

INDEPENDENT EXPERT REVIEW: CATEGORIZATION OF RECOMMENDATION AND REMAINING ISSUES

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		R1, R3, R4, R5	R2, R3, R6, R7	SUC supports that the ASP and the Court implement these recommendations. Please refer to section 10 of our response of 31 March 2021.
	2. Decision-Making Process and Internal Legal Framework		R10	R8, R9, R11	
	3. Content of Internal Legal framework		R13	R12	
	4. Working Culture at the Court		R15	R14, R16, R17, R18, R19, R20	
	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. Management in Chambers (1) Head of Chambers Staff (2) Legal Advisers to Divisions (3) Quality of Legal Support Staff and Professional Development (4) Administrative Assistants		R33	R21, R22, R23, R24, R25, R26, R27, R28, R29, R30, R31, R32, R34, R35, R36, R37	
	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			R38, R39, R40, R41, R42, R43, R44, R45	

3. OTP Management and Leadership Structures (1) Prosecutor and Deputy Prosecutor - <i>Roles of Prosecutor and Deputy Prosecutor, Issue of two Deputy Prosecutors</i>	R46, R47, R48,	
3. (2) Executive Committee (ExCom)	R49, R50, R51, R52	
3. (3) Immediate Office of the Prosecutor (IOP) - <i>Chef de Cabinet, Public Information Unit (PIU)</i>	R53, R54, R55, R56	
3. (4) Integrated Teams	R57, R58, R59, R60, R61, R62, R63	
4. OTP Staffing (1) Staff Qualifications	R64, R65, R66, R67, R68, R69, R70	
4. (2) Quantity of Staff	R71, R72, R73, R74, R75	

D. Registry Governance		
1. Election of the Registrar and Deputy Registrar	R76, R77, R78	
2. Various Sections of the Registry		R79
3. Field offices	R82	R80, R81, R83, R84, R85, R86

II. HUMAN RESOURCES		
A. General; B. Working Environment and Culture, Staff Engagement, Staff Welfare; C. Bullying and Harassment;		
	R87, R88	SUC considers that the Court implements these recommendations as a priority with financial support from ASP. Please refer to section 2 of our response of 31 March 2021.

D. Management of Human Resources		
	R89, R90	

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

R95, R96	R91, R92, R93, R94	SUC considers that the Court implements these recommendations as a priority with ASP financial support. Please refer to section 5 of our response of 31 March 2021.
G. Performance Appraisal		
	R97, R98	SUC supports that the Court implements these recommendations. Please refer to section 8 of our response of 31 March 2021.
H. Staff Training and Development		
R99		SUC considers that the Court implements these recommendations as a priority with ASP financial support. Please refer to section 4 of our response of 31 March 2021.
I. Multilingualism		
	R100	SUC supports that the Court implements these recommendations with ASP financial support. Please refer to section 11 of our response of 31 March 2021.
J. Flexibility, Scalability and Mobility in Staffing		
1. Internal Mobility 2. External Mobility 3. Secondments	R101, R102, R103	SUC considers that the Court implements these recommendations as a priority. Please refer to section 3 of our response of 31 March 2021.

4. Tenure		R104, R105	SUC supports that the Court implements these recommendations with caveats. Please refer to section 7 of our response of 31 March 2021.
-----------	--	------------	--

III. ETHICS AND PREVENTION OF CONFLICTS OF INTEREST

A. Ethics Framework

Court staff and/or officials, Individuals affiliated with the Court	R108	R106, R107	SUC supports that the Court implements these recommendations. Please refer to section 9 of our response of 31 March 2021.
--	------	------------	---

	R109		SUC supports that the Court implements these recommendations. Please refer to section 9 of our response of 31 March 2021.
--	------	--	---

B. Prevention of Conflict of Interest

	R110, R112, R113, R114	R111	
--	------------------------	------	--

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, R128	R117, R118, R122, R126, R127, R131	R115, R116, R119, R120, R121, R123, R129, R130	SUC supports that the Court implements these recommendations with caveats. Please refer to section 6 of our response of 31 March 2021.
--	------------------	------------------------------------	--	--

V. BUDGET PROCESS

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

	R134, R135, R136, R139, R140, R141, R142, R143	R137, R138	R132, R133,	
--	--	------------	-------------	--

VI. PERFORMANCE INDICATORS AND STRATEGIC PLANNING

A. Efficiency B. Effectiveness

	R148	R144, R145, R146, R147	
--	------	------------------------	--

VII. EXTERNAL RELATIONS

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

	R150	R149, R151, R152	
--	------	------------------	--

D. Relations with Civil Society and Media Organisations			
R162	R158, R161	R153, R154, R155, R156, R157, R159, R160	

E. Communications Strategy F. Outreach Strategy			
		R163, R164, R165, R166, R167, R168	

G. External Political Measures against the Court			
R169		R170	

OSM: C

VIII. ELECTION OF THE PRESIDENCY			
R173		R171, R172	

IX. WORKING METHODS			
A. Induction and Continuing Professional Development			
1. Induction Programme 2. Timing 3. Contents 4. Continuing Professional Development		R174, R175, R176, R177	

B. Full-Time Service of New Judges			
		R178, R179, R180	

C. Code of Judicial Ethics			
		R181, R182, R183, R184	

D. Judicial Collegiality			
		R185, R186, R187, R188	

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		R189, R190, R191, R192, R193, R194, R195, R196, R197, R198	

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	R199, R200, R201, R202, R203, R204, R205, R207, R208, R209, R210, R211, R212
--	------	--

C. Interlocutory Appeals		
	R213	

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>	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		
	R218	R216, R217, R219, R220, R221, R222, R223, R224, R225

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>		R226, R227, R228, R229
B. Selection and Prioritisation of Cases and Perpetrators		

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	R230, R231, R232, R233, R234, R235, R236, R237, R238, R239	
2. The Process of Case Selection and Prioritisation	R240, R241, R242	

C. Situation Prioritisation, Hibernation and Closure		
R247	R243, R244, R245, R246, R248, R249, R250	

XIII. PRELIMINARY EXAMINATIONS		
A. Concerns Related to Preliminary Examinations Section (PES)		
	R251, R252, R253	

B. Length of PE Activities, Time Limits		
	R254, R255, R256, R257, R258, R259, R260, R261	

C. Complementarity and Positive Complementarity		
1. Complementarity Assessments for Admissibility (Article 17) 2. Positive Complementarity	R262, R263, R264, R265	

D. Transparency of Preliminary Examinations		
	R266, R267	

XIV. INVESTIGATIONS		
A. Investigative Strategy		
	R268, R269, R270, R271	

B. Investigative Technique and Tools		
1. Cooperation for Evidence Collection	R273, R274, R275	R272, R276, R277, R278
2. Cooperation Requests - JCCD International Cooperation Section		R279, R280, R281, R282
3. Developing Technical Expertise within the ID (1) Financial Investigations (2) Tracking and Arrests of Fugitives (3) Remote Investigations	R284, R289, R290	R283, R285, R286, R287, R288, R291, R292

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

R293, R294, R295, R296, R297, R298	
------------------------------------	--

D. Evidence Assessment and Analysis

R299, R300, R301, R302, R303, R304	
------------------------------------	--

XV. OTP INTERNAL QUALITY CONTROL MECHANISMS

A. Evidence Reviews: Internal and Peer Review

R305, R306, R307, R308, R309, R310	
------------------------------------	--

B. Trial Monitoring

R311, R312	
------------	--

C. Lessons Learnt

R313, R314, R315, R316, R317, R318, R319	
--	--

OSM: R

XVI. DEFENCE AND LEGAL AID

A. Institutional Representation

R320, R321, R322, R323, R324, R325, R326, R327	
--	--

B. Legal Aid

R328, R332	R331	R329, R330, R333, R334, R335	
------------	------	------------------------------	--

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

R336, R337, R338, R339, R340, R341	
------------------------------------	--

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	, R353	
--	------------	--------	--

C. The TFV and its Secretariat: Governance and Functioning			
1. Delivery of Mandate 2. Governance, Oversight and Management	R357	R354, R355, R356, R358, R359, R260	

EG

XIX. OVERSIGHT BODIES			
A. ASP - Court Relations			
	R361, R363	R362	
B. Internal and External Oversight Mechanisms			
	R366, R368	R364, R367	R365
C. Secretariat of the ASP			
	R369, R370		
XX. IMPROVEMENT OF THE SYSTEM OF NOMINATION OF JUDGES			
	R371, R372, R373, R374, R375, R376, R377, R378, R379, R380		
XXI. DEVELOPMENT OF THE RULES OF PROCEDURE AND EVIDENCE			
	R381	R382, R384	R383

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