures by expressions of support – Streamline and coordinate public outreach efforts of the Court	– PASP statements – ASP declaration – 17 July events – Bilateral demarches – Expressions of support by NGOs	As required	No action



<b>3. The external environment</b>					
<i>Topic / Issue / Objective</i>	<i>Court organ / working group / forum for discussion</i>	<i>Possible action</i>	<i>Possible instruments to be considered</i>	<i>Potential timeline</i>	<i>Status</i>
<b>3.6. Strengthening ASP sessions</b> <u>Objective:</u> Revitalize ASP sessions with more substantive content of relevance for the Rome-Statute system as a whole and catalyzing high-level participation from States Parties	ASP Bureau HWG budget NYWG omnibus facilitation	<ul style="list-style-type: none"> <li>– More substantive ASP agendas, including possible high-level segments</li> <li>– Decreasing volume of household issues such as budget negotiations and omnibus resolution</li> </ul>	<ul style="list-style-type: none"> <li>– Streamline omnibus resolution and shorten/limit negotiations during ASP sessions</li> <li>– Shorten / limit budget negotiations during ASP sessions, consider prerequisites for biannual budget cycles</li> </ul>	ASP18	No action

<b>3. The external environment</b>					
<i>Topic / Issue / Objective</i>	<i>Court organ / working group / forum for discussion</i>	<i>Possible action</i>	<i>Possible instruments to be considered</i>	<i>Potential timeline</i>	<i>Status</i>
<b>3.7. ASP working methods</b> <u>Objective:</u> ensure efficient and effective work of the Assembly, the Bureau and subsidiary bodies	Bureau HWG NYWG	<ul style="list-style-type: none"> <li>– Take up previous work on working methods and further examine ways in which to streamline work on that basis</li> <li>– Better monitoring and follow-up on previous decisions and resolutions</li> <li>– Streamline omnibus-resolution</li> <li>– Review division of labour between The Hague and New York</li> <li>– Maintain equitable geographical balance in decision-making bodies</li> </ul>	<ul style="list-style-type: none"> <li>– Bureau decisions</li> <li>– ASP resolution</li> </ul>	ASP19	No action

<b>3. The external environment</b>					
<i>Topic / Issue / Objective</i>	<i>Court organ / working group / forum for discussion</i>	<i>Possible action</i>	<i>Possible instruments to be considered</i>	<i>Potential timeline</i>	<i>Status</i>
<b>3.8. ASP oversight and audit bodies</b> <u>Objective:</u> exploit synergies and minimize overlap between oversight and audit functions, optimizing use of resource added-value for States Parties and Court management	Court management Bureau HWG BMO HWG IOM	– Review functions and mandate of current oversight bodies – Review of IOM mandate – Review existing disciplinary procedure for elected officials	– Independent Expert Review (Cluster 1) – Review by External Auditor – ASP resolution	Report to ASP19	Independent expert review Review by external auditor

<b>3. The external environment</b>					
<i>Topic / Issue / Objective</i>	<i>Court organ / working group / forum for discussion</i>	<i>Possible action</i>	<i>Possible instruments to be considered</i>	<i>Potential timeline</i>	<i>Status</i>
<b>3.9. Universality</b> <u>Objective:</u> Continue and strengthen move toward universal adherence to the Rome Statute and ratification/accession to the APIC by all States (Parties)	ASP Court Bureau HWG universality facilitation NYWG			Ongoing	Work in progress in Universality facilitation