

**INDEPENDENT EXPERT REVIEW: CATEGORIZATION OF RECOMMENDATIONS AND REMAINING ISSUES**

Prepared by the Review Mechanism

Sections	Cluster (Sub)-Section	Assembly	Assembly & Court	Court	Comments
CWM	<b>I. GOVERNANCE</b>				
	<b>A. Unified Governance</b>				
	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		X  X X X		
	<b>B. Chambers Governance (Working Environment and Culture, Structure, Management and Organisation)</b>				
	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		X		Assembly in a more consultative role, but ultimately responsible for staffing structure and budget
	<b>C. OTP Governance</b>				
	1. The OTP Structure, 2. The OTP Regulatory Framework (1) Current OTP Regulatory Framework (2) Areas Not Addressed Under the Current Framework		X		

3. OTP Management and Leadership Structures (1) Prosecutor and Deputy Prosecutor - <i>Roles of Prosecutor and Deputy Prosecutor, Issue of two Deputy Prosecutors</i>	X		
3. (2) Executive Committee (ExCom)		X	
3. (3) Immediate Office of the Prosecutor (IOP) - <i>Chef de Cabinet, Public Information Unit (PIU)</i>		X	Assembly to be appraised of progress regularly
3. (4) Integrated Teams		X	
4. OTP Staffing (1) Staff Qualifications		X	
4. (2) Quantity of Staff		X	

D. Registry Governance			
1. Election of the Registrar and Deputy Registrar	X		
2. Various Sections of the Registry		X	
3. Field offices		X	

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

D. Management of Human Resources			
		X	

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

G. Performance Appraisal			
		X	Assembly to be appraised of progress regularly

H. Staff Training and Development			
		X	

I. Multilingualism			
		X	Assembly to be appraised of progress regularly

J. Flexibility, Scalability and Mobility in Staffing			
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1. Internal Mobility 2. External Mobility 3. Secondments 4. Tenure	X	X	Assembly to be appraised of progress regularly
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**III. ETHICS AND PREVENTION OF CONFLICTS OF INTEREST**

**A. Ethics Framework**

Court staff and/or officials, Individuals affiliated with the Court	X		
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**B. Prevention of Conflict of Interest**

	X		
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**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	X	
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**V. BUDGET PROCESS**

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

	X		
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**VI. PERFORMANCE INDICATORS AND STRATEGIC PLANNING**

**A. Efficiency B. Effectiveness**

	X		
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**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**

	X		
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**D. Relations with Civil Society and Media Organisations**

	X		
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**E. Communications Strategy F. Outreach Strategy**

	X		
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**G. External Political Measures against the Court**

	X		
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OSM: C

**VIII. ELECTION OF THE PRESIDENCY**

R173	X	Assembly to be appraised of progress regularly. Issues already addressed by outgoing Presidency?
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**IX. WORKING METHODS**

**A. Induction and Continuing Professional Development**

1. Induction Programme 2. Timing 3. Contents 4. Continuing Professional Development	X	Assembly to be appraised of progress regularly
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**B. Full-Time Service of New Judges**

X		
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**C. Code of Judicial Ethics**

	X	Assembly to be appraised of progress regularly
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**D. Judicial Collegiality**

	X	
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**X. EFFICIENCY OF THE JUDICIAL PROCESS AND FAIR TRIAL RIGHTS**

**A. Pre-Trial Stage**

1. Disclosure of Evidence 2. Confirmation of Charges 3. Length of Pre-Trial Stage 4. Chambers Practice Manual and Judicial Case Management	X	Assembly to be appraised of progress regularly and given the opportunity to engage. Some areas may require changes to the RoPE
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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>	R206	X	Assembly to be appraised of progress regularly and given opportunity to engage. Some areas may require changes to RoPE or Statute.
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<b>C. Interlocutory Appeals</b>			
		X	Assembly to be appraised of progress regularly

<b>D. Management of Transitions in the Judiciary</b>			
<p>1. Continuing in Office on Expiry of Term 2. Designation of an Alternate Judge 3. Appointment of a Substitute Judge</p>	R214, R215		The Court to be consulted on possible solutions

<b>XI. DEVELOPMENT OF PROCESSES AND PROCEDURES TO PROMOTE COHERENT AND ACCESSIBLE JURISPRUDENCE AND DECISION-MAKING</b>			
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			
	R218	X	

<b>OSM: OTP</b>	<b>XII. OTP SITUATIONS AND CASES: PROSECUTORIAL STRATEGIES OF SELECTION, PRIORITISATION, HIBERNATION AND CLOSURE</b>		
	<b>A. Initial Situation and Case Selection: Preliminary Examinations</b>		
	<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>	X	Prosecutorial independence to be observed.

<b>B. Selection and Prioritisation of Cases and Perpetrators</b>		
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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	X		Prosecutorial independence to be observed
2. The Process of Case Selection and Prioritisation		X	Assembly to be appraised of progress regularly

C. Situation Prioritisation, Hibernation and Closure			
	X		Prosecutorial independence to be observed

XIII. PRELIMINARY EXAMINATIONS			
A. Concerns Related to Preliminary Examinations Section (PES)			
		X	Assembly to be appraised of progress regularly

B. Length of PE Activities, Time Limits			
	X		Prosecutorial independence to be observed

C. Complementarity and Positive Complementarity			
1. Complementarity Assessments for Admissibility (Article 17) 2. Positive Complementarity	X		Prosecutorial independence to be observed

D. Transparency of Preliminary Examinations			
	X		Prosecutorial independence to be observed

XIV. INVESTIGATIONS			
A. Investigative Strategy			
		X	Assembly to be appraised of progress regularly

B. Investigative Technique and Tools			
1. Cooperation for Evidence Collection	X		
2. Cooperation Requests - JCCD International Cooperation Section		X	Assembly to be appraised of progress regularly

3. Developing Technical Expertise within the ID (1) Financial Investigations (2) Tracking and Arrests of Fugitives (3) Remote Investigations	X	
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C. ID Field Presence in Situation Countries		
	X	R298 in particular may benefit from discussion with the Assembly. Assembly to be appraised of progress regularly.

D. Evidence Assessment and Analysis		
	X	Possible budget implications. Assembly to be appraised of progress regularly.

XV. OTP INTERNAL QUALITY CONTROL MECHANISMS		
A. Evidence Reviews: Internal and Peer Review		
	X	Assembly to be appraised of progress regularly

B. Trial Monitoring		
	X	Assembly to be appraised of progress regularly

C. Lessons Learnt		
	X	Assembly to be appraised of progress regularly

OSM: R	XVI. DEFENCE AND LEGAL AID	
	A. Institutional Representation	
		X

B. Legal Aid		
	X	Need for joint ownership and possible budget implications.

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		
	X	Need for joint ownership and possible budget implications.

<b>XVIII. VICTIMS: REPARATIONS AND ASSISTANCE</b>		
<b>A. Current Framework for Victims Participation in the Rome Statute System, and its Functioning B. Judicial Matters Related to Reparations</b>		
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	X	Need for joint ownership and possible budget implications.
<b>C. The TFV and its Secretariat: Governance and Functioning</b>		
1. Delivery of Mandate 2. Governance, Oversight and Management	R357  X	
<b>EG</b>	<b>XIX. OVERSIGHT BODIES</b>	
	<b>A. ASP - Court Relations</b>	
	X	
	<b>B. Internal and External Oversight Mechanisms</b>	
	X	
	<b>C. Secretariat of the ASP</b>	
	X	With appropriate involvement of the Court and the SASP
	<b>XX. IMPROVEMENT OF THE SYSTEM OF NOMINATION OF JUDGES</b>	
	X	
	<b>XXI. DEVELOPMENT OF THE RULES OF PROCEDURE AND EVIDENCE</b>	
	X	
<b>RI</b>	<b>RESOLUTION ICC-ASP/18/Res.7</b>	



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	With appropriate involvement of the Court as applicable.
Appendix II, para 5	The election of the Prosecutor, implementation of arrest warrants and reviewing Assembly working methods	With appropriate involvement of the Court as applicable.

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