

Japan's comment:

In the table below, we put the numbers of recommendations that we consider important and which should be prioritized in this Review Process, and added some comments to clarify the necessity of the involvement of the Assembly in dealing with each recommendation.

Prepared by the Review Mechanism

Sections	Cluster (Sub)-Section	Assembly	Assembly & Court	Court	Comments
CWM	I. GOVERNANCE				
	A. Unified Governance				
	1. Structure of the Court: (1) ICC/Court Governance, (2) ICC/IO Governance 2. Decision-Making Process and Internal Legal Framework 3. Content of Internal Legal framework 4. Working Culture at the Court				
	B. Chambers Governance (Working Environment and Culture, Structure, Management and Organisation				
1. Working Environment and Culture, 2. Chambers Structure and Organisation (1) Static and Dynamic Case Teams Led by référendaires (2) Specialised Pre-trial Team (3) Transferability of Case Teams (4) Role of Presiding Judges (5) Legal Staff Support to Judges, 3. Managment in Chambers (1) Head of Chmabers Staff (2) Legal Advisers to Divisions (3) Quality of Legal Support Staff and Professional Development (4) Administrative Assistants					
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					

<p>3. OTP Management and Leadership Structures (1) Prosecutor and Deputy Prosecutor - <i>Roles of Prosecutor and Deputy Prosecutor, Issue of two Deputy Prosecutors</i></p>	<p>R48</p>	<p>As the role of deputy prosecutor(s) is crucial to the reform of the OTP, the Assembly should be able to engage in discussion of the issues behind this recommendation.</p>
<p>3. (2) Executive Committee (ExCom)</p>		
<p>3. (3) Immediate Office of the Prosecutor (IOP) - <i>Chef de Cabinet, Public Information Unit (PIU)</i></p>	<p>R55</p>	<p>As this recommendation involves the establishment of a new post, the engagement of the Assembly should be ensured during its assessment and implementation.</p>
<p>3. (4) Integrated Teams 4. OTP Staffing (1) Staff Qualifications 4. (2) Quantity of Staff</p>		

D. Registry Governance		
<p>1. Election of the Registrar and Deputy Registrar 2. Various Sections of the Registry 3. Field offices</p>	<p>R76, R77, R78</p>	

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

D. Management of Human Resources		

E. Adequacy of Human Resources - Recruitment; F. Short-Term Appointments, Local Recruitment		

G. Performance Appraisal		

H. Staff Training and Development		

I. Multilingualism		

J. Flexibility, Scalability and Mobility in Staffing		
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1. Internal Mobility 2. External Mobility 3. Secondments	R103		As this recommendation is about secondments from States Parties and entails changes of existing guidelines, the engagement of the Assembly should be ensured during its assessment and implementation.
4. Tenure	R105		As this recommendation is about staff employment, which is governed by rules adopted by the Assembly, the engagement of the Assembly should be ensured during its assessment and implementation.

III. ETHICS AND PREVENTION OF CONFLICTS OF INTEREST			
A. Ethics Framework			
Court staff and/or officials, Individuals affiliated with the Court			

B. Prevention of Conflict of Interest			

IV. INTERNAL GRIEVANCE PROCEDURES			
A. General; B. Accountability of Judges			
1. Disciplinary Mechanisms and Complaints 2. Disciplinary Standards 3. A Readjusted Disciplinary Arrangement 4. Judicial Council of the Court	R124, R125		

V. BUDGET PROCESS			
A. Court Budget Process, B. Committee on Budget and Finance (CBF) C. Enhancing Trialogue D. Assembly of States Parties E. Miscellaneous			

VI. PERFORMANCE INDICATORS AND STRATEGIC PLANNING			
A. Efficiency B. Effectiveness			

VII. EXTERNAL RELATIONS			
A. Relations with the United Nations B. Role of the Court's New York Liason Office to the UN (NYLO) Relations with UN Agencies and Other International and Regional Organisations			

D. Relations with Civil Society and Media Organisations			
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	R156, R157		Although issues of the relationship with CSOs are to be addressed by the OTP, it should be ensured that States Parties are able to interact with the OTP and present their views through a relevant ASP mandate during assessment and implementation of these recommendations.
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E. Communications Strategy F. Outreach Strategy			

G. External Political Measures against the Court			

OSM: C

VIII. ELECTION OF THE PRESIDENCY			

IX. WORKING METHODS			
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A. Induction and Continuing Professional Development			
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1. Induction Programme 2. Timing 3. Contents 4. Continuing Professional Development			
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B. Full-Time Service of New Judges			

C. Code of Judicial Ethics			

D. Judicial Collegiality			

X. EFFICIENCY OF THE JUDICIAL PROCESS AND FAIR TRIAL RIGHTS			
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A. Pre-Trial Stage			
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<p>1. Disclosure of Evidence 2. Confirmation of Charges 3. Length of Pre-Trial Stage 4. Chambers Practice Manual and Judicial Case Management</p>	<p>R192, R193</p>	<p>Although adherence to the Chambers's Practice Manual rests upon Judges and other actors who engage in judicial proceedings, it should be ensured that States Parties are able to interact with the Court and present their views through a relevant ASP mandate during assessment and implementation of these recommendations.</p>
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B. Trial Stage

<p>1. Transfer of the Case to Trial Division 2. No Case to Answer 3. Amicus Curiae 4. Evidence Admitted vs Submitted 5. Witness Preparation/Proofing 6. Prior Recorded Testimony and Live Testimony by Means of Audio or Video-Link Technology 7. Management of the Trial 8. Court Activities <i>in situ</i> and Site Visits 9. Brief Absence of a Judge 10. Technology in the Judicial Process (1) Case Law Database (2) Other Digital Resources and Legal Tools (3) Effect on the Defence and Legal Representatives of Victims</p>	
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C. Interlocutory Appeals

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D. Management of Transitions in the Judiciary

<p>1. Continuing in Office on Expiry of Term 2. Designation of an Alternate Judge 3. Appointment of a Substitute Judge</p>	<p>R214</p>		
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XI. DEVELOPMENT OF PROCESSES AND PROCEDURES TO PROMOTE COHERENT AND ACCESSIBLE JURISPRUDENCE AND DECISION-MAKING
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<p>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</p>	

OSM: OTP

XII. OTP SITUATIONS AND CASES: PROSECUTORIAL STRATEGIES OF SELECTION, PRIORITISATION, HIBERNATION AND CLOSURE

A. Initial Situation and Case Selection: Preliminary Examinations

<p>1. Situation Selection During Phase 1 2. Situation Selection during PRs (Phases 2-4) (1) Narrower Standards for Admissibility (2) Feasibility Considerations in Situation Selection and Prioritisation</p>	<p>R227</p>		<p>Although selection and prioritization of situations/cases is the responsibility of the Prosecutor/OTP, it should be ensured that States Parties are able to interact with the Prosecutor/OTP and present their views through a relevant ASP mandate during assessment and implementation of the recommendation.</p>
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<p>B. Selection and Prioritisation of Cases and Perpetrators</p>			
<p>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</p> <p>2. The Process of Case Selection and Prioritisation</p>	<p>R233, R236</p>		<p>Although selection and prioritization of situations/cases is the responsibility of the Prosecutor/OTP, it should be ensured that States Parties are able to interact with the Prosecutor/OTP and present their views through relevant ASP mandate in assessment and implementation of the recommendations.</p>

<p>C. Situation Prioritisation, Hibernation and Closure</p>			

<p>XIII. PRELIMINARY EXAMINATIONS</p>			
<p>A. Concerns Related to Preliminary Examinations Section (PES)</p>			

<p>B. Length of PE Activities, Time Limits</p>			
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	R255-258		Although it is the Prosecutor/OTP who sets and follows the strategy in order to address issues behind these recommendations, it should be ensured that States Parties are able to interact with the Prosecutor/OTP and present their views through a relevant ASP mandate during assessment and implementation of the recommendations.
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C. Complementarity and Positive Complementarity

1. Complementarity Assessments for Admissibility (Article 17) 2. Positive Complementarity	R262		As complementarity is the fundamental principle of the ICC, this recommendation and its background issues should be carefully examined and discussed among States Parties and the Court in a relevant ASP mandate.
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D. Transparency of Preliminary Examinations

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XIV. INVESTIGATIONS

A. Investigative Strategy

	R269-271		Although it is the Prosecutor/OTP who sets and follows the strategy in order to address issues behind these recommendations, it should be ensured that States Parties are able to interact with the Prosecutor/OTP and present their views through a relevant ASP mandate during assessment and implementation of the recommendations.
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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

C. ID Field Presence in Situation Countries

D. Evidence Assessment and Analysis

XV. OTP INTERNAL QUALITY CONTROL MECHANISMS
A. Evidence Reviews: Internal and Peer Review

B. Trial Monitoring

C. Lessons Learnt

OSM: R

XVI. DEFENCE AND LEGAL AID
A. Institutional Representation

B. Legal Aid

XVII. VICTIM PARTICIPATION
A. Outline of the System B. The System in Operation C. Recognition of Victims as Participants D. Concerns about the System as a Whole E. Legal Representation of Victims F. Tracing Victims in the Reparations Phase

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	
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C. The TFV and its Secretariat: Governance and Functioning	
1. Delivery of Mandate 2. Governance, Oversight and Management	R357

EG

XIX. OVERSIGHT BODIES	
A. ASP - Court Relations	

B. Internal and External Oversight Mechanisms	

C. Secretariat of the ASP	
	R369
	As this recommendation involves a structural reform which associates changes of the existing rules, the engagement of the Assembly should be ensured during its assessment and implementation.

XX. IMPROVEMENT OF THE SYSTEM OF NOMINATION OF JUDGES	

XXI. DEVELOPMENT OF THE RULES OF PROCEDURE AND EVIDENCE	

RI

RESOLUTION ICC-ASP/18/Res.7	
OP 18	(a) Strengthening, cooperation (b) Non-cooperation, (c) Complementarity, and the relationship between national jurisdictions and the Court, (d) Equitable geographical representation and gender balance

Appendix II, para 5

The election of the Prosecutor,
implementation of arrest warrants
and reviewing Assembly working
methods

KEY	
CWM	Court-wide Matters
OSM: C	Organ Specific Matters: Chambers
OSM: OTP	Organ Specific Matters: Office of the Prosecutor
OSM: R	Organ Specific Matters: Registry
EG	External Governance
RI	Remaining Issues