

## Matrix

### Progress in the assessment of the IER recommendations<sup>1</sup>

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.
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,

<sup>1</sup> The Matrix is a living document, which will change to reflect developments.

			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	implemented	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	positive with modifications	implemented	R22, R23, R27 and R28 have been considered together. Each of the three divisions of the Judiciary has always had legal support staff possessing and available to transfer institutional knowledge and ensure continuity and consistency. The above is to be viewed against the background of inter-divisional assignment of staff to meet specific operational needs at times of changing workload is considered pivotal for the work of Chambers. This also ensures a more flexible and efficient use of the staff resources in Chambers. See specifically recommendation R21.
R23	negative		The role of "team coordinator" currently exists and it is assigned to the P-3 Legal Officer position. To address this recommendation, a careful review of the key roles of the team coordinator's functions shall be conducted to ensure a fair distribution of duties and level of responsibilities between positions at all levels. This recommendation is linked to R28.
R24	positive with modifications	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

			<p>specific expertise of the judges and staff with a view to combining skills and expertise.</p> <p>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.</p>
R25	negative		<p>See explanation under R21.</p> <p>Instead of assigning legal staff to individual judges, preference has been given to organising work through the team structure.</p>
R26	positive	implemented	See comment for R21.
R27	positive with modifications	implemented	The job description of the positions of all three divisional Legal Advisers has been reviewed and updated at different points in time, including in 2022.
R28	positive with modifications	implemented	<p>As explained in R27, the job description of the positions of the divisional Legal Advisers have been reviewed and harmonised.</p> <p>Similarly, the job description of the positions of Chef de Cabinet and the Head of Chambers' Staff were also reviewed and updated at different periods of time.</p> <p>As regards the job description for the proposed "Référéndaires", see R23.</p>
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 modifications	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 modifications	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 modifications	implementation on-going	See R32.
R38	positive	implementation on-going	The recommendation is being implemented with follow-up expected on a monthly basis.
R39	positive	implementation on-going	In consultation with the Deputy Prosecutors and the Director of the Integrated Services Division, the Prosecutor has tasked a Working Group to effectuate this recommendation. The Working Group functions as the coordination team of the project. Since November 2022, the Working Group, has engaged in a broad consultation to ensure that all the relevant information on particular areas of our work is obtained. The Working Group has involved a significant number of colleagues from across the Office, based on their different and valuable expertise, in reviewing specific draft chapters. The first version of the Operations Manual, prepared on the basis of the Office's collective input and was reviewed by the HUTs, Senior Coordinators, the Director of the Integrated Services Division, and the Deputy Prosecutors, was presented to the Prosecutor for his review and approval on 12 April 2023. Following this presentation, the Prosecutor decided to consult with his Special Advisers.
R40	positive	implementation on-going	For the implementation of this recommendation LAS has engaged all divisions and sections to create a comprehensive overview of all regulatory documents existed at the Office. An extensive document has been prepared and under consideration.
R41	positive	implementation on-going	This is already being implemented in the new Operations Manual, which includes greater clarity on the roles and responsibilities of staff and management structures.

			The New Operations Manual elaborates on the roles and responsibilities of the Unified teams, the HUTs, members of the OTP, and OTP management.
R42	positive	implementation on-going	<p>In August 2022 the OTP launched an induction programme for OTP staff. This programme complements the Court-wide induction sessions. The OTP-wide inductions will be followed with role-specific inductions. The sessions are held regularly. It happens for onboarding of secondees as well. Of course, the material to be distributed is also under review. Therefore, the updated material will be available in the future induction sessions. The only costs associated with the induction sessions are:</p> <ul style="list-style-type: none"> <li>• Time of staff delivering the presentation(s)</li> <li>• Catering for coffee break</li> <li>• Printing of materials (the reference texts can be made available through links, so at zero cost).</li> </ul> <p>Steps will continue to be taken to develop this.</p>
R43	positive	implementation on-going	<p>To enable LAS's capabilities to more effectively and systematically address all the issue required by the section in addition to the current efforts, the Prosecutor is considering the overall responsibilities of LAS and how the section could address the issues noted in the IER report. The recruitment of the P5 head of the section is ongoing. A memorandum on LAS' mandate, workflows and contribution was prepared and submitted to the Prosecutor in November 2021 as well as a memo on lesser-known LAS tasks that we submitted in June 2022.</p>
R44	positive	implementation on-going	See previous comment in R43.
R45	positive	implementation on-going	<p>LAS could disseminate within the OTP new AI's emanating from the Court, although this may be an unnecessary duplication of what the Registry is already doing; links to relevant documents in the OTP intranet page, as is the case currently, would avoid clogging the Court's email system with heavy files.</p> <p>Such notification to staff usually by the Registry does not provide any substance but simply highlights the adoption of a new instrument.</p> <p>Further discussion will take place inter-organ and with the relevant bodies (i.e. Staff Welfare Committee, FP for Gender Equality...), and the SUC, where appropriate, to see how such</p>

			communication can be rendered more effective for the end-users and who is best placed to undertake such communications.
R46	positive	implemented	
R47	positive	implementation on-going	To ensure efficient internal communication, of value to OTP staff, the Prosecutor has been organising (at least) quarterly Town Halls. The Deputy Prosecutors have, in addition, organised a Briefing Session for staff. Furthermore, a P-4 Head of PIU is being recruited, who will be responsible for the (internal and external) communication strategy of the OTP.
R48	negative		The structure of two DP was reinstated. Upon the ASP approval the two DPs was elected on board.
R49	negative		Under the Procurator's restructuring plan, ExCom was abolished. In this respect, these recommendations are no longer relevant.
R50	negative		See previous comment in R49.
R51	negative		See previous comment in R49.
R52	negative		See previous comment in R49.
R53	negative		Under the new structure, there is no longer a Chef de Cabinet in the OTP. In this respect, these recommendations are no longer relevant.
R54	negative		See previous comment in R53.
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.
R56	positive	implemented	All of the work of PIU is done under the supervision and guidance of the Prosecutor. As part of the reorganisation of the Office, and in line with this recommendation, the Public Information Unit (PIU) was moved from IOP. It stands as a separate unit that reports directly to the Prosecutor. In the execution of its functions, PIU will work closely with IOP, in addition to the and the unified teams, as appropriate, to ensure that the strategic communication of the Office is in line with and of the standard required by the Prosecutor. Under the direction and guidance of the Prosecutor, PIU is responsible for the OTP's strategic communication and public information functions. Under the direction and guidance of the Prosecutor, PIU facilitates and prepares public information and messaging; publicizes OTP policies, strategies, and activities where appropriate; and

			advances the OTP's interests in the public domain.
R57	positive	implemented	<p>This recommendation has been implemented throughout the new Unified team's structure.</p> <p>Unified Teams are constituted for each situation addressed by the Office and incorporate lawyers, investigators, analysts, international cooperation advisers and country experts. By integrating staff involved across the investigative, analytical, and trial proceedings stages of work in relation to a situation, the Unified Teams build situation-specific knowledge that maintain a continuity of resources and expertise. This model also ensures standardization of working methods to facilitate the transition from preliminary examination to the investigation and trial phases.</p> <p>The new version of the operation took it into consideration as well.</p>
R58	positive	implemented	See previous comment in R57.
R59	positive	implemented	See previous comment in R57.
R60	positive	implemented	<p>These recommendations reflect current OTP practice and was formally recognized via the revised Operations Manual.</p> <p>The Office has already implemented both recommendations under the new structure - with STL or other senior lawyer heading all unified teams and with the movement of PES staff info unified teams in respect of PEs that they worked on. Both are fully implemented.</p>
R61	positive	implemented	See previous comment in R60.
R62	positive	implemented	<p>This recommendation was fully taken into consideration in the new structure if the Unified teams.</p> <p>As you know the work of the OTP carries with it important diplomatic dimensions, such as the need for it to enter into memoranda of understanding with situation countries and others to facilitate operations and ensure cooperation; this is a core responsibility of the External Affairs Section (EAS).</p> <p>The International Cooperation Advisor embedded with the unified team serves as a resource person, advising on the parameters of the understandings reached with governments, helping with requests for assistance, contributing to the maintenance of sound diplomatic relations and understanding with local authorities, among other tasks.</p> <p>The external relations team, under the guidance of the Prosecutor and in close collaboration with IOP, conducts and</p>

			supports the Office's efforts to strengthen global support for its work, and enhance dialogue and engagements through the establishment and management of OTP's external networks of support with diplomatic communities, international and regional organizations, NGOs, and other relevant interlocutors. The team coordinates and provides external relations support and advice to the Office's leadership, notably the Prosecutor and Deputy Prosecutors, including in the context of their diplomatic engagements and missions abroad.
R63	positive with modifications	implemented	<p>This recommendation reflects the Office new vision, and it is fully implemented. But in the current structure, the Gender and Children Unit (GCU) reports hierarchically to one Deputy Prosecutor and supports operationally both Deputy Prosecutors and all teams and pillars.</p> <p>The Language Services Unit (LSU), Operational Risk and Support Unit (ORSU), Protection Strategy Unit (PSU) are under the new Integrated Service Division (ISD) which centralizes the specialized functions that provide cross-cutting expertise and support to the Office.</p> <p>Roles and responsibilities as well as processes to integrate are being clarified in the new Operations Manual which will be available soon.</p> <p>Coordination meetings are held between the Prosecutorial Pillars and the ISD to assess and refine, amongst other things, the integration between the Unified Teams and the ISD units.</p>
R64	positive	implemented	The Office have always been recruiting for the skills that are missing. We identify the skills necessary through work survey, VA etc and then advertise.
R65	positive	implemented	The Court submitted a report to the CBF and the SGG on R65 and R 86 (CBF/41/2) and provided updates during the CBF 41st session in May 2023. The CBF 41st session noted that "Both Recommendations can therefore be regarded as having been implemented." (CBF/41/5/AV, para 112).
R66	positive	implemented	These have always been two unique roles within the Office. They will continue to be managed as such.
R67	positive	implementation on-going	
R68	positive	implementation on-going	
R69	positive	implemented	



			The Court submitted a report to CBF and the SGG on R69 (CBF/41/6). The CBF 41st session considered the report and noted “recommendation can be considered to have been implemented.” (CBF/41/5/AV, para 116).
R70	negative		<p>Certain training needs of the OTP are already supported by the Registry. Synergies in this field work well. There is no need for further delegation. However, in the current budget situation, there is no funding for training within the OTP, beyond what can be done in-house or obtained free of cost. The ASP approved €100k for training in 2022 and in 2023. The problem is that unforeseen events (e.g.: UNCS increase or liquidity crunch) affected the implementation of the budget. In short, the training resources were used to cover for the unexpected increases in Staff Costs.</p> <p>In the past, general training on ICC competences was always delegated to HRS/Registry. OTP’s budget is for specialized training link to the operations of the Office (e.g.: PEACE model). E-Learning and other on-line opportunities are welcome and are helping delivering training on skills (hard and soft) to the entire ICC. The budget for that is within the Registry.</p>
R71	positive	implementation on-going	The production of a new policy paper for the selection of situations and cases is ongoing.
R72	negative		Not relevant in the new structure.
R73	negative		<p>As a feature of the synergies achieved between the OTP and Registry, this “possibility” has long been the actual practice. Some situation languages are outside the capacity of the Registry’s LSS, however, especially at the investigation stage before any case has moved to trial. Outsourcing translation services, with confidentiality requirements in place, has also long been the practice of the OTP’s Language Services Unit (“LSU”).</p> <p>The “division of labour” originated by the synergies exercise works well. It satisfies the governance framework, addresses the confidentiality issues and provides an efficient way to deliver the services to the different organs of the Court.</p> <p>The technological improvements financed by the TF (e.g.: machine-assisted transcription and translation) will also change the skills set and the</p>

			<p>number of resources required. The transition is not immediate, though.</p> <p>From a recruitment point of view, instead, the main issue could be that the OTP has to collect evidence in many languages of lesser diffusion (e.g.: Kyrundi, Zagawa, Lingala, etc.). The pool of linguistic experts is therefore limited.</p> <p>There are potential problems of vetting and mere reach out to the communities where suitable candidate can be found.</p> <p>The Registry does not have enough capacity to do an effective a timely reach out in some instances.</p>
R74	positive	implementation on-going	See previous comment in R73.
R75	positive	implementation on-going	See previous comment in R73.
R76	negative		Implementation of this recommendation would radically change the legal regime of article 43 (3) of the Rome Statute and rule 12 of the Rules of Procedure and Evidence, and is not possible under the current legal framework. In addition, the recommendation is linked to the three-layered governance model, which has itself been negatively assessed. For the 2023 election of the Registrar, States Parties took on board some elements of the recommendation, (vetting process, a greater role for States Parties).
R77	negative		R77 envisages an amendment to the Rome Statute. Art. 43 (4) provides that it is the Registrar who recommends to the judges whether a Deputy Registrar is required. Art. 42 provides that the Prosecutor submits the list of candidates to the judges.
R78	pending		R78 would require an amendment of art. 43 (5) regarding the term of the Registrar. Discussions on this recommendation will continue in the WGA facilitation in 2024.
R79	positive	implementation on-going	Is currently being implemented. Final report expected soon.
R80	positive	implemented	The Registry continues its effort to enhance the capacity of field offices.
R81	positive	implemented	See previous comment in R80.
R82	positive	implemented	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	
R90	negative		For the new Prosecutor, the recommendation made by the IER experts to centralize functions in the Registry did not take into account the genesis of the ICC structure. More recently, the “Cour des Comptes” (former External Auditors of the ICC) in their last performance report on the Administrative Functions in the Presidency and in the OTP (July 2021) confirmed the value of the current organization of these activities within the ICC. The Auditors’ only recommendation was to formalize the existing Business Partnership relation between the Registry’s functions and their corresponding roles in the Presidency and in the OTP in the work survey of the officials involved and in the SOP and AI used by the Court. It is the Prosecutor views that the report refereed prove that the recommendations made by the IER experts are not fit for purpose. In order to actually achieve the final goal of the Review to strengthen the Court and the Rome Statute system, the implementation of the External Auditors recommendation seem to be the best way forward.
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. The Court reported to the CBF and relevant facilitations that R101 was considered as implemented (CBF/41/12). The CBF 41st session took a note of this ((CBF/41/5/AV, paras 125 and 128).
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	negative		The possible implementation of R108 could be seen as a first step towards a potential implementation of R109 in the long-term, and depending on how this system will function, the Assembly can come back to R109 and consider its implementation at a later stage. In addition, as indicated by the independent experts, given that such a change would require amendments to the Statute, emphasis should be placed on strengthening prevention in the short-term. The Court requested to have on the record that, without prejudice to the assessment decision made by the Assembly, its position on this recommendation, as well as R126, was positive.
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	negative		To be read together with R117 and R120. The Court will remain under the ILOAT system with the commitment to, in keeping with the spirit of the IER recommendations, as well as the proposals made by the Staff Union Council (SUC), improve the functioning of Appeals Board (AB) and the Disciplinary Advisory Board (DAB). This option would only require changes in the staff rule and regulations of the Court and the improvements could have financial implications, both of which would require the approval of the Assembly.
R117	negative		To be read together with R116 and R120. See comment in R116.
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	negative		To be read together with R116 and R117. See comment in R116.
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	negative		
R123	positive	implementation on-going	The Court has just recruited a Focal Point on Gender Equality. The next missing function the Court would like to develop is an Ethics Officer/Function.
R124	negative		
R125	negative		Without prejudice to R108 which is similar to the first part of this recommendation.
R126	negative		The IOM review facilitation noted that this recommendation was the same as R109. See comment in R109. See also the comments from the judiciary under R109.
R127	negative		To be consistent with R109.
R128	Positive with modifications		The importance of ongoing trust and confidence building exercises of the Court and the IOM was highlighted. The IOM and the Court, rather than the EBCO (in light of the previous negative assessments related to the establishment of this office), would be responsible for working towards increasing staff confidence and trust in the IOM and the Court's internal disciplinary scheme. The view was expressed that such efforts were expected and therefore the assessment would not be creating new

			mandates or obligations. A State Party noted it took issue with legal consistency with respect to this set of recommendations and in particular the non-existent EBCO and the subsequent implementation of its functions.
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	not applicable		The way in which this recommendation is drafted does not require an assessment. It is rather a summary of several recommendations composing the proposed Court-wide internal justice system recommended by the Experts, some of which had been assessed positively and others negatively.
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 modifications	implemented	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.  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.
R135	positive with modifications	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 modifications	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	partly positive, partly negative	implemented	While the intention of the recommendation was in general seen as positive, States Parties reached the following understandings: - the Committee on Budget and Finance is responsible for the technical examination of any document submitted to the Assembly that contains financial or budgetary implications, while final decision-making on budgetary matters rests with the Assembly, of which the Committee on Budget and Finance is a subsidiary body; - reaching consensus on the budget ahead of the Assembly session or at an early stage during the session is a shared goal of all involved, however it is not always feasible in the circumstances; and - it remains for each State Party to determine the appropriate specialized representative for Assembly sessions, including on budgetary matters.
R140	pending		Discussions on this recommendation will continue in the Budget facilitation in 2024.
R141	positive with modification	implemented	The recommendation was in general assessed positively, bearing in mind the importance of providing necessary resources for the work of the Court. However, there was no consensus on the need to increase the levels of the Funds.



			The topic of replenishment would continue to be discussed in the context of the budget facilitation.
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	implemented	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	negative		This recommendation raises challenges of implementation, e.g. modalities and scope of assessment. Also, what will be the relationship between the entity funding the study and the Court. States Parties will invite the Nuremberg Project to brief them in its study in 2024.
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	In 2022 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. The Head of the New York Liaison Office provided an update on the responses to the questionnaires on R150 and R151 at the second cooperation meeting held on 28 June 2023. The responses were compiled into a report that will be submitted to the facilitation once approved by the Court Principals.
R151	positive	implemented	
R152	positive	implemented	Two concrete examples such as the initiative to organise an annual retreat between the OTP and the office of the High Commissioner for Human Rights, as well as the reinforcement of the relations between the OTP and the African Union.
R153	positive	implemented	See comment on R152.
R154	positive	implemented	Court must be careful to avoid any appearance of influence over stakeholders.
R155	positive	implemented	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		While the OTP agrees with its importance, it considers that several, rather than one, focal points are needed based on the varying information need needs in each situation. As advocated by

			the CSOs themselves, the Court should not address CSO's as one homogenous group, that require one focal point, but actually be mindful of, and flexible to adjust to, the wide variety of interests represented by different CSO's in situation countries and beyond. The OTP currently has in place different channels of communication with CSOs for cross-cutting and general issues, as well as for situation-specific interaction. Hence having just one focal point would seem to limit and add bureaucracy rather than responding to the expressed information needs. The OTP will endeavour to increase the visibility of the situation-specific focal points, where needed.
R158	positive	implemented	
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 - positive with modifications	implementation on-going	The modifications relate to taking into account the particular context or stages of a situation for developing an outreach plan, strategic framework or public information activities when necessary for each situation country and as required for the Court to be able to manage expectations, as well as addressing the issue of resources.
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	implemented	
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	implemented	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 modifications	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	
R173	positive		A State Party indicated that while this could seemingly have positive impact on judicial mobility, there may be unintended consequences, including of political dimension. Increasing the pool, decreases the probability of the diversity of the occupant of the seat of President. Drawing a President from the trial and pre-trial division, and allowing domicile outside the Appeals division, will be antagonistic for relations with adjudicated parties, both States and Non-States parties with active situations before the Court. At the very minimum, a President drawn from trial and pre-trial division will complicate cooperation with situation countries. These geopolitical sensitivities should be taken into account as States Parties consider dispensing with the provision requiring the President to (i) be effectively drawn from any division and (ii) possibly serve/ exist outside the Appeals Division.
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		The 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.
R197	positive with modifications	implemented	Meetings amongst Judges of the Pre-Trial Division, in different formats and with different stakeholders, as appropriate, are already taking place as the need arises.
R198	positive with modifications	implemented	See previous comment on R197.
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 modifications	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.
R201	positive with modifications	implementation on-going	It is agreed to explore regulating the procedures governing motions for acquittal in the Regulations of the Court. Judges currently discussing the content of a Regulation on motions of acquittal, as well as whether supplementary modifications to the RPE and/or Chambers Practice Manual also required.
R202	positive	implemented	No need for any changes to legal texts because the ‘desirability’ standard contained in rule 103(1) remains appropriate. The use of amicus curiae should remain flexible and discretionary. As communicated in the Court’s Overall Response, reasons are typically given and the matter is best regulated on a case-by-case basis.
R203	negative		As explained in the Court’s Overall Response, this issue raises significant questions of compatibility with the statutory framework. It could be appropriately regulated on a case-by-case basis as necessary.
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 <sup>st</sup> 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 organ.
R212	positive	implementation on-going	See previous comment in R211.
R213	positive with modifications	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	positive		SGG recommended to the WGA the adoption of rule 140 <i>ter</i> at the twenty-second session of the Assembly, and the amendment of article 39 as soon as possible. The WGA agreed to recommend to the twenty-second session of the Assembly the adoption of the new rule 140 <i>ter</i> .
R215	positive		Implementation is to be decided by the ASP.
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.
R218	negative		Chambers will seek submissions from the parties and participants on questions of law if they consider it appropriate.
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.
R222	positive with modifications	implemented	It is agreed that dissenting and separate opinions should be issued simultaneously with the majority judgment, decision or order. This has been captured in the Chambers Practice Manual, rather than the Regulations of the Court, as part of the Guidelines adopted in connection with R224.
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.
R224	positive	implemented	It is agreed to adopt guidelines in the Chambers Practice Manual governing the principles and procedures of separate/dissenting opinions. These guidelines cover the length and content of separate/dissenting opinions.
R225	positive	implemented	
R226	positive	implementation on-going	The OTP has made significant efforts to reduce the number of long-pending situations under preliminary examination (currently only two: Nigeria, and Venezuela II, and newly opened DRC II following the second DRC referral). The OTP continues to consider the function of the initial filtering stage (formerly known as 'phase 1') of preliminary examinations and the criteria it applies and while recognising the difference between gravity as a legal threshold respecting the opening of investigations, and gravity as a policy factor.
R227	positive	implementation on-going	See comment on R226.
R228	positive	implementation on-going	See comment on R226.
R229	positive	implementation on-going	See comment on R226.
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. The OTP's approach was fully reflected the existing criteria in the OTP's Policy Paper on Case Selection and Prioritisation that are linked to case selection, notably, gravity and degree of responsibility of potential suspects, with criteria that are linked to case prioritisation, notably, strength and diversity of the evidence, as well as considerations of strategic and operational relevance. He added that a case-by-case analysis remains the general approach, rather than the application of an absolute rule and the OTP will continue its consideration for a better implementation of the policy.
R231	positive	implemented	See comment on R230.
R232	positive	implemented	See comment on R230.



R233	positive	implementation on-going	See comment on R230.
R234	positive	implementation on-going	See comment on R230.
R235	positive	implementation on-going	See comment on R230.
R236	positive	implementation on-going	See comment on R230.
R237	positive	implementation on-going	See comment on R230.
R238	positive	implementation on-going	See comment on R230.
R239	positive	implemented	See comment on R230.
R240	positive	implemented	See comment on R230.
R241	positive	implemented	See comment on R230.
R242	positive	implemented	See comment on R230.
R243	positive	implementation on-going	Implementation is ongoing through the new policy on situation completion adopted on 15 June 2021, with the introduction of the concept of completion of the investigation phase and completion of prosecution phase. The OTP is actively reviewing the implementation of the situation completion policy across all situations and gave the example of the first two situations that were implemented for the first time under a completion strategy – namely the announcement by the Prosecutor in December 2022 of the conclusion of the investigative phase of the situations in CAR and Georgia. He noted that the OTP will continue prioritize situations and cases systematically and objectively according to factors such as their relative gravity and prospect of success, as well as implementation of completion strategies, with the overall goal of reducing the total number of situations, thereby ensuring increased focus and resources.
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	The unified teams within the Pillars, as part of the new structure of the OTP, takes into consideration the recommendations raised in this regard as it achieved the main objective to ensure an embedded staff organisation. In addition, the harmonisation of working methods and products is well ongoing with the new structure.

R252	positive	implementation on-going	See comment on R251.
R253	positive	implementation on-going	See comment on R251.
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. The Preliminary Examinations Section has been considering options and suggestions on how a reasonable duration could be part of the general plan at the opening of each preliminary examination, considering 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 OTP wishes to establish itself as a central operational partner for national authorities in their efforts to investigate and prosecute Rome Statute crimes and other serious crimes under national law. As an initial step, the OTP will establish a permanent function within its structure to effectively map ongoing domestic proceedings relating to core international crimes. In parallel, the OTP will seek to establish a forum or platform for the sharing of information and expertise between the OTP and national authorities, including with a view to identifying areas in which the OTP may be able to provide support to ongoing investigations and prosecutions. This network will enhance harmonization and cohesion of the work, operational standards, and protocols of the OTP. The OTP will also increase its participation in relevant Joint Investigation Teams, as is the case with the national authorities of seven countries in relation to Ukraine under the auspices of Eurojust, as well as its work with the Joint Team with a number of national authorities under the auspices of Europol aimed at supporting the investigating of crimes against migrants and refugees in Libya. Technology will allow the OTP to expedite the collection and processing of greater volumes of information. The OTP will also strive to develop and implement tailored complementarity

			programmes in situations in which the OTP has closed preliminary examinations or announced the closure of the investigative stage, as well as at other stages of its work. The secondment of personnel by the Court's States Parties to the OTP offers an additional and significant opportunity to exchange knowledge and expertise and to assist in refining operating practices.
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 its work.
R267	positive	implementation on-going	See comment on R266. Apart 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 teams 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. The working group set up to develop the operations manual has almost completed its work and the consolidated version of the manual was presented to the Prosecutor and the Deputy Prosecutors on 12 April. This new fully updated version will guide and unite staff under the new process management model which will be accompanied by a training program with dedicated focal points to facilitate compliance and other timely updates. In addition to careful and consistent business planning, the implementation of integrated plans (situation, investigation, cooperation, outreach, and complementarity) and the introduction of a case management system will ensure that Unified Team Leaders access to all elements of the investigation and to facilitate prompt and efficient review and supervision by the assistant prosecutors and the prosecutor's work teams.
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. See comment on R268.
R270	positive	implementation on-going	See comment on R268 and R269.
R271	positive	implementation on-going	See comment on R268 and R269.
R272	positive	implemented	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. While commitment is ongoing, implementation of these recommendations is in place.
R273	positive	implemented	Positively assessed for implementation but within certain practical constraints. The OTP continues to explore and promote standard practices and procedures, where possible. See comment on R272.
R274	positive	implemented	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. While commitment is ongoing, implementation of these recommendations is in place. See comment on R272.
R275	positive	implementation ongoing	See comment on R272.
R276	positive	implementation ongoing	Already partially implemented. See comment on R272.
R277	positive	implementation ongoing	OTP notes that its implementation would require time and resources. See comment on R272.
R278	positive	implemented	States Parties called for careful handling of its implementation. See comment on R272.
R279	positive	implemented	Already practised by OTP. See comment on R272.
R280	positive	implemented	The new weekly report template for unified teams includes a section on engagement with operational contacts and that the international cooperation advisers facilitate these contacts, thus allowing investigators to focus fully on their duties. This approach would be reinforced by a greater presence in the field, with the opening of offices in the field. Engaging with informal contacts before requests are made was beneficial to help shape the request for it to comply with

			national procedures. It was noted that while informal exchanges are useful, cooperation cannot be provided without a formal request of assistance and that such requests must be as precise as possible. It was also suggested to include embassy representatives in informal exchanges in order to ensure follow-up and maintain continuity.
R281	positive	implemented	Already implemented by the OTP. The database is now accessible to Unified Teams whose creation has also enabled flexible and efficient use of resources within teams and even across pillars.
R282	positive	implemented	See comment on R281.
R283	positive	implementation on-going	A new financial investigation unit was established under Pillar B but serving for both pillars. Resources requested in the regular budget for the establishment of the new Financial Investigations Unit were not approved by the Assembly and the staff who were made available to serve in this unit unfortunately left at the end of their secondment which was not renewed by their country. However, there is good coordination between the OTP and the Registry in this regard.
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. The OTP would continue to work with informal cooperation networks and strengthen coordination mechanisms. The capacity building of the team responsible for locating suspects known as SALT has enabled it to switch to proactive mode and weekly coordination with the Registry.
R286	positive	implementation on-going	OTP had concluded its revision of the Suspects at Large Tracking Team (SALTT) 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. See comment on R285.
R287	positive	implemented	Coordination between OTP and the Registry is well established and functional. A questionnaire, which had been developed in relation to the digital platform on cooperation platform launched in 2020, was updated and circulated by the facilitators on 19 April. The Court encourages States to designate a national focal point on matters related to financial investigations and asset recovery to support the Court with such technical exchanges.
R288	positive	implemented	See comment on R285.
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. A strategy on tracking and apprehension methods, incorporating increased use of technology and intelligence-based actions, is being produced to strengthen the Court's ability to track and apprehend suspects. This strategy will set clear priorities and action plans for arrests based on the identified targets for arrests. In addition, a monitoring and arrest dashboard will be established to allow regular evaluation of the effectiveness of the measures taken. Exchanges take place on a regular weekly basis at the technical level between the experts of the OTP and representatives of the Registry, to develop strategies for further implementation by management. It is regrettable that this recommendation, although positively assessed, has not yet

			been implemented, and the OTP made a call to the ASP to address this.
R291	positive	implemented	The new technological tools put in place integrate this aspect into their component and the lessons learned from the pandemic have been reflected in the new operations manual.
R292	positive	implemented	See comment on R291.
R293	positive	implemented	The forensic Rotation model is ongoing and the Office is working on the establishment of field offices in various situations. For the operationalization of the five field offices (Ukraine, Libya, Darfur, Cox Bazar and Venezuela), the OTP had implemented a three-pronged approach to move from a centred model headquarters to a more field-focused model including: (1) multi-skill new and vacant posts upon recruitment, (2) use the national expert system, and (3) a phased transition plan consisting in transferring existing and occupied positions to the field while fully respecting the rights of staff.
R294	positive	implemented	See comment on R293.
R295	positive	implemented	Caution with regard to the local recruitment of staff potentially involved in investigations. See comment on R293.
R296	positive	implemented	See comment on R293.
R297	positive	implemented	See comment on R293.
R298	positive	implemented	See comment on R293.
R299	positive	implementation on-going	The OTP had embarked on an ambitious technological modernization, that would make it possible to work more efficiently with more connected systems with better information management. As a result, productivity would increase through the reduction of time and effort spent on tasks with the use of automation and artificial intelligence.
R300	positive	implementation on-going	See comment on R299.
R301	positive	implementation on-going	See comment on R299.
R302	positive	implementation on-going	See comment on R299.
R303	positive	implementation on-going	See comment on R299.
R304	positive	implementation on-going	See comment on R299.
R305	positive	implemented	
R306	positive	implemented	
R307	positive	implemented	
R308	positive		The detailed suggestions in this recommendation deserve serious consideration, and features of it, for example, the use of 'red-teaming', now figure in evidence reviews relating to arrest warrant applications. Current resource constraints create a challenge to implementation of some of the suggestions, however, with the new structure, the setting of priorities and

			<p>assignment of new management roles some of these pressures was alleviated. The inclusion of junior members of staff as reviewers is welcome.</p> <p>The idea of appointing a rapporteur is already included in the amended Evidence Review Guidelines (chap 24 of the new Operations Manual), as is the use of simulated opposition or ‘red teams’.</p> <p>In the amended guideline, Red Team memorandum should be with the team 10 days prior to the review, so it can be taken into account in drafting the Major Review memorandum. Other materials are shared at least one week before the first session.</p> <p>In relation to Red Teams, it is noted that the existing workload of staff must be such that they can prioritise preparation. The Chair of the review panel shall be the DP or appointed by the DP. The DP also appoints a rapporteur. No comment is made on the seniority of the drafter. The relevant DP shall determine if it is appropriate to appoint a Red Team.</p>
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	implemented	Will be included in reform of Legal aid policy. See ICC-ASP/21/Res.2, para. 92 on “interim measures”.
R334	positive	implemented	Will be included in reform of Legal aid policy.
R335	positive with modifications	implemented	See Court’s comments on R115. Access to the Ombudsperson and the Staff Counsellor has been provided to support counsel staff for the first time in ICC/AI/2022/003.
R336	positive with modifications	implemented	The judiciary agrees that the VPRS should be the lead entity charged with tracing and identifying victims with claims for reparations. However, this task should be carried out principally during the pre-trial and trial proceedings. During the judicial phase of the reparations stage, i.e. before the issuance of the Reparations Order, the VPRS should assist the relevant Trial Chamber in the determination of the numbers of victims that remain within the scope of the conviction. During the implementation phase of the reparations stage, i.e. after the issuance of the Reparations Order, new victims should be identified only in exceptional circumstances, within concrete time-lines established by the relevant Chamber.
R337	positive with modifications	implemented	The judiciary agrees that applications for general victim participation should be collected early. However, this should

			occur only from the time the proceedings become active (i.e. as of the arrest or surrender of a person) and not from the point of issue of an arrest warrant or a summons to appear.
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	negative		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		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

			<p>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	<p>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.</p>
R343	positive with modifications	implementation on-going	<p>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.</p>
R344	negative		<p>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.</p>
R345	positive with modifications	implementation on-going	<p>The judiciary agrees with the principle. The Registry should be encouraged to continue collecting combined forms for applications and reparations together with all possible supportive documentation victims can obtain, from as early as possible in the proceedings. However, the Judges will continue their</p>

			reflection on question 7 of the combined standard application form in order to better manage the victims' expectations.
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	positive	implemented	<p>The judiciary agrees with the principle, noting that it considers the 'reparations phase' to refer to the judicial phase of the proceedings which begins after a conviction and ends when the Reparations Order is issued.</p> <p>The judiciary agrees that the Registry should be encouraged to continue collecting combined forms and/or mapping the victims' community, including by samples and estimates of victimhood (when the number of victims makes collecting applications from all of them an impossible task), with the aim of having finalised the tracing and/or identification of victims entitled to reparations before the issuance of the reparations order.</p> <p>Victims who have not participated at trial, but who have been properly identified by the Registry as potential beneficiaries of reparation before the deadline set by the relevant Chamber for this purpose (which can be established within a reasonable time after the conviction) and who are considered to fall within the scope of the conviction could participate in the judicial proceedings at the reparation stage.</p>
R349	positive with modifications	implemented	The judiciary agrees with the principle. However, while it is desirable that as many victims as possible are identified by the time the reparations order is issued, there may be cases where the number of potential victims makes the collection of applications from all of them an impossible task. Nevertheless, sufficient information as to the potential number of victims and the harm they suffered, by using samples and estimates of the scope and extent of victimhood, should be provided at the commencement of the reparation proceedings to the competent Chamber by the VPRS, after having conducted

			the identification/mapping of the victims' population through the trial.
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	positive	implementation on-going	The judiciary agrees with this recommendation. Consideration should be given to the judicial oversight of and monitoring in the reparations process. Any demarcation of the respective roles of Chambers and the TFV must be compatible with the Statute.
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	negative		
R360	negative		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	Discussions to be held as part of the commemoration process for the 25 <sup>th</sup> anniversary of the Rome Statute. Outcome of discussions to be presented at ASP in December 2023.
R364	positive	implementation on-going	In 2022, 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. Once the said document was submitted, the recommendation was discussed in the context of the BMO facilitation, in the meetings held on 22 June, 13 September and 5 October 2023. During the meeting held on 13 September, Mr. Nicolas Guillou was invited, in his capacity as a former

			member of the Group of Experts of the IER, to provide further details on the rationale for the recommendation. As a result of the fruitful discussions, the recommendation was considered to be assessed positively and was being implemented.
R365	positive		<p>The second part of the recommendation is already provided for by different legal frameworks of the Court. The Office of the Internal Audit and the Independent Oversight Mechanism are composed by staff members of the Court and as such are bound by confidentiality measures. The members of the CBF and the Audit Committee don't sign individual confidentiality agreements but are bound by confidentiality by rule 9 of the rules and procedures of the CBF and section 9 on confidentiality of the Charter of the AC respectively. External Auditors sign confidentiality agreements.</p> <p>The Court made reference to the oversight bodies listed in para 954 IER report. However, additional confidentiality arrangements should be set in place for other oversight bodies, including the for example the Board of the Trust Fund for Victims to ensure confidentiality.</p>
R366	negative		<p>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.</p>
R367	positive	implementation on-going	<p>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.</p>

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	to be implemented at next round of elections in 2023	Modifications concern parts of the recommendation related to in-person attendance of candidates at interview before the ACN and disqualification of candidates.
R372	positive	to be implemented at next round of elections in 2023	Agreed action: To amend OP12 <sup>ter</sup> of the Procedure of nomination and election of judges.
R373	positive with modifications		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	to be implemented at next round of elections in 2023	
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	positive with modifications		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.

			The RM has adjusted the assessment from “modified” to “positive with modifications” to conform to categorization.
R377	positive with modifications	to be implemented at next round of elections in 2023	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	to be implemented at next round of elections in 2023	Implementation of the recommendation in its part related to casting of votes might not be fully feasible due to minimum voting requirements.
R379	negative		Per the updated report on the progress of the review by the PEJ facilitation dated 16 November 2022, the facilitator noted that the RM had adjusted the assessment from “not positive” to “negative” to conform to categorization.
R380	positive with modifications		Report to the Bureau on the review of the procedure for the nomination and election of judges dated 3 December 2022 (ICC-ASP/21/29, para. 41): “The Working Group further recommends to consider reviewing the qualifications for the membership of the Advisory Committee on Nominations in line with the IER Recommendation 380 after the election of the Committee's members in 2024”. The RM has adjusted the assessment from “modified” to “positive with modifications” to conform to categorization.
R381	positive		R382, R382 and R384 are linked to R381. The Court views these as a package. The SGG will inform the WGA of the assessment of R381.
R382	positive		See comment in R381.
R383	positive		See comment in R381.
R384	positive		See comment in R381.