

**INDEPENDENT EXPERT REVIEW: CATEGORIZATION OF RECOMMENDATIONS AND REMAINING ISSUES**  
 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<br><br>2. Decision-Making Process and Internal Legal Framework<br><br>3. Content of Internal Legal framework<br><br>4. Working Culture at the Court |          |                  |       |          |
|   | B. Chambers Governance (Working Environment and Culture, Structure, Management and Organisation)   |          |                  |       |          |
| 1. Working Environment and Culture,<br>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) - *Chef de Cabinet, Public Information Unit (PIU)*

3. (4) Integrated Teams

4. OTP Staffing (1) Staff Qualifications

4. (2) Quantity of Staff

D. Registry Governance

1. Election of the Registrar and Deputy Registrar R76, R77, R78

2. Various Sections of the Registry

3. Field offices

The Registry section is not as detailed as other sections. It would be good to have detailed aspects also especially on the different units and field offices. I hope the Victims and Witness Unit (VWU) will be looked into and determine if there are "Areas not covered under the current framework". I am specifically referring to the participation, protection and support for them. The budget also matters.

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

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| G. Performance Appraisal   |   |
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| H. Staff Training and Development  |   |
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| I. Multilingualism   |   |
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| J. Flexibility, Scalability and Mobility in Staffing   |   |
| 1. Internal Mobility 2. External Mobility 3. Secondments<br>4. Tenure  |   |
| <b>III. ETHICS AND PREVENTION OF CONFLICTS OF INTEREST</b>   |   |
| A. Ethics Framework  |   |
| Court staff and/or officials, Individuals affiliated with the Court  |   |
| B. Prevention of Conflict of Interest  |   |
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| <b>IV. INTERNAL GRIEVANCE PROCEDURES</b>   |   |
| A. General; B. Accountability of Judges  |   |
| 1. Disciplinary Mechanisms and Complaints 2. Disciplinary Standards<br>3. A Readjusted Disciplinary Arrangement 4. Judicial Council of the Court<br>R124, R125 |   |
| <b>V. BUDGET PROCESS</b>   |   |
| A. Court Budget Process, B. Committee on Budget and Finance (CBF) C. Enhancing Trialogue D. Assembly of States Parties E. Miscellaneous                        |   |
|  | Budget – There should be examination of the ASP’s role in ensuring availability of funds for effective functioning of the Court. For example, there will be more situations in various countries that may be considered for PE as well as |

better preparations of evidence if the OTP would be better equipped (personnel and other resources) to do its work.

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| <b>VI. PERFORMANCE INDICATORS AND STRATEGIC PLANNING</b> |  |
| A. Efficiency B. Effectiveness                           |  |
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| <b>VII. EXTERNAL RELATIONS</b>  |  |
| 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 |  |
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| D. Relations with Civil Society and Media Organisations |  |
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| E. Communications Strategy F. Outreach Strategy |  |
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| G. External Political Measures against the Court |  |
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| <b>OSM: C</b> | <b>VIII. ELECTION OF THE PRESIDENCY</b> |  |
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| <b>IX. WORKING METHODS</b>  |  |
| A. Induction and Continuing Professional Development                                |  |
| 1. Induction Programme 2. Timing 3. Contents 4. Continuing Professional Development |  |

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| B. Full-Time Service of New Judges |  |
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| C. Code of Judicial Ethics |  |
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| D. Judicial Collegiality |  |
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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

B. Trial Stage

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 *in situ* 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

C. Interlocutory Appeals

D. Management of Transitions in the Judiciary

1. Continuing in Office on Expiry of Term 2. Designation of an Alternate Judge 3. Appointment of a Substitute Judge R214, R215

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

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| OSM: OTP  | <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<br/> 2. Situation Selection during PRs<br/> (Phases 2-4) (1) Narrower Standards for Admissibility (2) Feasibility Considerations in Situation Selection and Prioritisation</p>   | <p>We hope the feasibility considerations will not be an obstacle to continuing PE or moving to the next step of investigation for situations already under preliminary investigation.</p> |  |
| <b>B. Selection and Prioritisation of Cases and Perpetrators</b>  |  |  |
| <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> |  |  |
| <b>C. Situation Prioritisation, Hibernation and Closure</b>   |  |  |
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| <b>XIII. PRELIMINARY EXAMINATIONS</b>   |  |  |
| <b>A. Concerns Related to Preliminary Examinations Section (PES)</b>  |  |  |
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| <b>B. Length of PE Activities, Time Limits</b>  |  |  |
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| <b>C. Complementarity and Positive Complementarity</b>  |  |  |
| <p>1. Complementarity Assessments for Admissibility (Article 17) 2. Positive Complementarity</p>  |  |  |
| <b>D. Transparency of Preliminary Examinations</b>  |  |  |
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**XIV. INVESTIGATIONS**

**A. Investigative Strategy**

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**B. Investigative Technique and Tools**

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| 1. Cooperation for Evidence Collection  |
| 2. Cooperation Requests - JCCD<br>International Cooperation Section   |
| 3. Developing Technical Expertise<br>within the ID (1) Financial<br>Investigations (2) Tracking and Arrests<br>of Fugitives (3) Remote Investigations |

**C. ID Field Presence in Situation Countries**

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**D. Evidence Assessment and Analysis**

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**XV. OTP INTERNAL QUALITY CONTROL MECHANISMS**

**A. Evidence Reviews: Internal and Peer Review**

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**B. Trial Monitoring**

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**C. Lessons Learnt**

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OSM: R

**XVI. DEFENCE AND LEGAL AID**

**A. Institutional Representation**

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**B. Legal Aid**

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| XVII. VICTIM PARTICIPATION   |  |
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| 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 |  |
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| XVIII. VICTIMS: REPARATIONS AND ASSISTANCE   |  |
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| 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 |  |

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

| EG | XIX. OVERSIGHT BODIES    |  |
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|    | A. ASP - Court Relations |  |
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| B. Internal and External Oversight Mechanisms |  |
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| C. Secretariat of the ASP |  |
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| XX. IMPROVEMENT OF THE SYSTEM OF NOMINATION OF JUDGES |  |
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| XXI. DEVELOPMENT OF THE RULES OF PROCEDURE AND EVIDENCE |  |
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