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Annex IV

Matrix

Progress in the assessment of the IER recommendations¹

Submitted pursuant to resolution ICC-ASP/20/Res.3, para. 11

Recommendation	Result assessment	Implementation date	Comments
R1	negative		The recommendations were assessed negatively while stressing the importance of implementing the practical aspects not in contradiction with the Rome Statute, while safeguarding the judicial and prosecutorial independence of the Court. Such practical aspects included issues related to efficiency and streamlining of governance procedures as well as staff wellbeing and accountability measures. It was also agreed that the Study Group on Governance would lead discussions on implementation of the practical aspects of the recommendations, and that the Review Mechanism may convene roundtable meetings focused on implementation.
R2	negative		See comment in R1.
R3	negative		See comment in R1.
R4	negative		See comment in R1.
R5	negative		See comment in R1.
R6	negative		See comment in R1.
R7	negative		See comment in R1.
R8	negative		See comment in R1.
R9	negative		See comment in R1.
R10	negative		See comment in R1.
R11	negative		See comment in R1.
R12	negative		See comment in R1.
R13	negative		See comment in R1.

¹ The Matrix is a living document, which will change to reflect developments.

R14	positive	implementation on-going	The implementation of this recommendation was further discussed at the Roundtable on the implementation of the workplace culture related recommendations at the Court (IER recommendations R14, R15, R87, R129 and R130) on 23 June 2022.
R15	positive	implementation on-going	The implementation of this recommendation was further discussed at two Roundtables on the implementation of the workplace culture related recommendations at the Court (IER recommendations R14, R15, R87, R129 and R130) on 23 June 2022 and 17 November 2022.
R16	positive	implementation on-going	to be implemented beginning of 2023.
R17	positive	implemented	
R18	positive	implemented	
R19	positive	implemented	
R20	positive	implementation on-going	The following represents the agreed language on the status of implementation consented to by the SUC and reported to the CBF and RM. "The collaboration initiatives between the Court and the Staff Council have been reported to the Committee in the context of the Courts' annual reports on human resources management and will continue to be reported in this annual report to the Committee."
R21	positive with modification	implemented	Since 2009, the Judiciary has implemented a system of flexible assignment of staff in Chambers. In particular, since July 2022, there has been a clarification of the standards of inter-divisional transfer in order to ensure the flexible and efficient as well as transparent allocation of staff to meet the Chamber's specific needs. This ensures fair and equal treatment of staff and promotes a collaborative working environment as well as opportunities for professional development.
R22	pending		R22, R23, R27 and R28 should be discussed together. Any harmonisation of key roles in the Judiciary will be undertaken at a later stage as part of a broader rationalisation of the staffing structure that would focus on duties and responsibilities.
R23	pending		See comment for R22.
R24	positive with modification	implemented	In practice, the assignment of legal staff to cases is a multifaceted exercise, which is subject to many factors. These include, but are not limited to, the specific expertise of the judges and staff with a view to combining skills and expertise. Since the number of legal staff is limited, the assignments must be done

			flexibly. Depending on the circumstances, a limited number of legal staff (or none) may move to the next stage of the proceedings.
R25	negative		See explanation under R21. Instead of assigning legal staff to individual judges, preference has been given to organising work through the team structure.
R26	positive	implemented	See comment for R21.
R27	pending		See comment for R22.
R28	pending		See comment for R22.
R29	positive	implementation on-going	Beyond the necessity to have the best qualified and most experienced staff, the Judiciary has continuously striven to enhance its GRGB, which should translate, among other things, into enhanced gender, legal and cultural diversity.
R30	negative		This recommendation is closely connected to the Unified Governance recommendations (R1-R13), which were assessed negatively. As a result, this recommendation necessarily was assessed negatively as well.
R31	positive	implemented	See explanation under R21. Implementation of this recommendation is on-going in the context of reviewing the Chambers staffing structure.
R32	positive with modification	implemented	With respect to the judges' involvement in recruitment panels, the judges have, in practice, tended not to sit in those panels. However, the matter cannot be regulated in absolute terms since there may be infrequently situations where judges would need to sit on a panel.
R33	positive with modifications	implemented	It is agreed that contractual schemes should always be reviewed with the view to improving them. However, the Chambers are bound by the contractual scheme of the Court.
R34	positive	implementation on-going	The Judiciary will continue to provide professional development training to its legal staff. These trainings include, but are not limited to, judgement drafting, team building, UN leadership training and language training.
R35	positive	implemented	The ICC Presidency indicated that it had implemented R35 in December 2021.
R36	positive with modification	implementation on-going	Insofar as reporting lines are concerned, Chambers legal staff have acted as reporting officers of the administrative assistants. The Judiciary, with the assistance of the Registry, will look into the clarification of the responsibilities.
R37	positive with modification	implementation on-going	See R32.

R48	negative		The structure of two DP was reinstated. Upon the ASP approval the two DPs was elected on board
R55	positive	implementation on-going	The Public information Officer (P3) and Associate Public information Officer (P2) are already on board and the recruitment process for the Head of the PIU (P4) is ongoing.
R65	positive	implementation on-going	
R67	positive	implementation on-going	
R68	positive	implementation on-going	
R69	positive	implemented	
R71	positive	implementation on-going	The production of a new policy paper for the selection of situations and cases is ongoing
R76	pending		This recommendation has been partially implemented in 2022. The SGG will continue consideration of R76-R78 after the election of the next Registrar in 2023.
R77	pending		Related to governance model discussions. See comment for R76.
R78	pending		See comment for R76.
R80	positive	implementation on-going	The Registry continues its effort to enhance the capacity of field offices.
R81	positive	implementation on-going	See previous comment in R80.
R82	positive	implementation on-going	See previous comment in R80. The Court has established a regional field office in Uganda, which acts as a hub for several countries in the region.
R83	positive	implemented	The Registry has implemented several measures to improve relationships with local stakeholders, for example, requesting budget for the recruitment of National Professional Officers, appropriate transfer of personnel among regional offices and The Hague, and providing access to the court records from the staffs of field offices.
R84	positive	implementation on-going	
R85	positive	implementation on-going	See previous comment in R83.
R86	positive	implemented	See previous comment in R83.
R87	positive	implementation on-going	On-going commitment. The implementation of this recommendation was further discussed at two roundtables on the implementation of the workplace culture related recommendations at the Court (IER recommendations R14, R15, R87, R129 and R130) on 23 June 2022 and 17 November 2022.
R88	positive	implementation on-going	On-going commitment.
R89	positive	implementation on-going	
R91	positive	implementation on-going	The Court has done an overall reform of its recruitment process and continues its effort to avoid bias and to improve diversity. Despite the Court's efforts, it is not always feasible to include a

			representative of an under-represented geographical region in the recruitment panel and budgetary implications need to be taken into account in the reform process.
R92	positive	implementation on-going	A job family project had been launched in late 2021 with the intention of developing and classifying generic job descriptions to create job families and accurately reflect core responsibilities of positions at the Court.
R93	positive	implemented	The Court already implemented the recommendation. The Court has done an overall reform of its recruitment process and continues its effort to avoid bias and to improve diversity.
R94	positive	implemented	“The Court already implemented the recommendation. The Court has done an overall reform of its recruitment process and continues its effort to avoid bias and to improve diversity.”
R95	positive	implementation on-going	Almost fully implemented, with the National Professional Officer Category, short-term contracts and secondments established.
R96	positive	implemented	It is difficult for the Court to fund the paid internships and visiting scholar positions with the regular budget, and these currently rely on voluntary contributions from the States Parties.
R97	positive	implemented	The Court has improved its performance appraisal system, including conversations during the year. It has also introduced a training course for managers and a 360-degree assessment.
R98	positive	implemented	See previous comment on R97.
R99	positive	implementation on-going	The Court’s training function (including leadership programs) was centralized in the Registry. Only specific training relevant to skills needed in the Office of the Prosecutor was organized separately.
R100	positive	implemented	The Court continues its effort to improve both the French language capability of the staff and the utilization of local languages in the situation countries.
R101	positive	implemented	The Financial Rules and Regulations (FRR) of the Court have been amended to accommodate inter-organ temporary assignments.
R102	positive	implementation on-going	The Court is planning to enhance relationships between universities and NGOs in the future.
R103	positive	implementation on-going	The Court has already existing guidelines for gratis personnel, which set the framework for secondments. This framework had informed a recent

			request from the Prosecutor, seeking secondments for 10 profiles where his office had identified a lack in technical capacity.
R104	positive	implementation on-going	The Registry already implemented its knowledge management system in 2022. The rest of the Court to complete it in 2023.
R105	positive	implementation on-going	Decision on principle to be taken by ASP 2022. A full-fledged detailed proposal to be submitted to ASP 2023. Tenure to start as of 1-1-2024 Registrar to make a detailed proposal, on behalf of the Court and in close consultation with the Bureau.
R106	negative		The Courts common values project linked to ethics instead are being developed and will be ready in the first half of 2023.
R107	positive	implementation on-going.	Full commitment from OTP.
R108	Positive with modifications	implementation on-going	The facilitation requested the IOM to produce a non-paper regarding R108 and R109 specifying in greater detail the modalities for possible implementation with different options for the consideration of the States Parties.
R109	positive	implementation on-going.	R108 could be seen as a pilot to determine if 109, which would require amending the Rome Statute, is necessary or if 108 would suffice. The facilitation requested the IOM to produce a non-paper regarding R108 and R109 specifying in greater detail the modalities for possible implementation with different options for the consideration of the States Parties.
R110	negative		Feedback by the UN FDP was that the FDP was not suited for judges. The Court updated that no other viable alternatives had been found.
R111	negative		As it would impinge on judicial independence, but guidelines to be reinforced.
R112	positive	implementation on-going	Implementation will require time.
R113	positive	implementation on-going	Without prejudice to implementation of 112.
R114	positive	implementation on-going	Without prejudice to implementation of 112.
R115	negative		The Court has already taken other measures capturing the spirit of this recommendation (e.g. ICC/AI/2022/003: Addressing discrimination, harassment, including sexual harassment, and abuse of authority).
R116	pending		To be read together with R117 and R120. The facilitation decided that further consultations would be needed on R116, R117 and R120, and

			requested, in advance of any further consultations, the Court to provide a paper with the different options on accepting, accepting with modifications or rejecting the recommendations, and the possible need to engage with elected officials on the implications and consequences of any final decision on the matter.
R117	pending		To be read together with R116 and R120. The facilitation decided that further consultations would be needed on R116, R117 and R120, and requested, in advance of any further consultations, the Court to provide a paper with the different options on accepting, accepting with modifications or rejecting the recommendations, and the possible need to engage with elected officials on the implications and consequences of any final decision on the matter.
R118	positive	implementation on-going	
R119	negative		Regarding compulsory mediation: Ombudsperson, when recruited, to be consulted on how to encourage informal resolution of disputes at the Court.
R120	pending		To be read together with R116 and R117. The Court will present a short paper with the different options discussed at the IOM facilitation meeting. SUC supports staying with ILOAT. The facilitation decided that further consultations would be needed on R116, R117 and R120, and requested, in advance of any further consultations, the Court to provide a paper with the different options on accepting, accepting with modifications or rejecting the recommendations, and the possible need to engage with elected officials on the implications and consequences of any final decision on the matter.
R121	positive	implementation on-going	Taking note of the intention of the Court to let this recommendation inform the rest of the review work.
R122	pending		In light of the departure of the facilitator, it was not possible to complete the considerations of this recommendation.
R123	pending		See comment in R122.
R124	pending		See comment in R122.
R125	pending		See comment in R122.
R129	positive	implementation on-going	On-going commitment. This recommendation was further discussed at the roundtable on the implementation of the workplace

			culture related recommendations at the Court (IER recommendations R14, R15, R87, R129 and R130) on 23 June and 17 November 2022.
R130	positive	implementation on-going	On-going commitment. This recommendation was further discussed at the roundtable on the implementation of the workplace culture related recommendations at the Court (IER recommendations R14, R15, R87, R129 and R130) on 23 June and 17 November 2022.
R131	pending		See comment in R122. Assessment is pending as the recommendation itself has a cross-cutting nature and R122-128 still need to be assessed.
R132	positive	implemented	The Committee on Budget and Finance and the Court were of the view that this recommendation was already implemented.
R133	positive	implemented	The CAP notes the link between this recommendation and those on Unified Governance, in particular R4. The Court noted that R133 is already implemented as the Registrar already has a leading role as regards a centralized budget process, as per the One-Court principle, and as elaborated in the context of R132.
R134	positive with modification	implemented	<p>The first sentence of the recommendation was assessed positively, on the understanding that it referred to temporary transfers of staff, but not transfers of funds, and that both the Registrar and the Prosecutor could make such transfers. In this regard, an amendment to the Financial Regulations and Rules to facilitate inter-organ mobility of staff has been adopted by States Parties.</p> <p>The second and third sentences were assessed positively, on the understanding that they applied to flexibility in implementing reductions decided by the Assembly, not the Committee, and within but not between Major Programmes.</p>
R135	positive with modification	implemented	The recommendation was assessed positively, with the caveat that it would not be practical for the Committee's agenda to be endorsed in advance by the Assembly. It was noted that the Committee will attempt to streamline its agenda and in cooperation with the Court try to reduce written reporting obligations.
R136	positive with modification	implemented	The recommendation was assessed positively, with the modification that it would not be practical for the

			Committee to include the Court's position on its recommendations in its reports.
R137	positive	implemented	States Parties were of the view that having meetings with the Committee on Budget and Finance, as recommended, were most useful and should continue.
R138	positive	implemented	The Committee on Budget and Finance and the Court were of the view that the existing arrangements were satisfactory and effective and that they would continue with the format, frequency and scope of the workshops.
R139	pending		
R140	pending		States Parties continued their discussion from 2021 on the issue of liquidity and arrears as a strategic priority for the continued sustainability of the Court's operations. Discussions are on-going.
R141	pending		.
R142	positive	implemented	This recommendation had been assessed positively in 2021. As regards its implementation, the Court submitted a report which contained as an annex the organigrams requested, and will continue the practice of reporting to States on the organigrams in the context of the annual approved programme budget.
R143	positive	implementation on-going	The Court reported "that it has already identified categories of cooperation," and it "has fully embraced the concept of joint cooperation." The Court described continuing efforts such as participation in procurement cooperation with the UN, and also key challenges foreseen. CBF at its 38th resumed session "commended the Court on its joint procurement approach and encouraged it to further exploit all useful possibilities for cooperation." The CBF "took note that this recommendation was being implemented."
R144	positive	implemented	The Court has worked on developing Key Performance Indicators (KPIs) for each strategic goal of the Court-wide Strategic Plan for 2023-2025. A working group has coordinated this work and ensured that the strategic plans of all organs have been harmonized accordingly.
R145	positive	implemented	A Court working group has worked on the inclusion of Key Performance Indicators (KPIs) in the proposed program budget for 2023
R146	positive	implemented	The Court had implemented a number of measures in order to standardize the collection of data, make the presentation of data more coherent and reader-

			friendly and consequently provide more meaningful insight of the achievement of strategic goals. three areas of improvement: the adjusted reporting timeline, the inclusion of high-leverage indicators and an improved data presentation.
R147	positive	implementation on-going	To be implemented after the new strategic plan is finalized. Only then would the Court be in a position to engage with other organizations and tribunals to explore the possibility of sharing information on KPIs in an effort to enable cross-comparisons. In particular, on issues such as staff-wellbeing or geographic balance and gender representation, such a comparison should be feasible and useful.
R148	pending		Further consideration of R148 and the possibilities of measuring the Court's impact was put on hold in anticipation of the final report on the Nuremberg benchmark's project. ²
R149	negative		The Court is not in a position to support it, as the ICC already has a Court-wide channel of communication to the UN in the form of the New York Liaison Office. The Court agrees with the overall idea but the recommendation is not applicable as such due to concerns with the independence of the OTP, neutrality of the Registrar or confidentiality safeguards.
R150	positive	implementation on-going	A working group within the Court has been created to analyse a series of other activities that the New York Office could carry out in order to strengthen its role.
R151	positive	implementation on-going	
R152	positive	implemented	
R153	positive	implemented	
R154	positive	implementation on-going	Court must be careful to avoid any appearance of influence over stakeholders.
R155	positive	implementation on-going	Implementation subject to budget constraints.
R156	positive	implementation on-going	The Prosecutor launched a new initiative to further strengthen the role of civil society in the work of the Office, which propose two annual thematic roundtables. As part of the job description of the P3 special Assistant in the immediate Office is to serve as focal

			point with CSOs as focal point for this new initiative.
R157	negative		
R158	positive	implementation on-going	
R159	positive	implemented	Already the practice and expected to increase.
R160	negative		Court does not object to the idea of R160 but sees the potential to compromise the ability of CSOs to act independently. Need for caution. Better to have a dynamic and flexible operational framework that could be adapted to each situation.
R161	positive	implemented	Court has measures in place to support journalists from situation countries.
R162	positive	implementation on-going	Dependent on availability of resources.
R163	1st part- positive 2nd part - pending	implementation on-going	2nd half 2023. The organs of the Court are discussing about the strategy.
R164	positive	implementation on-going	Court fully subscribes to IER's assessment that Outreach is core and must be adequately funded. Need to develop teams to undertake this. Outreach at the preliminary examination stage requires additional staff and resources; Court not geared for this at the present time.
R165	positive	implementation on-going	In the absence of funding, Court will consider innovative ways to raise funds for Outreach plans, as per the IER.
R166	positive	implementation on-going	
R167	positive with modifications	implemented	The Registry indicated that the budget is not centralized out of the outreach office in headquarters, because all the field budgets are combined, the Court has de facto the ability to move between the budgets of different field operations to ensure the reallocation of funds to cover specific needs.
R168	positive	implementation on-going	IER experts would provide the Court further written clarifications on the use of the word 'simultaneously' in R168.
R169	positive	implemented	RM entrusted implementation under auspices of Bureau. The Bureau assessed the recommendation positively and adopted the ASP presidency proposal for its implementation on 29 July 2022.
R170	positive with modification	implementation on-going	It was agreed that instead of the formalized policy, the Court would develop a standard operating procedure. The Court would provide States Parties with further information on the standard operating procedure on a later date.
R171	positive	implemented	
R172	positive	implemented	.
R174	positive	implemented	
R175	positive	implementation on-going	
R176	positive	implementation on-going	
R177	positive	implementation on-going	

R178	positive	implemented	
R179	positive	implemented	
R180	positive	implemented	
R181	positive	implemented	
R182	positive	implemented	
R183	positive	implemented	
R184	positive	implemented	
R185	positive	implemented	
R186	positive	implemented	
R187	positive	implemented	
R188	positive	implemented	
R189	positive		Court reports “de-facto implementation”.
R190	positive	implementation on-going	Implementation may be complex. Judges want to have a say in composition of review team.
R191	positive	implementation on-going.	
R192	positive	implemented	This recommendation has already been implemented by the Chambers Practice Manual.
R193	positive	implementation on-going	The judges will always try to follow the Chambers Practice Manual. Ongoing commitment.
R194	negative		R194 and R195 were assessed negatively since the Chambers Practice Manual is a non-binding document. When the application of some of its content becomes systematic, further thought may be given to its incorporation into a binding instrument.
R195	negative		see comment on R194.
R196	Positive with modifications	implementation on-going	In practice, this recommendation is generally implemented already. However, in accordance with the Regulations of the Court, the election of the Presiding Judge is conducted by the respective Chamber.
R199	positive	implemented	As reflected in the Court’s press release, the judges agreed on concrete measures to implement this recommendation at their retreat in November 2021.
R200	positive with modification	implementation on-going	In 2021, it was agreed, in light of R199, that a smooth and timely transition from the pre-trial to trial phase of a case is essential and have implemented such transition in the Chambers Practice Manual (paras 69-71). In addition, a proposal to reflect this in the Court’s regulatory texts is under discussion. As stated already in Court’s Overall Response (para. 374), once a confirmed case has reached the trial stage, it is current practice that the Trial Chamber seized of the case deals with trial preparation right away, including through scheduling of status conferences. This is also reflected in the

			Chambers Practice Manual (para. 72), which establishes that a scheduling order for the first status conference should be issued within a week of the Chambers' composition and that the status conference should be held within a month of the issuance of the scheduling order.
R202	pending		R202 and R203 to be assessed in 2023.
R203	pending		See comment for R202.
R204	positive	implemented	
R205	positive	implemented	The Court remains mindful of the authority it has under article 3 of the Rome Statute to sit away from the seat of the Court, if it would be in the interests of justice. As noted in the Court's Overall Response (para. 379), such decisions depend 'on the circumstances of each case', while the 'significant costs and logistical challenges' must be noted. The Court has initiated such processes on a number of occasions over the years, but decided not to pursue due to a series of factors, including security and safety measures.
R206	positive	implemented	Rule 140 <i>bis</i> was presented by the judiciary to the Working Group on Amendments which approved its submission of the rule to the ASP for consideration at its 21 st session. The ASP adopted ICC-ASP/21/Res.5, to include a new rule 140 <i>bis</i> of the RPE.
R207	positive	implementation on-going	The Chambers follow a flexible approach of staffing and deploy resources flexibly between the Divisions and Chambers, and the CLD, as necessary. The adequate resourcing for the database will remain a priority for the Judiciary.
R208	positive	implementation on-going	Technological and digital enhancement of the Court indicated in R208 and 209 are in the process of implementation. For further improvement, the Court is planning to include an enhancement of IT systems in its Strategic Plan for 2023 to 2025.
R209	positive	implementation on-going	See previous comment in R208.
R210	positive	implementation on-going	Chambers have been developing this practice. At this point, it is expected that oral decisions will eventually be channelled the JWP. The Judiciary is in discussion with the Registry to see how it can be implemented in practice.
R211	positive	implementation on-going	The Court has been working on implementation of online services indicated in these recommendations,

			taking into account information security and needs of each organs.
R212	positive	implementation on-going	See previous comment in R211.
R213	positive with modification	implementation on-going	Judiciary agrees with the principle, but it should not be added to the Chambers Practice Manual, as it needs to be decided on a case-by-case basis.
R214	pending		The SGG will continue consideration of this recommendation in the context of “Continuity of proceedings”.
R215	pending		The SGG will continue consideration of this recommendation in the context of “Continuity of proceedings”.
R216	positive	implemented	As noted in the Court’s Overall Response (para. 389), the Chambers have already due regard to existing jurisprudence. The Court is not obliged to adhere to its prior decisions through a binding rule of <i>stare decisis</i> and article 21(2) of the Rome Statute provides for the discretionary use of precedent by the Court. The Court has frequently cited its prior decisions as important authority and regularly followed its holdings. Chambers only depart from Court’s jurisprudence if there are valid reasons to do so. These reasons are generally explained in the reasoning.
R217	positive	implemented	See previous comment in R216.
R219	positive	immediately	The Presidency of the Court does not see a role for itself but should be left to the judges in Chambers.
R220	positive	implemented	This recommendation had been implemented with the adoption in 2019 of the Internal Guidelines on Judgment Drafting and Guidelines on judgment structure.
R221	positive	implemented	Further modalities discussed during Judges retreat in November 2021.
R223	positive	implemented	As noted in the Court’s Overall Response (para. 395), this is a matter of good practice and the recommendation is already implemented.
R225	positive	implemented	
R226	positive	implementation on-going	
R227	positive	implementation on-going	
R228	positive	implementation on-going	
R229	positive	implementation on-going	
R230	positive	implemented	Decision was made by the Prosecutor to prosecute a case if there is a reasonable prospect of conviction at the end of the trial.
R231	positive	implemented	See comment R230
R232	positive	implemented	
R233	positive	implementation on-going	
R234	positive	implementation on-going	
R235	positive	implementation on-going	
R236	positive	implementation on-going	

R237	positive	implementation on-going	
R238	positive	implementation on-going	
R239	positive	implemented	
R240	positive	implemented	
R241	positive	implemented	
R242	positive	implemented	
R243	positive	implementation on-going	The OTP is actively reviewing the implementation of the Situation Completion policy across all situations and hopes to make relevant announcements during as soon as possible
R244	positive	implementation on-going	See comment on R243.
R245	positive	implementation on-going	See comment on R243.
R246	positive	implementation on-going	See comment on R243.
R247	positive	implementation on-going	See comment on R243. Regarding R247(ii), the facilitators determined that no active support was expressed towards the creation of a new mechanism and that the conclusion was therefore that the use of existing platforms should be promoted and encouraged.
R248	positive	implementation on-going	See comment on R243.
R249	positive	implementation on-going	See comment on R243.
R250	positive	implementation on-going	See comment on R243.
R251	positive	implementation on-going	
R252	positive	implementation on-going	
R253	positive	implementation on-going	
R254	positive	implementation on-going	OTP is considering options and suggestions on how a reasonable duration of PE could be part of the general plan at the opening of each PE, since the Office also has to consider how best to give complementarity and the Court's own mandate effect.
R255	positive	implementation on-going	See Comments on R254.
R256	positive	implementation on-going	See Comments on R254.
R257	positive	implementation on-going	See Comments on R254.
R258	positive	implementation on-going	See Comments on R254.
R259	positive	implementation on-going	See Comments on R254.
R260	positive	implementation on-going	See Comments on R254.
R261	positive	implementation on-going	See Comments on R254.
R262	positive	implementation on-going	The new policy paper on complementarity which take into consideration these aspect is at the final stage.
R263	positive	implementation on-going	See comments on R262.
R264	positive	implementation on-going	See comments on R262.
R265	positive	implementation on-going	See comments on R262.
R266	positive	implementation on-going	The Office will continue to look for ways to best strike a balance between the need for communication and updates, with the duties of confidentiality and due discretion that guide our work.
R267	positive	implementation on-going	A part from the availability of resources, the Prosecutor has committed to

			engaging in a more structured approach to increasing and improving dialogue and communication with affected stakeholders across all situations. Unified team have to provide in their report an overview of the engagement with civil society.
R268	positive	implementation on-going	Operations Manual is currently being revised.
R269	positive	implementation on-going	Reorganization of the OTP since the publication of the report of the independent experts. OTP is currently working on a revised version of the operations manual in order to better capture the main lessons learned and continue standardizing practices. The new strategic plan would provide further information on the Office's new direction with regard to investigations. Changes in the focus, speed and control of investigations have already been implemented under the new strategy in place and each situation is managed by the Deputy Prosecutors.
R270	positive	implementation on-going	See comment on R269.
R271	positive	implementation on-going	See comment on R269.
R272	positive	implementation on-going	The OTP points out that it remains flexible in its approach because it believes that not all partnerships need to be translated into agreements and arrangements.
R273	positive	implementation on-going	Positively assessed for implementation but within certain practical constraints. The OTP continues to explore and promote standard practices and procedures, where possible.
R274	positive	implementation on-going	Positively assessed for implementation but within certain practical constraints. The OTP has encountered some difficulties with the number of different laws and legal requirements in the different States Parties, and added that it was challenging to have a one-size fits all approach.
R275	positive	implementation on-going	On-going commitment.
R276	positive	implementation on-going	Already partially implemented.
R277	positive	implementation on-going	OTP notes that its implementation would require time and resources.
R278	positive	implementation on-going	States Parties called for careful handling of its implementation.
R279	positive	implemented	Already practised by OTP.
R281	positive	implemented	Already implemented by the OTP.
R282	positive	implementation on-going	
R283	positive	implementation on-going	A new financial investigation unit was established under Pillar B but serving for both pillars
R284	positive	implementation on-going	Not yet implemented - caution on duplication of ASP structures. Initial contacts had been established on both

			sides of the Atlantic (between the legal advisers representing the facilitators on cooperation and the focal points on non-cooperation in New York) on this subject. One of the first preliminary conclusions that we were able to draw was that before considering the creation of additional ASP structures, it seemed appropriate to take stock of what had already been done to tackle the issue of arrests and the non-execution of arrest warrants and possibly initiate joint work on this topic.
R285	positive	implementation on-going	OTP is making efforts to increase the involvement of the Suspects-At-Large Tracking Team (SALTT) with national law enforcement agencies.
R286	positive	implementation on-going	OTP had concluded its revision of the Suspects at Large Tracking Team (SALTT) within the Integrated Services Division (ISD), noting that it would be changed from a reactive mode to a proactive mode of operations with greater coordination with the Unified Teams and the Registry, particularly in terms of prioritization. The Prosecutor has appointed an analyst to the team. The impact of these measures will be reflected in the 2023 budget
R287	positive	implemented	Coordination between OTP and the Registry is well established and functional.
R288	positive	implemented	
R289	positive	implementation on-going	. Initial contacts had been established on both sides of the Atlantic (between the legal advisers representing the facilitators on cooperation and the focal points on non-cooperation in New York) on this subject. One of the first preliminary conclusions that we were able to draw was that before considering the creation of additional ASP structures, it seemed appropriate to take stock of what had already been done to tackle the issue of arrests and the non-execution of arrest warrants and possibly initiate joint work on this topic
R290	positive	implementation on-going	Not yet implemented. Implementation would depend on the budgetary decisions made by the ASP.
R291	positive	implementation on-going	
R292	positive	implementation on-going	
R293	positive	implementation on-going	The forensic Rotation model is ongoing and the Office is working on the establishment of field offices in various situations.
R294	positive	implementation on-going	
R295	positive	implementation on-going	Caution with regard to the local recruitment of staff potentially involved in investigations.

R296	positive	implementation on-going	
R297	positive	implementation on-going	
R298	positive		First half 2023.
R299	positive	implementation on-going	
R300	positive	implementation on-going	
R301	positive	implementation on-going	
R302	positive	implementation on-going	
R303	positive	implementation on-going	
R304	positive	implementation on-going	
R305	positive	implemented	
R306	positive	implemented	
R307	positive	implemented	
R308	pending		Court concerned about budgetary consequences.
R309	positive	implemented	Already practised.
R310	positive	implemented	Implemented through the multifaceted test of “a reasonable prospect of conviction”.
R311	positive	implementation on-going	Already done incidentally but will be done in a more structured way
R312	positive	implementation on-going	Already done incidentally but will be done in a more structured way.
R313	positive	implementation on-going	Will be institutionalized, including through the KPIs. In addition, in line with its commitment to being a learning organisation and with the purposes of building on its past experiences, identifying best practices and continuing to improve its efficiency, the OTP formally initiated lessons learned (“LL”) project. The Legal Advisory Section (“LAS”) has been entrusted with maintaining a repository of good practices and making proposals to the Prosecutor, including amendments and additions to the Operations Manual in order to institutionalise such practices.
R314	positive	implementation on-going	See comment on R313.
R315	positive	implementation on-going	See comment on R313.
R316	positive	implementation on-going	See comment on R313.
R317	positive	implementation on-going	See comment on R313.
R318	positive	implementation on-going	See comment on R313.
R319	positive	implementation on-going	See comment on R313.
R320	positive	implementation on-going	
R321	negative		Court prefers to keep present rules regarding composition ACLT.
R322	positive with modifications	implementation on-going	The mandate of ICC-ASP/20/Res.5, annex I, para. 8 and ICC-ASP/21/Res.2, annex I, para; 8, did not include a Defence Office.
R323	negative		
R324	negative		
R325	positive	implementation on-going	Registry is a neutral organ, and communications from the Registry should always be neutral.
R326	positive	implementation on-going	See comment for R325.
R327	positive	implementation on-going	See comment for R325.
R328	positive	implementation on-going	This has been assessed positively, as modified by the agreed draft resolution

			on Legal aid requesting the Court to review the legal aid system (see ICC-ASP/20/Res.5, annex I and ICC-ASP/21/Res.2, annex I).
R329	positive	implementation on-going	Court will further study adequate modalities.
R330	positive	implementation on-going	Mandate in ICC-ASP/20/Res.5, annex I, para. 8 (d) and ICC-ASP/21/Res.2, annex I, para. 8 (c)
R331	positive	implementation on-going	Modalities of implementation are being looked at by the Court.
R332	positive	implementation on-going	
R333	positive	implementation on-going	Will be included in reform of Legal aid policy. See ICC-ASP/21/Res.2, para. 92 on “interim measures”.
R334	positive	implementation on-going	Will be included in reform of Legal aid policy.
R335	positive with modifications	implementation on-going	See Court’s comments on R115. See ICC/AI/2022/003.
R336	pending		Under consideration by the Judges.
R337	pending		Under consideration by the Judges.
R338	negative		Victims’ participation is directly related to whether a person qualifies as victim of at least one of the crimes included in the arrest warrant or charges that have been confirmed. This has been recently clarified in the <i>Said</i> case at the trial stage, where it was stated that key to the assessment of whether a person qualifies as a victim, is determining, <i>inter alia</i> , whether the events described in the victims’ application forms correspond to at least one of the alleged crimes which have been confirmed. Accordingly, the victims’ status has to be assessed on a case-by-case basis and it cannot be granted automatically. As noted in the <i>Said</i> case, even victims that have participated at the pre-trial or trial stage can be later excluded if they do not longer qualify as victims of a specific case.
R339	pending		R359 recommends the establishment of the Standing Coordination Body and its assessment will first need to be undertaken by the Registry before the Judiciary will move to the assessment of this recommendation. R359 entails also that the Standing Coordination Body is chaired by the Deputy Registrar, a position which does not exist at the Court at the moment. Furthermore, the modalities of the participation of victims are judicial matters which Chambers will need to decide based on their interpretation of the relevant legal framework. Accordingly, the judicial independence would need to be maintained.

R340	negative		In 2022, it was agreed that a general advance notification by the LRVs, that they intend to pose questions, would suffice. This has already been ordered by some Chambers in their Decisions on the Conduct of Proceedings. No notice of the line of examination is required. The necessity and propriety of the questions would then be addressed on a case-by-case basis.
R341	negative		<p>In 2022, it was agreed that victims should be encouraged by the Registry's outreach to submit observations, views and concerns directly to the Prosecutor during the preliminary examination and investigation stages. Only when judicial proceedings are initiated, victims can be heard before the Chambers and a counsel be appointed, if required. Consequently, Chambers may wish to appoint counsel for victims at the preliminary examination or investigation stage, only if and when, after having exhausted the Prosecutor's route, victims can demonstrate that their interests are affected and judicial intervention is thus required.</p> <p>If counsel for victims would be generally appointed at the preliminary examination stage independently of the existence of judicial proceedings, this would clearly contradict current jurisprudence of the Appeals Chamber.</p>
R342	positive with modifications	implementation on-going	The Judiciary agrees to the need to apply the principles consistently and coherently. However, as already mentioned in the Court's Overall Response (para. 661), the reparation principles are being developed through jurisprudence and evolve in a way that each case builds on the next. As the Court is only at the beginning of the development of the reparation principles (i.e. four Reparation Orders issued so far: <i>Lubanga</i> , <i>Katanga</i> , <i>Al Mahdi</i> , and <i>Ntaganda</i>), it is considered too early to determine reparations principles. However, the development of this matter will be continued to be advanced by jurisprudence, in the context of judicial proceedings.
R343	positive with modifications	implementation on-going	It is agreed that the reparations phase of proceedings should be guided by standardised, streamlined and consistent procedures and best practices. However, further development of this area is required before these procedures and best practices can be identified. The

			required discretion and flexibility should not be limited by the Chambers Practice Manual.
R344	negative		It is agreed that there is no limitation in the Court's legal framework which prevents reparations and appeal proceedings from running in parallel. Accordingly, neither the Rome Statute nor the Rules of Procedure and Evidence need to be amended.
R345	positive with modifications	implementation on-going	In 2022, it was agreed that combined application forms should be collected as early in the proceedings as possible. There were also suggestions that the latest joint application form be reviewed, in order to streamline or eliminate the section on the requested types and modalities of reparations, to avoid raising the victims' expectations. As to the second part of the recommendation, discussions are still ongoing.
R346	positive	implementation on-going	In the overall response of the Court indicates that this would be part of the Outreach and Communications strategy, and that the Registry will reinforce coordination with the TFV.
R347	positive	implementation on-going	In 2022, it was agreed that - <i>prior to the issuance of a reparations order</i> - the responsibility for identifying, facilitating, collecting, registering and processing of all applications falls within the scope of the VPRS' mandate.
R348	pending		Under consideration by the judges.
R349	pending		Under consideration by the judges.
R350	positive	implemented	Already implemented.
R351	positive with modifications	implemented	The Judiciary supports the recommendation as to its part that the efficiency and effectiveness of reparations in all phases should be enhanced. In most cases, the Judiciary considers it fruitful to encourage parties in its orders or decisions to efficient cooperation. However, as to how this should be done, is a matter between the parties and participants.
R352	pending		1 st half of 2023
R353	positive	implemented	TFV agrees with the recommendation.
R354	negative		R354 assessed as negative, but the governance and practical issues identified by the IER Experts would require further consideration in an appropriate forum.
R355	positive	implemented	
R356	positive	implemented	

R357	positive	implemented	
R358	negative		Related to assessment of R354. R358 were assessed as negative, but the governance and practical issues identified by the IER Experts would require further consideration in an appropriate forum.
R359	pending		Pending assessment of R339.
R360	pending		See comment for R359.
R361	positive	implementation on-going	On-going commitment.
R362	positive	implementation on-going	On-going commitment.
R363	positive	implementation on-going	PASP to consult informally with ICC President. to be held as part of the 25 th anniversary celebrations.
R364	positive	implementation on-going	It was discussed under the IOM facilitation which requested the Court in coordination with the Director of the OIA and the Head of the IOM, to submit a document regarding R364, indicating developments made with regards to the effectiveness and authority of these bodies. The facilitation indicated that the recommendation to merge the oversight bodies would be further discussed at the BMO facilitation. The recommendation will therefore be discussed in the context of the BMO facilitation in 2023, once the Court submits its document.
R366	negative		The two governance bodies have distinct mandates. Specific recommendations made by the External Auditor (Cour des Comptes) which had not been addressed could be discussed at future BMO meetings. Discussion on streamlining of CBF agenda was proposed and, with input from the Court, could be further discussed in BMO meetings. It was noted that the increased interaction between the oversight bodies and the Court in the BMO facilitation has allowed for better understanding of the respective mandates and States Parties expectations.
R367	positive	implementation on-going	The Audit Committee, as it currently exists (i.e. not the “new budgetary control and audit body” as formulated in R367) would remain responsible for overseeing the adequacy of the framework set up for the Court’s internal audit function and its independence. As regards the future discussion on the implementation of the recommendation, the respective roles of the Audit Committee and of the Principals of the Court as referred to in R367 could be further delineated.
R368	positive	implementation on-going	This recommendation has already been undertaken in 2021 by discussing the

			respective recommendations made by the External Auditor (Cour des Comptes), whose recommendations were only submitted after the IER report was finalized. Thus, the positive assessment of R368 is without prejudice to the position- positive or negative- of States Parties regarding the specific recommendations of the former External Auditor. The IOM facilitation indicated that the recommendation to merge the oversight bodies would be further discussed at the Budget Management Oversight (BMO) facilitation.
R369	first part positive; second part negative	implementation on-going	While the second part of the recommendation was assessed negatively, States Parties agreed that issues of governance, resources, effectiveness, streamlining of functions and geographical representation in the ASP Secretariat are to be considered, and the Assembly is to decide on the appropriate forum. RM to consider this issue in April 2023.
R370	negative		See comment for second part of R369.
R371	positive with modifications	implemented	Modifications concern parts of the recommendation related to in-person attendance of candidates at interview before the ACN and disqualification of candidates.
R372	positive	implemented	Agreed action: To amend OPI2 ^{ter} of the Procedure of nomination and election of judges.
R373	positive with modifications	implemented	Modifications concern different feasible form of supporting verifiable information about the candidate instead of a certificate of accuracy of replies to the questionnaire.
R374	positive	implemented	
R375	positive with modifications	implemented	Modifications concern different form of providing information on the procedure followed leading to the nomination instead of a certificate.
R376	modified	implemented	Instead of the process leading to harmonization of national nomination procedures, preparation of a non-binding document for the attention of States Parties when forming or amending the rules governing their national nomination procedures was agreed. Implementation being considered together with R377. Recommended timeline in the course of 2021 was not possible.
R377	positive with modifications	implemented	Modifications concern preparation of a non-binding document for the attention of States Parties when forming or amending the rules governing their national nomination procedures instead

			of a set of criteria, which should be applied in national nomination procedures along with guidelines on their conduct. Implementation being considered together with R376.
R378	positive	implemented	Implementation of the recommendation in its part related to casting of votes might not be fully feasible due to minimum voting requirements.
R379	negative		The 16 June 2022 report of the facilitation indicated an assessment of “not positive” since there was no consensus on the RM assessment categories of positive, negative or modified. The RM has adjusted this assessment to conform to its categories of assessment.
R380	modified	implemented	Recommendation to be included in the mandate of the review of procedure for nomination and election of judges for future consideration.
R381	positive	implemented	See ASP resolution ICC-ASP/20/Res.4, part I.
R382	positive	implemented	See comment on R381.
R383	positive	implemented	See comment on R381.
R384	positive	implemented	See comment on R381.