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

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

3. (3) Immediate Office of the			
Prosecutor (IOP) - <i>Chef de Cabinet,</i>			
Public Information Unit (PIU)			
3. (4) Integrated Teams			
4. OTP Staffing (1) Staff			
Qualifications			
4. (2) Quantity of Staff			
	D. Registry G	overnance	
1. Election of the Registrar and	R76, R77, R78		
Deputy Registrar			
2. Various Sections of the Registry		R79	
3. Field offices		R80-R86	
	II. HUMAN R		
	A. General; B. Working Environment and Culture, Staff E	ngagement, Staff Welfare; C. Bullying and	
			R87 - In respect of external counsel and
			legal team members, should it be the
			case that amendment of ASP texts are
			needed - for example the Code of
	R87	R88	Professional Conduct for counsel or the
	NO/	1.00	mandate of the IOM - then the ASP wil
			also need to act in this area. The ICCBA
			is presently in discussions with the
			Registry on this subject.
	D. Management of	Human Resources	
	E. Adequacy of Human Resources - Recruitment;		uitment
	E. Adequacy of Human Resources - Recruitment;		uitment
		F. Short-Term Appointments, Local Recru	uitment
	E. Adequacy of Human Resources - Recruitment; G. Performan	F. Short-Term Appointments, Local Recru	uitment
		F. Short-Term Appointments, Local Recru	uitment
		F. Short-Term Appointments, Local Recru	uitment
		F. Short-Term Appointments, Local Recru ce Appraisal	uitment
	G. Performan	F. Short-Term Appointments, Local Recru ce Appraisal	uitment
	G. Performan  H. Staff Training a	F. Short-Term Appointments, Local Recru ce Appraisal nd Development	uitment
	G. Performan	F. Short-Term Appointments, Local Recru ce Appraisal nd Development	uitment
	G. Performan  H. Staff Training a	F. Short-Term Appointments, Local Recru ce Appraisal nd Development	uitment
	G. Performan  H. Staff Training a	F. Short-Term Appointments, Local Recruce Appraisal  nd Development  gualism	uitment
	G. Performan  H. Staff Training a	F. Short-Term Appointments, Local Recruce Appraisal  nd Development  gualism	uitment
	G. Performan  H. Staff Training a	F. Short-Term Appointments, Local Recruce Appraisal  nd Development  gualism	uitment
	G. Performan  H. Staff Training a	F. Short-Term Appointments, Local Recruce Appraisal  nd Development  gualism	uitment
Mobility 3. Secondments	G. Performan  H. Staff Training a	F. Short-Term Appointments, Local Recruce Appraisal  nd Development  gualism	uitment
Mobility 3. Secondments	G. Performan  H. Staff Training a	F. Short-Term Appointments, Local Recruce Appraisal  nd Development  gualism	uitment
Mobility 3. Secondments	G. Performan  H. Staff Training a	F. Short-Term Appointments, Local Recruce Appraisal  Ind Development  gualism  Ind Mobility in Staffing	uitment
Mobility 3. Secondments	G. Performan  H. Staff Training an  I. Multilin  J. Flexibility, Scalability a	F. Short-Term Appointments, Local Recruce Appraisal  nd Development  gualism  nd Mobility in Staffing  OF CONFLICTS OF INTEREST	uitment
Mobility 3. Secondments	G. Performan  H. Staff Training an  I. Multilin  J. Flexibility, Scalability a	F. Short-Term Appointments, Local Recruce Appraisal  nd Development  gualism  nd Mobility in Staffing  OF CONFLICTS OF INTEREST	
Mobility 3. Secondments	G. Performan  H. Staff Training an  I. Multilin  J. Flexibility, Scalability a	F. Short-Term Appointments, Local Recruce Appraisal  nd Development  gualism  nd Mobility in Staffing  OF CONFLICTS OF INTEREST	To make this binding on all persons
Mobility 3. Secondments	G. Performan  H. Staff Training an  I. Multilin  J. Flexibility, Scalability a	F. Short-Term Appointments, Local Recruce Appraisal  nd Development  gualism  nd Mobility in Staffing  OF CONFLICTS OF INTEREST	To make this binding on all persons linked to any part of the Court this may
Mobility 3. Secondments 4. Tenure	G. Performan  H. Staff Training and I. Multilin  J. Flexibility, Scalability and III. ETHICS AND PREVENTION  A. Ethics Fr	F. Short-Term Appointments, Local Recruce Appraisal  nd Development  gualism  nd Mobility in Staffing  OF CONFLICTS OF INTEREST	To make this binding on all persons linked to any part of the Court this manneed involvement from the ASP.
Mobility 3. Secondments 4. Tenure  Court staff and/or officials,	G. Performan  H. Staff Training an  I. Multilin  J. Flexibility, Scalability a	F. Short-Term Appointments, Local Recruce Appraisal  nd Development  gualism  nd Mobility in Staffing  OF CONFLICTS OF INTEREST	To make this binding on all persons linked to any part of the Court this manneed involvement from the ASP. Particularly so if this involves
Mobility 3. Secondments 4. Tenure  Court staff and/or officials,	G. Performan  H. Staff Training and I. Multilin  J. Flexibility, Scalability and III. ETHICS AND PREVENTION  A. Ethics Fr	F. Short-Term Appointments, Local Recruce Appraisal  nd Development  gualism  nd Mobility in Staffing  OF CONFLICTS OF INTEREST	To make this binding on all persons linked to any part of the Court this may need involvement from the ASP.
1. Internal Mobility 2. External Mobility 3. Secondments 4. Tenure  Court staff and/or officials, Individuals affiliated with the Court	G. Performan  H. Staff Training and I. Multilin  J. Flexibility, Scalability and III. ETHICS AND PREVENTION  A. Ethics Fr	F. Short-Term Appointments, Local Recruce Appraisal  nd Development  gualism  nd Mobility in Staffing  OF CONFLICTS OF INTEREST	To make this binding on all persons linked to any part of the Court this may need involvement from the ASP. Particularly so if this involves

D.	Prevention of Conflict of Interest	
R112		
N112	114	
IV. IN	ITERNAL GRIEVANCE PROCEDURES	
	eneral; B. Accountability of Judges	
1. Disciplinary Mechanisms and		
Complaints 2. Disciplinary Standards		
3. A Readjusted Disciplinary		
Arrangement 4. Judicial Council of		
the Court		
	V. BUDGET PROCESS	
A Court Rudget Process B Committee on Rudget and	Finance (CBF) C. Enhancing Trialogue D. Assembly of States Parties E.	Miscellaneous
A. court budget Process, b. committee on budget and	Thidnee (CDF) C. Elinaricing Halogue D. Assembly of States Farties E.	Miscellaneous
VI. PERFORMA	NCE INDICATORS AND STRATEGIC PLANNING	
	A. Efficiency B. Effectiveness	
A. Dalating with the Heited Nations D. Dala of the Countle New York Lines	VII. EXTERNAL RELATIONS	ational and Basicas I Commission
A. Relations with the United Nations B. Role of the Court's New York Liason	Office to the UN (NYLO) Relations with UN Agencies and Other Intern	lational and Regional Organisations
D. Relations	with Civil Society and Media Organisations	
	,	
E. Commu	unications Strategy F. Outreach Strategy	
G. Extern	nal Political Measures against the Court	
VII	I. ELECTION OF THE PRESIDENCY	
	IX. WORKING METHODS	
	and Continuing Professional Development	
1. Induction Programme 2. Timing 3.		
Contents 4. Continuing Professional		
Development		
B.	Full-Time Service of New Judges	
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		<u> </u>
	C. Code of Judicial Ethics	
	D. Judicial Collegiality	
	THE HIDIOIAL PROCESS AND THE TOTAL PROCESS	
X. EFFICIENCY OF	THE JUDICIAL PROCESS AND FAIR TRIAL RIGHTS	
	A Dro Trial Store	
	A. Pre-Trial Stage	

Confirmation of Charges 3. Length of Pre-Trial Stage 4. Chambers Practice Manual and Judicial Case Management		R189-R198	be implemented by the Court alone, but the results of the review will almost certainly require action from
Practice Manual and Judicial Case Management		R189-R198	
Management			almost certainly require action from
			the ACD
			the ASP
4 = 6 6.1 6 . = 1.1	B. Trial Stag	ge	
1. Transfer of the Case to Trial			
Division 2. No Case to Answer 3.			
Amicus Curiae 4. Evidence Admitted			
vs Submitted 5. Witness			
Preparation/Proofing 6. Prior			R203 - the proposed new rule is for
Recorded Testimony and Live			ASP, but should involve the Advisory
Testimony by Means of Audio or			Committee on Legal Texts; hence
Video-Link Technology 7.	R203, R206	R199-R202, R204-R205, R207-R212	placement in the ASP & Court categ
Management of the Trial 8. Court	·	,	
Activities in situ and Site Visits 9.			R206 is framed as something that co
Brief Absence of a Judge 10.			be implemented by the Judges alone
Technology in the Judicial Process			or by an amendment to the Rules
(1) Case Law Database (2) Other			
Digital Resources and Legal Tools (3) Effect on the Defence and Legal			
Representatives of Victims			
nepresentatives or victims			<u>.L</u>
	C. Interlocutory A	Appeals	
		R213	
	D. Management of Transitio	ons in the Judiciary	
Continuing in Office on Expiry of	D. Wariagement of Transitio	ns in the sudiciary	Т
Torm 2 Decignation of an Alternate			
Judge 3. Appointment of a			
Substitute Judge			
XI. DEVELOPMENT OF PROCESSES A  A. Standard of Review in Appeals B. Departure from Establis		RENT ANDACCESSIBLE JURISPRUDENCE AND DECIS	
A. Standard of Neview in Appeals B. Departure from Establis	Different Legal Systems ar		ure and Draiting L. Connicts between
			R218 - discrete long-term proposal o
	R218	R216, R217, R219-R225	increasing size of Appeals Chamber
			for the ASP.
XII. OTP SITUATIONS AND CA	SES: PROSECUTORIAL STRATEGIES OF S	SELECTION, PRIORITISATION, HIBERNATION AND CI	LOSURE
	A. Initial Situation and Case Selection		
Situation Selection During Phase			
1 2. Situation Selection during PRs			
(Phases 2-4) (1) Narrower Standards			
for Admissibility (2) Feasibility			
Considerations in Situation Selection			
and Prioritisation			
and Frioritisation			i .
and Frioritisation			

1. The Criteria for Case Selection		
and Prioritisation (1) The Policy in		
relation to Selecting and Charging		
Suspects (2) Defining a Case:		
Charging Practices (3) Case		
Prioritisation: Feasibility Issues		
2. The Process of Case Selection and		
Prioritisation		
	C. Situation Prioritisation, Hibernation and Closure	
	R243-R250	
	XIII. PRELIMINARY EXAMINATIONS	
	A. Concerns Related to Preliminary Examinations Section (PES)	
	7 il concerno reduced to Freminiary Examinations Section (FES)	
	B. Length of PE Activities, Time Limits	
	C. Complementarity and Positive Complementarity	
Complementarity Assessments		
for Admissibility (Article 17) 2.		
Positive Complementarity		
Positive Complementarity		
	D. Transparency of Preliminary Examinations	
	XIV. INVESTIGATIONS	
	A. Investigative Strategy	
	,	
	D. Investigative Technique and Teels	
	B. Investigative Technique and Tools	
1. Cooperation for Evidence		
Collection		
2. Cooperation Requests - JCCD		
International Cooperation Section		
3. Developing Technical Expertise		
within the ID (1) Financial		
Investigations (2) Tracking and		
Arrests of Fugitives (3) Remote		
Investigations		
investigations		
investigations	C. ID Field Presence in Situation Countries	
investigations	C. ID Field Presence in Situation Countries	
investigations	C. ID Field Presence in Situation Countries	
investigations		
investigations	C. ID Field Presence in Situation Countries  D. Evidence Assessment and Analysis	
investigations		
investigations	D. Evidence Assessment and Analysis	
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investigations	D. Evidence Assessment and Analysis	
investigations	D. Evidence Assessment and Analysis  XV. OTP INTERNAL QUALITY CONTROL MECHANISMS	
investigations	D. Evidence Assessment and Analysis  XV. OTP INTERNAL QUALITY CONTROL MECHANISMS	
Investigations	D. Evidence Assessment and Analysis  XV. OTP INTERNAL QUALITY CONTROL MECHANISMS  A. Evidence Reviews: Internal and Peeer Review	
investigations	D. Evidence Assessment and Analysis  XV. OTP INTERNAL QUALITY CONTROL MECHANISMS	

		C. Lessons Learnt		
		XVI. DEFENCE AND LEGA		
		A. Institutional Represent	tation	
			R320-R327	These Recommendations may requi amendment of the Regulations of the Court, which establish the OPCD and mandate.
		B. Legal Aid		
	R332	R328, R331, R333-R335	R329-R330	R328 - crucial ASP acts clearly and swiftly regard recommendation that working group on legal ai should not begin its work within confined budge limits.  Equally, issue of taxation of counsel and suppor staff by Host State, as discussed at paragraphs 8 830 of the IER Report, must be addressed by AS with Court's assistance, to unblock existing impediments to the "full reform" of the legal aid policy to make it "effective, sustainable, and credible, including ensuring equality of arms", a recommended in R328.  These framework issues also have implications of R333 and R334 (see comment below).  Although R331 recommends addressing resource issues in the area of financial investigation of suspects by attempting to use seconded person as a resource issue it is ultimately likely to be be dealt with by support from the ASP for funding through the budget.  R333 and R334 are framed as a recommendation directed at Court. However they are matters which should be included in the legal aid policy and insisted upon by the ASP when it approves that document.  R335 - as with R87, inclusion of support staff which revised Harassment Al and disciplinary procedumay involve amendment of ASP texts. ICCBA in discussions with Registry on this topic.
		VAULAUCTINA DA PTI CIDAT	TION	
A. Outline of the	System B. The System in Operation C. Re	XVII. VICTIM PARTICIPAT cognition of Victims as Participants D. Concerns the Reparations Phase	about the System as a Whole E. I	Legal Representation of Victims F. Tracing Victims
		the Reparations Finas		

XVIII. VICTIMS: REPARATIONS AND ASSISTANCE

A. Current Framework for Victims Participation in the Rome Statute System, and its Functioning B. Judicial Matters Related to Reparations

B. 1. General (Judicial) Principles on Reparations 2. Specialised Reparations Chamber 3. Non-Stay of Reparation Proceedings 4. Individual Requests for Reparations 5. Registry- Led Victim Application Process 6. New Potential Beneficiary Requests and Information 7. Reparations Experts 8. Mutually Agreed Protocols 9. Chambers Oversight Role in Implementation	R344; R352	R336-R341; R342-R343; R345-R351; R353	R339 - Recommendations of the "standing coordination body" may require ASP involvement for modification of legal texts. However the body itself does not appear to intend ASP involvement.  R344 calls for amendment of the RPE, which is for the ASP to do but should involve the Advisory Committee on Legal Texts, hence it is included in the "Assembly & Court" column
L			Assembly & Court Column
	C. The TFV and its Secretariat: Gover	rnance and Functioning	
1. Delivery of Mandate 2.			For the purpose of these recommendations we have treated the TFV as part of "the Court".  R359, R360 - Recommendations of the
Governance, Oversight and R35 Management	57	R354-R356, R358-R360	"standing coordination body" may require ASP involvement for modification of legal texts. However the body itself does not appear to intend ASP involvement.
	XIX. OVERSIGHT BO	ODIES	
	A. ASP - Court Rela		
	B. Internal and External Oversi	ight Mechanisms	
	C. Secretariat of th	e ASP	
	XX. IMPROVEMENT OF THE SYSTEM OF	NOMINATION OF HIDGES	
	ANT IN THE STATE OF THE STATE O	No. William Transcription	
	XXI. DEVELOPMENT OF THE RULES OF P	DOCEDI IDE AND EVIDENCE	
	R381-R384	NOCEDORE AND EVIDENCE	As above re amendment of texts - although it is for the ASP to amend, the Adivsory Committee on Legal Texts involves the Court in this too.
	RESOLUTION ICC-ASP/	/18/Res.7	
Nor Con OP 18 rela juris Equ	Strengthening, cooperation (b) n-cooperation, (c) mplementarity, and the ationship between national isdictions and the Court, (d) uitable geographical presentation and gender balance		

Appendix II, para 5	The election of the Prosecutor, implementation of arrest warrants and reviewing Assembly working methods	
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KEY		
CWM	Court-wide Matters	
OSM: C	Organ Specific Matters: Chambers	
OSM: OTP	Organ Specific Matters: Office of the Prosecutor	
OSM: R	Organ Specific Matters: Registry	
EG	External Governance	
RI	Remaining Issues	