

Finland - 05/05/2021

Dear Ambassadors, Dear Paul, Dear Michael,

Allocation of recommendations. With reference to our discussions today I send herewith the list of ten IER recommendations that we have, on the basis of the Overall response of the ICC, contribution by the Head of the IOM and your categorization chart, identified to fall within the IOM facilitation: **R 108, R 109, R 118, R 122, R 124, R 125, R 126, R 128, R 364 and R 368.**

Also **R 87 and R 199** concern the IOM but fall mostly within the Court's competence, and would thus not, at least primarily, be discussed within the IOM facilitation, unless otherwise advised.

On the basis of my initial contacts, I am not aware that other groups/facilitation would be addressing items identified by us. Should you feel that additional items should be added to this list, please let me know.

Prioritization. Only recommendations **R 118, R 122 and R 125** are mentioned in Annex I of the IER report. It is clear that for example R 126 (consider in the long-term the establishment of a Judicial Council) would not be one of the prioritized recommendations but some others may be interlinked. I would foresee that some kind of orientation discussion could be carried out also on the non-prioritized items but it may not be realistic to aim at concrete decisions with regard to them.

Involvement of the Court in the facilitations. I welcome the participation of the Court representatives in our facilitations in the same manner as we had last year when the new operating mandate of the IOM was prepared. There are, however, some issues that may benefit from direct discussions with the Court, see for example paragraph 255 (Court will put forward a proposal for establishment ---of an Ombudsman --- to the next ASP) and paragraph 259 (detailed study on functions of the IOM).

We aim at producing in the coming days/weeks a program of work of the IOM facilitation, in accordance with the General Roadmap for facilitations.

I look forward to discussing these and some other items with you also bilaterally, as soon as your timetable allows.

Finland - Fri 21/05/2021

Dear Ambassadors Van Den Ijssel and Kanu, Dear Paul and Michael,

Sorry for missing the deadline yesterday. With reference to my earlier correspondence, I send herewith for your information and for your possible comments a draft programme of work for the IOM facilitation which to my understanding addresses some of the questions that you wished to get our comments on.

This draft does not address the question of prioritization as of yet, but I would, however, submit the following initial thinking:

Having gone through yet one more time the IER report we noted that recommendations R112, R118, R122, R125 and R131 are included in the summary of prioritized recommendations, listed in Annex I of the IER report.

Recommendations R108, R125 and R131 all address ad hoc investigative panels and could thus be treated together as prioritized recommendations. R128 seems to be something where some useful work could be done already in the near future, and could thus be included as an addition to the prioritized recommendations?

The reply of the Court indicates that the establishment of the Ethics Committee (R112) will require a bit more thinking on the side of the Court. If that is the case, it may be difficult to advance the part concerning the IOM (R112, 4th bullet) very rapidly in the IOM facilitation.

To the contrary the Court indicates that it is prepared to move forward with the establishment of an Ombudsperson (R118) already by next ASP. That being the case, the IOM facilitation would welcome a brief by a Court representative on this process and is prepared to look at the proposal from the IOM point of view.

In relation to EBCO (R122) I don't yet have a clear view on its status as prioritized recommendation.

I hope this is of some help in your work.