

REVIEW MECHANISM: COMPREHENSIVE ACTION PLAN FOR THE ASSESSMENT OF THE RECOMMENDATIONS OF THE GROUP OF INDEPENDENT EXPERTS, INCLUDING REQUIREMENTS FOR POSSIBLE FURTHER ACTION

Rec. No.	Recommendation	Rec. No.2	Categorization	Allocation (within Court, Independent Offices and ASP Mandate)	Prioritization	Timeline	Additional comments
I. GOVERNANCE							
A. Unified governance							
1	R.1 The Three-Layered Governance Model should be used as a tool to ensure effective and efficient governance, clarify reporting lines and improve cooperation among stakeholders.		1 Court & ASP	Court + SGG	v	1st half 2022	RM thinks that given the cross-cutting nature of the recommendations 1-20 concerning Unified Governance and the effect they may have on other recommendations assessment should start early but may take some time.
2	R.2 ICC/Court: Layer 1, Judicial and Prosecutorial activity, is in the hands of the Presidency, the Judges, and the Prosecutor respectively, and requires absolute independence. There can be no auditing by States Parties, ASP or external actors. States Parties should not use their role in the ICC/IO to influence judicial and prosecutorial activity. In Layer 2, the Presidency and the Prosecutor are the leaders. Accountability should be achieved through judicial and prosecutorial auditing, carried out by peers. Inter-court comparisons of performance indicators on issues of administration of justice can further contribute to assessing efficiency in Layer 2. The Registry supports Layers 1 and 2 and, in this regard, the Registrar cooperates with the Prosecutor and acts under the guidance of the Court President.		2 Court & ASP	Court + SGG	v	1st half 2022	
3	R.3 A non-permanent Judicial Audit Committee should be called on to carry out audits of the administration of justice activities in Chambers and OTP. The Judicial Audit Committee should be made up of current or former, national or international judges and prosecutors with relevant experience, appointed similarly to the Committee recommended in R113		3 Court & ASP	Court + SGG	v	1st half 2022	
4	R4. The ICC/IO should function as a unified organisation, with a vertical hierarchical structure. The Registrar is the Chief Administrative Officer, responsible for the development and implementation of administrative processes and policies, including the budget. In this regard, the Registrar should consult other Principals, but – as Chief Administrative Officer – should remain the decision-maker. The One Court principle should be in full effect in Layer 3, through the uniform application and interpretation of administrative processes, ethical standards, staff regulations, values, disciplinary processes and so forth to all staff, regardless of Organ. Uniform, Court-wide instruments and approaches should be prioritised for all aspects of the ICC/IO. There should be no duplication or parallel working groups in different Organs. All staff should be treated the same way, regardless of the Organ they work in, and should be united around the same Court-wide values.		4 Court & ASP	Court + SGG	v	1st half 2022	
5	R5. The uniform approach guided by the One Court principle should also be applied to the independent units and offices within the Court. The Court-wide efforts to assess efficiency through Key Performance Indicators should be extended to such independent offices. As units within the Rome Statute system, all such offices should develop and align their strategies to the Court's Strategic Plan.		5 Court & ASP	Court + SGG	v	1st half 2022	
6	R6. The incoming Prosecutor is encouraged to delegate to the Registry, as much as possible, the services/activities within the OTP that pertain to administrative matters (Layer 3). The OTP and Registry should consult on this issue and on the extent to which the Registry has the capacity to support the OTP's needs. States Parties are advised to discuss this matter with candidates for the role of the Prosecutor.		6 Court	Court	v	1st half 2022	
7	R7. The Registry should take the lead in further integrating offices or units within the Court that perform similar tasks, with the goal of strengthening capacity through pooling or reallocation of resources, and avoiding overlap.		7 Court	Court		1st half 2022	
8	R8. Each Organ should aim to focus on its core business, as prescribed by the Rome Statute and interpreted with the help of the Three-Layered Governance Model. This model should be employed to clarify responsibility areas and reporting lines, leading to more efficient and effective decision-making processes. The matter at hand will dictate who the owner of the process should be. A clear distinction needs to be drawn between who the ultimate decision-maker is and who needs to be consulted. There should be no veto from a Principal in matters that do not fall under their responsibility.		8 Court	Court	v	1st half 2022	
9	R9. The Registrar should be the sole official responsible for developing, updating, interpreting and implementing internal legislative instruments relating to internal administrative matters (ICC/IO). The Registrar should consult the Prosecutor and President in CoCo on the strategic objectives, but should not be required to obtain approval of the latter on the final language and implementation details. The approach of consulting all Organs, implying all Heads of Organs, their support staff and their legal offices, on such details should be discontinued. Where needed, clear deadlines for consultations should be employed, with tacit approval implied after the deadline has passed.		9 Court	Court		1st half 2022	
10	R10. The Registrar should report regularly to the ASP on the length of the inter-Organ consultation process for all Layer 3 internal legal documents.		10 Court	Court		1st half 2022	
11	R11. An extended Coordination Council (CoCo+) should regularly bring together the Principals and the Heads of (functionally) independent offices within the Court (OPCD, OPCV, TFP Secretariat, ASP Secretariat) to ensure strategic coordination at the highest level, enabling the Court as a whole to work in harmony and with unity of purpose.		11 Court	Court	v	1st half 2022	
12	R12. The Court's internal legal framework should be reviewed to identify and amend as needed outdated internal legal instruments or those that are contradictory to principles set out in ILOAT decisions against the Court. A systemic process should further be put in place to enable a review of the Court's internal legal framework's compliance with ILOAT decisions, as soon as practicable after such a decision involving the Court is delivered, to identify and implement any necessary amendments.		12 Court	Court		2nd half 2022	Court indicates this R is in process of implementation.
13	R13. The Experts also recommend the Court to follow the UN administrative procedures as a starting base in developing new policies. When needed, the approaches can be tweaked to the Court's needs, taking into account the differences in size of the organisation and mission. The use of UN Common System should also lead the Court and ASP to review the decision to make use of ILOAT rather than the UN Appeals Tribunals.		13 Court & ASP	Court + SGG	v	2nd half 2022	See also RM 120. RM points out that Staff Union Council should be involved in discussion. May require amendments to Staff Regulations.

34	R34. The Presidency should consider developing and implementing a tailor-made professional development programme for legal staff.	34	Court	Judiciary		See R21	See R21
35	R35. The Presidency and the Registrar should immediately fill the position of Administrative Coordinator of Chambers.	35	Court	Judiciary	V	See R21, 2nd half 2021	See R21. Because of the nature of the recommendation RM thinks earlier assessment is justified.
36	R36. The Registrar should update the job description of administrative assistants to Judges. It should be clearly specified that they are administrative and not personal assistants. Consideration should also be given to the designation of appropriate reporting officers for administrative assistants for the purposes of supervision and performance appraisals.	36	Court	Judiciary		See R21	See R21
37	R37. As mentioned above, decisions on recruitment should not fall on Judges. The recruitment process must be an open and competitive process that allows for equal opportunities for former Court interns and non-interns alike.(see infra para 224)	37	Court	Judiciary		See R21	See R21
	C. OTP Governance						<i>RM proposes SGG as a platform for the discussion on the assesment of the recommendations with exception of R48 where after consultation with SGG facilitators RM proposes to use the RM itself as the discussion platform.</i>
38	R38. The Prosecutor should consider constituting an OTP-wide working group on the Regulatory Framework tasked with considering the most efficient way to implement the recommendations that follow.	38	Court	Office of the Prosecutor		1st half 2022	Courts suggests to deal with R38/R41 in conjunction
39	R39. The Operations Manual should be updated and consolidated, and incorporate the Policy Papers, Standard Operating Procedures, and Internal Guidelines of the OTP. Inconsistent regulations in different Divisions should be avoided.	39	Court	Office of the Prosecutor		1st half 2022	
40	R40. There should be explicit clarity with regard to which of the OTP regulatory documents are mandatory and which are optional. Provision should be made for a mechanism to monitor the compliance with regulatory requirements.	40	Court	Office of the Prosecutor		1st half 2022	
41	R41. The Operations Manual should clearly specify the roles and responsibilities of staff and management structures. It should provide for clarity with regard to the roles, functions, and decision-making responsibilities at each management level (P-4 and above). It should also provide for clear reporting lines from staff to the management and vice versa.	41	Court	Office of the Prosecutor		1st half 2022	
42	R42. A consistent induction package for new staff, should be developed, in line with Court-wide efforts on the matter.75 It should contain both OTP-wide documents (Operations Manual, Regulations, legal texts), and section-specific guidelines. The induction package should explain the relevant management structures and reporting mechanisms that apply to the staff member concerned. It should also contain details of the internal grievance procedures.	42	Court	Office of the Prosecutor		1st half 2023	
43	R43. Consideration should be given to the Head of LAS being made responsible for the overall quality of the management of the OTP and compliance with its regulatory framework. Training in, and compliance with, the regulatory framework of the OTP should be included in the Key Performance Indicators.	43	Court	Office of the Prosecutor		1st half 2023	
44	R44. As provided in the programme budget for 2020, the LAS should be tasked with monitoring the development of new SOPs and Internal Guidelines, and their incorporation in an updated Operations Manual and OTP Regulations (See further infra para75231 see also R99)	44	Court	Office of the Prosecutor		1st half 2023	
45	R45. LAS should be tasked with quarterly communications to staff regarding the development of new or amended regulatory provisions.	45	Court	Office of the Prosecutor		1st half 2023	
46	R46. A weekly meeting should be held for the leadership of integrated teams with the Prosecutor and/or Deputy Prosecutor and thereby reduce the distance between the Prosecutor, Deputy Prosecutor, and staff. Such meetings should also reduce the appearance, if not the fact, of over-reliance by them on the Directors.	46	Court	Office of the Prosecutor		1st half 2023	
47	R47. The Public Information Unit should devise an internal communications strategy for the OTP, beyond email communications and an annual Town Hall meeting, to ensure that staff who are not members of team leadership (lower level staff, as well as staff from support Sections who are not part of integrated teams) can have regular and meaningful contact with the Prosecutor and Deputy Prosecutor.	47	Court	Office of the Prosecutor		1st half 2023	
48	R48. The Prosecutor should not reinstate the structure of two Deputy Prosecutors. A more efficient and effective use of the single Deputy Prosecutor can be achieved by defining clear roles and responsibilities. In particular, the Deputy Prosecutor could be assigned the following functions: (i) Ultimate responsibility for the three Divisions and their work; (ii) Overseeing and coordinating the work of the Directors; (iii) Reviewing and approving internal team work products, such as investigation and cooperation plans. They should not be the concern of the Executive Committee (ExCom) save in exceptional circumstances; (iv) Responsibility for issues related to human resources and administrative matters; (v) Responsibility for regularly updating the Prosecutor on the work, progress, and problems of the Divisions.	48	Court & ASP	Office of the Prosecutor + SGG	V	2nd half 2021	RM realizes that there could be budgetary consequences. RM notes that incoming Prosecutor has expressed interest to install two Deputy Prosecutors. See above for assignment discussion.
49	R49. ExCom should be regarded solely as an advisory body with the responsibility of advising the Prosecutor. Decision-making within the OTP rests with the Prosecutor. The regulatory framework should be consistent in recognising the advisory role of ExCom, and references to ExCom as a decision-making body should be avoided.	49	Court	Office of the Prosecutor		1st Half 2022	
50	R50. In order to improve the speed of its advisory functions, membership of ExCom should be restricted to the Prosecutor, Deputy Prosecutor and Division Directors. The Chef de Cabinet or a Special Assistant to the Prosecutor may attend the meetings for record-keeping. When the members of ExCom wish to consult with other managers or team members, such a consultation should not be regarded as a meeting of ExCom itself.	50	Court	Office of the Prosecutor		1st Half 2022	
51	R51. The issues that are required to be brought for ExCom's advice should be clearly defined. Likewise, the authority of Directors and team leaders should be clearly defined. In general, operational issues such as mission plans, investigation plans or filings should be the responsibility of the Directors, subject to the overall supervision of the Deputy Prosecutor.	51	Court	Office of the Prosecutor		1st Half 2022	
52	R52. There should be more efficient communication of the decisions taken by the Prosecutor. There should be weekly communication of decisions taken by the Prosecutor to relevant members of the OTP staff. The Chef de Cabinet should be responsible for keeping a detailed record of decisions made on the issues considered by ExCom. (In line with the efforts recommended under 83(p.26).	52	Court	Office of the Prosecutor		1st Half 2022	
53	R53. The functions and responsibilities of the Chef de Cabinet should be considerably reduced. They should correspond to those of the senior executive secretary of the Organ, responsible for administrative matters. Strategic and policy related advice should rest with ExCom, the Legal Advisory Section, and the Senior Appeals Counsel. All communications related responsibilities should rest with the PIU and the Special Assistants to the Prosecutor.	53	Court	Office of the Prosecutor		1st half 2023	
54	R54. The appropriate functions and responsibilities of the Chef de Cabinet should align with the current professional grade attached to this position.	54	Court	Office of the Prosecutor		1st half 2023	
55	R55. The capacity of the PIU should be enlarged. A senior media officer (P-4) should be recruited by the OTP to head the PIU and, as requested, act as the OTP spokesperson.	55	Court & ASP	Office of the Prosecutor + SGG	V	2nd half 2021	CBF involved/maybe budgetary consequences.
56	R56. The PIU should fall outside the IOP and function directly under the Prosecutor.	56	Court	Office of the Prosecutor		1st half 2023	
57	R57. The division of functions and responsibilities of the members of integrated teams should be clarified and circulated to all staff. These should be incorporated in an updated Operations Manual.	57	Court	Office of the Prosecutor		1st half 2023	
58	R58. The separation of strategic leadership (PD, Senior Trial Lawyers) from operational/functional leadership (ID, Team leaders) of an investigation should be clarified and implemented.	58	Court	Office of the Prosecutor		1st half 2023	
59	R59. The working methods across teams should be harmonised. The best practices for routine activities and processes of integrated teams should be defined, including the use of databases and tasking tools, meetings and communications. At the suggested weekly meetings with the Deputy Prosecutor, inter-team sharing of practices should be encouraged.	59	Court	Office of the Prosecutor		1st half 2023	
60	R60. The recent establishment of core integrated teams at Phase 2 of PEs should be institutionalised. The size of the integrated team at this stage should depend on the situation and its complexity, but should, at a minimum include a member from each of the ID, PD, and JCCD. Each team should be headed by a Senior Trial Lawyer (PD P-5), supported by appropriate core staff from the relevant Divisions and Sections.	60	Court	Office of the Prosecutor		1st half 2022	See also R251.
61	R61. If possible, at the time of opening an investigation, a PES analyst should be assigned to the IAS (exchange of staff) for a limited duration.	61	Court	Office of the Prosecutor		1st half 2022	
62	R62. The role of ICS in the integrated teams should be standardised and fully explained to and discussed with the whole integrated team.	62	Court	Office of the Prosecutor		1st half 2023	

63	R63. The relationship between integrated teams and support units (Gender and Children Unit (GCU), Language Services Unit (LSU), Operational Risk and Support Unit (ORSU), Protection Strategy Unit (PSU)) needs to be clarified and standardised. They should be consulted early in the operation planning cycles, in order to avoid delays and additional expenses.	63	Court	Office of the Prosecutor		1st half 2023	
64	R64. To ensure that all newly recruited staff have sufficient expertise, consideration should be given to a review of the requirements for future recruitments that include the skills that the OTP is lacking.(See infra Section 911I.E. Adequacy of Human Resources - Recruitment .)	64	Court	Office of the Prosecutor		2nd half 2022	
65	R65. A compulsory, Court-wide induction training on the core documents and principles of the Court should be considered.(Related to having a strong and clear regulatory framework, see supra Section 92I.C.2. The OTP Regulatory . See also infra Section FrameworkII.H. Staff Training and Development).	65	Court	Court	V	2nd half 2021	The cluster of recommendations related to learning and development include R65, R70, R86 and R100.
66	R66. The roles of trial lawyers and legal officers within the Prosecution Division should be separated and reflected in recruitment.	66	Court	Office of the Prosecutor		2nd half 2022	
67	R67. A regular assessment of whether staff members require follow-up training should be introduced (See infra Section 93II.G. Performance Appraisal).	67	Court	Court	V	2nd half 2021	Cour's comment: Considered in the context of the updated policy on Performance Appraisals (January 2021).
68	R68. Professional development should be consistently included in the performance appraisal, and given appropriate attention.	68	Court	Court	V	2nd half 2021	Cour's comment: Considered in the context of the updated policy on Performance Appraisals (January 2021).
69	R69. In cooperation with Registry's Human Resources Section, transparency should be increased regarding developmental leave and special leave without pay by defining the rules and regulations surrounding such requests. Leave-related human resources functions are an example of responsibilities that could be delegated to the Registry's Human Resources Section (HRS).	69	Court	Court		2nd half 2022	
70	R70. In order to address the training needs within the available budget of the OTP, consideration should be given to delegating certain training-related responsibilities to the Registry.	70	Court	Office of the Prosecutor		2nd half 2022	
71	R71. The current situation prioritisation practices should be reconsidered in order to adapt to the dwindling capacity of the Office to take on new situations/cases (See infra Section 107XII. OTP SITUATIONS AND CASES: PROSECUTORIAL STRATEGIES OF SELECTION, PRIORITISATION, HIBERNATION AND CLOSURE).	71	Court	Office of the Prosecutor	V	2nd half 2021	
72	R72. In the absence of an increase of staff in the ID, the OTP should consider assigning staff from other Divisions and Sections to ID, to improve the balance between the ID/PD numbers of staff (See infra Section 108II.J. Flexibility, Scalability and Mobility in Staffing) .	72	Court	Office of the Prosecutor		2nd half 2022	
73	R73. The OTP should consider the possibility of delegating certain translation/ interpretation responsibilities to Registry's LSS, where confidentiality requirements allow for it.	73	Court	OTP & Registry		1st half 2022	
74	R74. The compatibility of current human resources requirements with the LSU's requirement to recruit specific-language staff in a timely manner should be assessed.	74	Court	Office of the Prosecutor		2nd half 2022	
75	R75. A review of the number of posts for administrative support the OTP requires should be prepared for the ASP, together with the specification of the required skills.	75	Court	Office of the Prosecutor		2nd half 2022	
	D. Registry Governance						<i>RM proposes SGG as platform for discussion on assesment of the recommendations.</i>
76	R76. The process of electing the Registrar should be more thorough. The ASP, in accordance with its responsibilities under the Three-Layered Governance Model, should carry out a selection process with the assistance of an expert committee that would vet candidates, perform background checks, carry out interviews, and present a shortlist to the States Parties. The ASP would then vote to confirm a shortlist of candidates before it is transmitted to the Judges for their decision. The same procedure would be followed in the case of a Deputy Registrar, if one is to be elected.	76	ASP	SSG	v	2nd half 2021	
77	R77. The Experts recommend making use of the possibility of instating a Deputy Registrar, to enable the Registrar to focus on administration of the ICC/IO (Layer 3). The role would coincide with the Chief of Judicial Services (D-2) position, which would make the decision practically cost-neutral. The Deputy Registrar should be elected in the same manner recommended for the Registrar, and if possible simultaneously. The ASP could consider having candidates apply jointly, as a pair, for the positions of Registrar and Deputy Registrar, and electing them as such, to promote gender and geographic diversity. A similar approach should be considered by the ASP for the joint election of the Prosecutor and Deputy Prosecutor.	77	Court & ASP	Judiciary & Registry + SGG	V	2nd half 2021	Cour's comment: By September 2021 a paper with modalities and options will be submitted for consultations with States Parties. Subject to the outcome, a provision for the Deputy Registrar position may be included in the proposed budget for 2023 or 2024 for consideration by the CBF and decision by ASP in December 2022 or 2023, respectively.
78	R78. In the long-term, States Parties are recommended to consider amending the provisions referring to the Registrar's term to limit it to a 7 – 9 years non-renewable mandate.	78	ASP	SGG + Amendments		2nd half 2022	The RM thinks that R76-78 are part of the same discussion.
79	R79. It is recommended that the Registrar evaluates the needs of the VWS and its staffing structures, especially compared to other international tribunals, to see whether and which improvements could be brought.	79	Court	Registry		1st half 2022	
80	R80. Field offices need to be adapted to the reality of judicial activity, modulated based on capacity and workload. More local staff could be recruited, for increased flexibility in the opening and closing of field offices.123 Similarly, more flexibility is desirable for Heads of offices in terms of recruitment and procurement.	80	Court	Registry		2nd half 2022	Following internal consultations within the Court, the Registry aims to provide a draft Strategy for comments by States Parties during the second half of 2022. The Strategy is expected to be finalised by the end of 2022.
81	R81. The Registry is recommended to develop additional means of coordination between field offices and headquarters, in consultation with Heads of field offices. Staff in the field should continue to report to the Head of the field office, as well as regularly coordinate on their activity with the relevant Section in the headquarters.	81	Court	Registry		2nd half 2022	See R80
82	R82. To enhance the impact of the Court's presence in the field and maximise use of resources: i) regional field offices, acting as hubs for several countries in a region, should be considered; ii) the OTP should make increased use of field offices, through enhanced coordination and communication with the Heads of field offices;124 iii) field offices should also be further made use of to strengthen cooperation with local civil society in the field.	82	Court & ASP	OTP & Registry + SGG		2nd half 2022	See R80. CBF involvement. Possible budgetary consequences
83	R83. In the interest of ensuring field staff's ability to engage with local stakeholders, they should be familiar with the language and culture of the respective country. Recruitment of local staff would guarantee both knowledge of the local language and culture, and reduce costs otherwise needed for language or training.	83	Court	Registry + SGG		2nd half 2022	
84	R84. The Registry is recommended to consider tenure for field office positions, following the example of embassies and UN offices in the field. The conditions of such tenure would depend on whether the duty station is a non-family or hardship one, and whether the staff is international or nationally recruited. The Heads of field offices and Occupational Health Unit (OHU) surveys on field office welfare should be consulted on the matter.	84	Court	Registry		1st half 2023	Court sees a link with R 101. SUC involvement
85	R85. Increased internal mobility between field office staff and the headquarters, as recommended by the Experts in the Human Resources Section,125 would also contribute to increased awareness by staff in The Hague of the challenges faced in the field, and – vice versa – enable field staff to establish a network at the Court's permanent premises that would enhance the connectivity between Court staff, regardless where they are based.	85	Court	Registry		1st half 2023	
86	R86. Staff from field offices should have access to similar institutionally-offered opportunities in terms of professional and personal development as those in The Hague.126 This refers, for example, to trainings, possibility to be considered for positions at headquarters, and option to benefit from psychological support (welfare officers). The Human Resources Section (HRS) and OHU should aim to ensure that such services and opportunities are made available to field office staff, preferably via video conferencing (VTC).	86	Court	Registry		1st half 2023	RM advises SUC involvement
II. HUMAN RESOURCES							

	A. General; B. Working environment and culture, staff engagement, staff welfare; C. Bullying and harassment						<i>RM proposes to assign discussion to RM as platform for discussion as part of broader working culture discussion.</i>
87	R87. The leadership of the Court should adopt and demonstrate a clear commitment to a multi—pronged strategy to deal with predatory behaviour in the workplace, namely bullying, harassment and sexual harassment. It must be clear to all staff, particularly supervisors, that such behaviour is inexcusable and unacceptable at the Court and will not be tolerated. There should be avenues by which staff can safely report bullying and harassment to managers and receive guidance and support as to the procedure to follow if they wish to lodge a complaint.	87	Court	Court	V	2nd half 2021	See also R14. RM points out this is an ongoing commitment. RM advises SUC involvement
88	R88. The Court should work assiduously, through its recruitment, promotion and training programs, to bring more women into senior managerial positions, in part to bring about a change in the prevailing practices that have tolerated unacceptably predatory behaviour in the past.	88	Court	Court	V	2nd half 2021	
	D. Management of Human Resources						<i>RM proposes to assign these recommendations to SGG as discussion platform</i>
89	R89. Measures should be taken to transfer general responsibility for human resources in the Court to the Registry. The Human Resources Section should be appropriately strengthened through additional staffing resources, to be able to assume this responsibility.	89	Court	Court		1st half 2022	Court sees link with R 4
90	R90. The incoming Prosecutor should delegate responsibility for management of human resources in the OTP, given to that position under Article 42 of the Rome Statute, to the Registrar, as a key aspect of the implementation of Recommendation 89 above.	90	Court	Office of the Prosecutor		1st half 2022	Court sees link with R4
	E. Adequacy of Human Resources - Recruitment; F. Short-term appointments, local recruitment						<i>RM proposes to assign recommendations to SGG as discussion platform with involvement of GRGB</i>
91	R91. Where this is currently not the case, all recruitment panels in future should have at least one woman, a representative of an under-represented geographical region and ex officio, a representative of the Registry HRS. All panels should include speakers of both working languages of the Court.	91	Court	Court	V	2nd half 2021	
92	R92. A major effort is needed to re-classify all positions in the Court in terms of their core responsibilities and generic skills, with the aim of allowing officers from different Organs to apply for positions anywhere in the Court that they have the skills and experience to occupy. Care should be taken when advertising positions to ensure that the full range of skills needed is accurately reflected in the Job Description and Selection Criteria for that position to ensure that panels make appropriate recruitment decisions.	92	Court & ASP	Court + SGG		1st half 2022	CBF and SUC involved
93	R93. Recognising the difficulty of interviewing candidates from different geographical regions with different educational and professional backgrounds via VTC, greater effort needs to be made by recruitment panels to follow-up with referees or even shortlist candidates for more senior positions and bring them to The Hague for a more intensive round of interviews and tests.	93	Court	Court	V	2nd half 2021	Actual implementation also relies on Covid conditions.
94	R94. The Court's ability to recruit staff on a limited- or short- term basis should be further strengthened, and so have the ability to recruit local staff on a timely basis (Similarly, see R80 (p.64)). Relevant human resources policies ought to be reviewed in this regard, if necessary.	94	Court	Registry		1st half 2022	Court sees link with R16. RM Advises SUC involvement.
95	R95. The ASP and/or the Court should consider having agreements/policy/structural documents in place to allow for different staffing models, such as short-term contracts, secondments, local recruitment.	95	Court & ASP	Court + SGG		1st half 2022	Court sees link with R16.
96	R96. The fund for paid internships and visiting scholar positions should be enlarged, to enable candidates from developing nations to take up such positions in the Court.	96	Court & ASP	Registry + Budget		1st half 2022	Court will make proposal. CBF involved
	G. Performance Appraisal						<i>RM proposes to assign discussion to SGG as platform in conjunction with D above (Management of Human Resources)</i>
97	R97. Managers in the Court, including the Principals, need to commit to the system of performance appraisal adopted by the Court, in particular by offering honest and constructive regular feedback to staff so that the annual performance review is not a shock to the individual. Conducting proper performance appraisal and counselling of their staff should itself be a significant performance indicator for supervisors and managers.	97	Court	Court		1st half 2022	Court will conclude by December 2022 a 360 degree assesment of all managers. Reported to the CBF through the annual report on HR matters. SUC involvement.
98	R98. A system of 360-degree assessment of managers should be introduced across all Organs of the Court, which, given the hierarchical nature of the workplace there, would probably have to be via anonymous written comments to management by staff or through an annual facilitated discussion amongst the work unit staff without the manager being present.	98	Court	Court		1st half 2022	RM advises SUC involvement
	H. Staff training and development						<i>RM proposes to assign discussion to SGG as platform in conjunction with D above</i>
99	R99. The Experts recommend that the ASP, the CBF and the leadership of the Court give serious consideration to strengthening the training and development function of the Court, which again should be centralised in the Registry.	99	Court & ASP	Court + SGG		1st half 2022	May have budgetary consequences. CBF involvement. SUC involvement.
	I. Multilingualism						<i>RM proposes to assign recommendations to SGG as platform for discussion.</i>
100	R100. Sustained effort should be directed at improving the French language capabilities at the Court, through targeted recruitment, French language classes and incentives for staff to improve their French. More generally, when recruiting persons who will be working on a situation country or region, whether in the field or in headquarters, where communication will be predominantly in a particular language, it should be ensured that the individual selected is sufficiently capable in that language to do the job effectively.	100	Court	Court		2nd half 2022	
	J. Flexibility, scalability and mobility in staffing						<i>RM proposes to assign these recommendations to SGG as platform for discussion with the exception of R105 where the RM proposes to use the RM itself as a platform.</i>
101	R101. The leadership of each organ of the Court should embrace the concept of movement between work units in the organ to deal with the changing work pressures. Additionally, they should encourage and facilitate the movement of staff across Organs, either short-term or long-term, by allowing staff with relevant skills and experience to apply for positions in Organs other than the one they are currently working in, subject to potential conflicts of interest. Such transfers should include movements into the field, even on a temporary or short-term basis.	101	Court & ASP	Court + SGG		2nd half 2022	RM thinks that R101-R103 should be dealt with in conjunction. RM advises SUC involvement.
102	R102. The Principals should support and encourage exchanges and secondments between the Court and other relevant international courts and organisations, inter alia through application of the UN Inter-Agency Mobility Agreement. Such exchanges could be contemplated with other external institutions, including NGOs and universities.	102	Court	Court		2nd half 2022	As of 2019 the Court is a signatory to the UN Inter-Agency Mobility Agreement.
103	R103. The Court could contemplate secondments from national governments on the basis of its needs, rather than the wishes of the government concerned. Such secondments should concern only positions of a non-managerial, technical or specialist nature.144 Guidelines on Selection and Engagement of Gratis Personnel should be drafted/updated according to the above considerations.	103	Court & ASP	Court + SGG		2nd half 2022	RM understands this may require updating guidelines for selection of gratis personel.
104	R104. The Court should develop a comprehensive strategy on knowledge management, to ensure that critical information and experience is not lost every time a member of staff moves out of the work unit on transfer, secondment, retirement or resignation, and to inform the training program across the Court, including the induction training for new recruits.	104	Court	Court		2nd half 2022	
105	R105. In order to encourage fresh thinking and bring more dynamism to the Court, a system of tenure should be adopted by the Court, applicable to all positions of P-5 and above. The system should stipulate a maximum tenure in positions of these levels of somewhere between five and nine years, and should admit few, if any exceptions. For reasons of procedural fairness, the limitations should not be applied to those occupying these positions currently and would only apply to those newly appointed to the positions. Nonetheless, long serving officers of P-5 or Director level might be encouraged to retire early to allow the new system to be established as quickly as possible.	105	Court & ASP	Court + RM		1st half 2022	Because of complex nature of this issue RM thinks that reaching a conclusion will require some time. Discussion of the issue should start early however. Information from Court: Inter-organ consultations and analysis to start in September 2021 with a view to providing a report to the CBF during spring 2022. SUC involvement.

III. ETHICS AND PREVENTION OF CONFLICTS OF INTEREST							
A. Ethics framework							
106	R106. The Court should develop a single Court-wide Ethics Charter, laying down the minimum professional standards expected of all individuals working with the Court (staff, elected officials, interns and visiting professionals, external counsel and their support staff, consultants). Additional Codes of Conduct for specific roles can supplement the Court's Code of Conduct, as per the Audit Committee's recommendations. The instruments should foresee continued application of certain obligations (such as confidentiality) for officials and staff, after they leave their office or post.	106	Court	Court	V	1st half 2022	RM proposes to assign discussion of these recommendations to IOM-F as platform Because of complex and potentially sensitive nature RM thinks discussion will take some time so it recommends to start this discussion early
107	R107. The incoming Prosecutor should review internal processes and procedures to ensure effective and efficient cooperation with the OIA and IOM. Additional measures can be envisaged to alleviate concerns, such as more comprehensive confidentiality agreements that IOM staff would commit to.	107	Court	Office of the Prosecutor		1st half 2022	
108	R108. Ad hoc investigative panels for judges, the prosecutor and the deputy prosecutor should be employed by the IOM in case of complaints against these elected officials. The IOM would establish such panels of three judges or prosecutors respectively from a roster list made up of current and former national and international judges/prosecutors. The roster would be agreed upon by the ASP Presidency, the Court Presidency and the Prosecutor, respectively, similar to the procedure indicated in Recommendation 113 (p.92).	108	Court & ASP	Court + IOM		1st half 2022	IOM involved. RM sees a link between R108, R125 and R131 and thinks it is advisable to deal with these 3 recommendations in conjunction.
109	R109. In the long term, the power to render decisions on complaints against elected officials should be trusted to a form of judicial council, composed of current and former national and international judges.	109	Court & ASP	Court + IOM		1st half 2023	
B. Prevention of conflict of interest							
110	R110. The ICC-FDP should be extended to also cover Judges, and be supplemented by an additional declaration of interests to be completed by all elected officials and staff members at D-1 level and above. Candidates for the role of elected officials would submit such a declaration to the ASP advisory body reviewing nominations/candidacies. For those who are elected, a copy would be shared with the Ethics Committee. The information to be provided under this recommendation should be treated as confidential and not rendered public.	110	Court & ASP	Judiciary + ACN	V	2nd half 2021	RM proposes to assign these recommendations to IOM-F as platform for discussion in consultation with ACN on R110
111	R111. The current guidelines on extra-judicial activities of Judges should be formalised into a binding policy by the Presidency, after clarifying the extent to which Judges can engage in extra-judicial activities during work hours and the type of outside activities that are acceptable. Input from States Parties should be sought in this regard. The policy 92 should foresee consultation of the ASP before any substantial change to the policy is adopted.	111	Court	Judiciary		1st half 2022	
112	R112. An Ethics Committee should be established, as an independent entity, with Courtwide competency. The Ethics Committee would serve a preventive and advisory role, through the following functions: • Dialogue with Judges and senior staff when they take office, focusing on helping them identify and consider potential conflicts of interests; • Issuance of guidelines on relevant topics such as interactions between Court officials/staff and States Parties, post-Court employment guidelines for senior Court officials), based on international and national best practices, raising awareness on ethical issues and ensuring a coherent approach by all Court Organs and individuals affiliated with the Court; • Issuance of advisory opinions to Court Principals and individuals working with the Court, on matters related to ethics. The Ethics Committee could also advise the ASP on ethics-related matters, where there are differing views among the Court and States Parties as to the applicable standard; • Deciding in case of disagreement between IOM and Principals, for instance in case differing views as to whether confidentiality and independence in a specific case would be a bar to IOM oversight.165	112	Court & ASP	Court + IOM	V	1st half 2022	RM advises to start discussion early because of the complex nature.
113	R113. The committee would be called to address issues on a needs-basis and work – in principle – remotely. The ethics committee would be formed of three current or former judges, from ASP States Parties, from national and international jurisdictions, with knowledge and experience in matters of ethics. Members would be appointed for six years for a non-renewable mandate, ensuring diversity in gender, legal systems and geographical representation. They could be appointed as follows: • two national judges with experience in ethics by ASP Presidency based on the Bureau's proposal, • one former ICC judge appointed by the Court President.	113	Court & ASP	Court + IOM	V	1st half 2022	Relation to R112
114	R114. In the long term, a joint Ethics Committee servicing several international courts and tribunals is recommended to ensure coherence in standards and rationalise expenses.	114	Court & ASP	Court + IOM		1st Half 2022	Although not a priority in itself it makes sense to discuss this issue together with R 112/113
IV. INTERNAL GRIEVANCE PROCEDURES							
A. General; B. Accountability of judges							
115	R115. The Court's internal justice system should be open to all, including non-staff, former staff and elected officials. In the spirit of the One Court principle, and with the aim of simplifying and centralising the various disciplinary procedures, the Court should employ one internal justice system for all. This will emphasise equality of treatment, promote equal minimum standards of ethics and professionalism for everyone as well as increase the clarity and thus the use of the system.	115	Court	Court	V	2nd half 2021	RM assumes involvement Union Staff Council on R115-125
116	R116. The Court's settlement of disputes would be better served if handled by professionals. The cost-benefit relationship of this proposal is favourable to the Court, and will enhance the settlement of disputes and conflicts and, accordingly, reduce the escalation to the ILOAT. This would involve dissolving the Disciplinary Advisory Board and the Appeals Board, as well as ad hoc mediation currently operated by staff. Such approach would be consistent with other international organisations' decisions to move away from peer-based internal justice mechanisms, such as the UN's decision in 2006.	116	Court	Court	V	2nd half 2021	
117	R117. Instead of peer-based appeals against administrative decisions, a straightforward and simple procedure could be set up by employing a First Instance Dispute Judge – a national or international judge, with experience in international administrative matters. The First Instance Dispute Judge would not be a permanent position, but called on to act on a need-basis. A roster of suitable judges could be set up 103 for such purpose. In the case of serious complaints against Judges, the Prosecutor or Deputy Prosecutor, a First Instance Panel, made up of three judges, would decide in first instance.	117	Court & ASP	Court + IOM	V	2nd half 2021	May have budgetary consequences.
118	R118. The Court should consider the establishment of an Ombudsperson (an ungraded position to be filled through a competitive recruitment exercise, a true outsider) to deal with disputes and conflicts in an informal, friendly and effective way together with Mediation Services, as a preliminary, non-compulsory instance (subject to the following paragraph) for solving disputes and conflicts.	118	Court & ASP	Court + IOM (CBF)	V	2nd half 2021	RM understands Court has already asked advice from CBF for establishment of an Ombudsman.
119	R119. Recourse to mediation services would only be mandatory for parties in an administrative dispute before bringing their complaint to the First Instance Judge. Similarly, complaints dealing with underperformance would initially be reviewed by a human resources analyst and, if necessary, by an independent reviewer appointed by the Head of HRS, before the complaint could be submitted to the First Instance Judge.	119	Court	Court	V	2nd half 2021	
120	R120. The Court is encouraged to explore whether resorting to the UN Appeals Tribunal for administrative matters, rather than the ILOAT, would be more cost efficient for the Court. Such a decision would also be in line with the Court's use of the UN Common System.	120	Court & ASP	Court + SSG		1st Half 2021	See also R13. May require amendments to Staff Regulations. RM thinks Staff Union Council should be involved.
121	R121. Any exercise envisaged by the Court in this field should consider the convenience of strengthening transparency, confidentiality and trust for the staff to be able to use it more frequently and for it to be more efficient.	121	Court	Court	V	2nd half 2021	

122	R122. The Court should also consider the convenience of establishing an Ethics and Business Conduct Office (EBCO) to promote common values and preventing conflicts of interests, and also to deal with disciplinary proceedings, hosting the unit dealing with serious misconduct. It should also serve as the context for whistleblower policies, as well as host focal points on gender issues, sexual and other forms of harassment, and anti-fraud matters. The EBCO would be headed by a suitable ungraded individual.	122	Court & ASP	Court + IOM		1st half 2022	RM sees a link with R108/R125/R131 and R118 (mandate) and advises they will be dealt with in conjunction.
123	R123. The focal points would each work on raising awareness within the Court in their respective field (i.e. whistleblower policies, gender issues, sexual and other forms of harassment, and fraud matters), including by explaining and advising on relevant policies and complaint/whistleblowing procedures.	123	Court	Court		1st half 2022	
124	R124. The ASP should consider enabling the IOM to provide support to the EBCO, staffed with outside professionals (investigator, legal officer).	124	ASP	IOM-F + IOM		1st half 2022	RM considers this as part of discussion on R122.
125	R125. The IOM would retain its functions of inspection, evaluation and investigation. In case of complaints against Judges, the Prosecutor and Deputy Prosecutor, it would delegate investigations to Ad Hoc Investigative Panels after carrying out an initial assessment of the complaint. The IOM would further act as the executive and permanent secretariat, supporting non-permanent bodies within the EBCO, striving to ensure an efficient and timely resolution of complaints. So too, in respect of the Ombudsperson and Mediation Services, the Ad Hoc Investigative Panels, the Ethics Committee, the First Instance Judge and the First Instance Panels. The IOM would be responsible for providing immediate support when needed, and work on raising awareness and building capacity within the Court on issues related to EBCO's scope of work. For this purpose, the IOM should be adequately resourced.	125	ASP	IOM-F + IOM		1st half 2022	RM sees a link between R108, R125 and R131 and thinks it is advisable to deal with these 3 recommendations in conjunction.
126	R126. The ASP and the Court should consider in the long-term the establishment of a Judicial Council of the Court, with full mandate over the discipline and judicial accountability of Judges.	126	Court & ASP	Judiciary + IOM-F		1st half 2023	
127	R127. Such a Council, servicing several international courts and tribunals, is further suggested, to ensure coherence in standards and rationalise expenses. For this purpose, the legal framework establishing the Judicial Council should enable its members to fulfil similar roles for other international judicial organisations.	127	Court & ASP	Judiciary + IOM-F		1st half 2023	
128	R128. The IOM and EBCO should develop a strategy and plan of action aimed at increasing staff confidence and trust in the IOM and the Court's internal disciplinary scheme.	128	ASP	IOM-F		1st half 2023	Will logically follow decision on establishment ECBO (R122).
129	R129. The Presidency should continue its efforts towards cultivating increased collegial cooperation between, and respectful working environment for the Judges and Chambers staff in the Judiciary.	129	Court	Judiciary	V	2nd half 2021	RM points out that this is an ongoing commitment, See also R87.
130	R130. The Heads of Organs should deliver on their commitment and plans to prioritise zero tolerance of bullying and harassment and the development of a more effective, productive and mutually respectful relationship and atmosphere at the Court.	130	Court	Court	V	2nd half 2021	See also R87. This is a continuous commitment.
131	R131. In summary, the Court-wide internal justice system recommended by the Experts is as follows: (see report pp. 104-105 for details)	131	Court & ASP	Court + IOM		1st half 2022	RM sees a link between R108, R125 and R131 and thinks it is advisable to deal with these 3 recommendations in conjunction.
V. BUDGET PROCESS							
A. Court Budget Process, B. Committee on Budget and Finance (CBF) C. Enhancing Trialogue D. Assembly of States Parties E. Miscellaneous							
132	R132. In parallel with or subsequent to the elaboration of high-level assumptions, interorgan consultations should be held on a cohesive strategic vision to guide Organs in their budget planning. Additional close consultations should be held between the OTP and Registry on these strategic priorities and the Registry's expected capacity	132	Court	Court		1st half 2022	
133	R133. An enhanced role for the Registrar, in line with the Experts' recommendations in the Unified Governance section, would also enable a more centralised budget process, in line with the One Court principle. The Court should be represented by the Registrar at budget oversight meetings.	133	Court	Court		1st half 2022	RM sees a link with recommendations on unified governance especially R 4.
134	R134. Financial Regulations of the Court should be amended to enable the Registrar to make transfers across Major Programmes, to adapt based on workload. Similarly, ways through which the Registrar could be given more flexibility in implementing CBF/ASP decided cuts ought to be explored. Such increased flexibility should be accompanied by appropriate reporting and transparency mechanisms.	134	Court & ASP	Registry + Budget		2nd half 2022	CBF involvement
135	R135. The CBF should make an inventory of the most important topics it considers should form its 'standing agenda', for ASP endorsement. This should result in more concise reports, issued as soon as possible after the CBF's session.	135	ASP	Budget + CBF		1st half 2022	
136	R136. The Committee should include alongside its recommendation, sufficiently detailed explanations of its reasons, as well as the Court's position on the proposal.	136	ASP	Budget + CBF		1st half 2022	
137	R137. States Parties are encouraged to consider a meeting with the CBF and the Court after consulting the Court-issued budget proposal, to share preliminary indications as to questions and concerns relating to which they wish to receive the CBF's advice.	137	ASP	Budget + CBF		1st half 2022	
138	R138. Additional (remote) workshops between the Court and the CBF should be held, ahead of the Committee's fall session, as the main forum for dialogue between the two on the Court-issued budget proposal.	138	Court & ASP	Court + Budget + CBF		1st half 2022	
139	R139. To maximise the potential of ASP sessions, States Parties are suggested to defer to the CBF on technical budgetary details, reach consensus on the budget ahead of the ASP session, and dedicate an early slot of the session on budget, attended by specialised state representatives, before the political part of the conference, where high-level political participation can be encouraged	139	ASP	Budget	V	2nd half 2021	
140	R140. Noting the concerning state of arrears and potential liquidity crisis facing the Court, the Experts recommend that the ASP explore additional means to encourage timely and in full payment of contributions by States Parties, taking into account practices from other international organisations. For example, the ASP could explore setting a lower threshold of arrears beyond which States Parties lose their voting rights or inability of States Parties in arrears to present candidates for elected officials' positions.	140	ASP	Arrears	V	2nd half 2021	
141	R141. At a minimum, the ASP should ensure the levels of the Working Capital Fund and the Contingency Fund are maintained at the fixed levels,222 if not increased.	141	ASP	Budget + CBF	V	2nd half 2021	RM understands this as an ongoing commitment.
142	R142. Increased transparency on the organisational structure and organigram should be introduced, with the number of full-time equivalent posts by Section and Office indicated.	142	Court & ASP	Court + Budget + CBF	V	2nd half 2021	
143	R143. States Parties should consider joint approaches with other international courts and tribunals housed in The Hague, such as organising joint trainings, pooling administrative services and exploring possibilities for joint procurement to obtain more advantageous rates.	143	ASP	RM		1st half 2022	
VI. PERFORMANCE INDICATORS AND STRATEGIC PLANNING							

	A. Efficiency B. Effectiveness								<i>RM proposes to assign to SGG as the platform for discussion.</i>
144	R144. All Major Programmes should develop concrete and measurable KPIs, in relation to the strategic goals identified in the Court's or relevant organ's specific Strategic Plans, following the Registry model.	144	Court & ASP	Court + SGG				2nd half 2022	
145	R145. The Court should implement the External Auditor's recommendation as to means of employing KPIs in budget proposals and budget performance reports (ICC-ASP/12/2/Rev.1, Recommendation no.10),	145	Court & ASP	Court + SGG				2nd half 2022	May be relation with Budget Management Oversight.
146	R146. To assess the Court's efficiency, a report presenting raw data based on quantitative indicators should be compiled. The data should be presented in a coherent, consistent and reader-friendly manner. The document should be available to the oversight bodies and the States Parties. Data collection and presentation should be standardised, to enable comparison across several years. Review of KPIs based on lessons learnt should take into account this need for stability in data.	146	Court & ASP	Court + SGG	V			2nd half 2021	Court's comment: By 17 June 2021 OTP and Registry will present the Court's KPI report including an initial response to the recommendation (SGG meeting). By October 2021 the Court will provide an update on the assessment and implementation of the IER recommendations related to KPIs (to the SGG) for consideration of the ASP in December 2021.
147	R147. To enable comparison with other international organisations, including other international courts and tribunals, the Registrar should engage in dialogue with various such institutions and agree on the type of indicators that can be tracked and shared (e.g. with other international courts - number of days of Courtroom use; with other international organisations - staff engagement, sick leave).	147	Court	Court				2nd half 2022	
148	R148. Assessing the Court's impact should be delegated to external partners (civil society organisations, academia, international/regional organisations), and encompass quantitative and qualitative indicators. Such efforts could be funded through voluntary contributions.	148	Court & ASP	Court + SGG	V			2nd half 2021	
	VII. EXTERNAL RELATIONS								
	A. Relations with the United Nations B. Role of the Court's New York Liaison Office to the UN (NYLO)								
	C. Relations with UN agencies and other international and regional organizations								<i>RM proposes to assign to the Cooperation facilitation as the platform for discussion.</i>
149	R149. The Court leadership should decide on and identify a focal point in The Hague responsible for relations with the UN Secretariat.	149	Court	Court	V			2nd half 2021	
150	R150. The role of the NYLO needs to be reviewed. Depending on the range of activities that are finally assigned to it, the NYLO should be sufficiently resourced and adequately staffed to be able realistically to carry out these various tasks.	150	Court & ASP	Registry + RM				1st half 2022	
151	R151. The Court should ensure that efficient communication and coordination processes are established, enabling the NYLO to benefit from up-to-date information on Court developments, so that it can timeously and reliably respond to queries from the diplomatic community in New York.	151	Court	Registry	V			2nd half 2021	RM sees conjunction with R150.
152	R152. The leadership of the Court, particularly the Prosecutor, should establish regular consultations with the heads of the UN agencies most relevant to the Court's operation, in cooperation with the UN Office of Legal Affairs, in order to facilitate the assistance required by Court officials in the field (See R272 (p.243) and R275 (p.243)).	152	Court	Court	V			2nd half 2021	RM points out this R requires ongoing effort.
	D. Relations with civil society and media organizations								<i>RM proposes to assign these recommendations to RM as platform for discussion with involvement of Budget on R162.</i>
153	R153. The Court should maintain its practice of engaging actively with regional organisations and should take advantage of opportunities to expand its engagement with other relevant regional bodies.	153	Court	Court				1st half 2022	RM thinks R 153 - R168 should be assessed in conjunction.
154	R154. Similarly, the Court should continue to work with civil society to the extent it can, with the aim of bolstering NGO support and advocacy of the Court in particular countries and regions, as well as maintaining the cooperative arrangements with civil society in situation countries that have been so important to the successful implementation of its mandate in those countries.	154	Court	Court				1st half 2022	
155	R155. Consideration should be given to making sufficient resources available for maintaining relations with CSOs, jointly across the Courts' Organs.	155	Court	Court				1st half 2022	
156	R156. The OTP should consider establishing a focal point for maintaining bilateral relations with the CSOs, and responding to their information needs.	156	Court	Court				1st half 2022	
157	R157. The OTP should appoint a field staff member to be responsible for relations with relevant CSOs and the media, jointly with the Registry's Outreach staff.	157	Court	Court				1st half 2022	
158	R158. Consideration should be given to hosting regional workshops for CSO and local media representatives on the Court's legal framework, evidentiary standards, and collection of information.	158	Court	Court				1st half 2022	
159	R159. During Court/OTP official visits to situation countries, side events with local CSOs and media should be organised.	159	Court	Court				1st half 2022	
160	R160. Relationships with CSOs should be formalised, similar to the Guidelines Governing the Relations between the Court and the Intermediaries.	160	Court	Court				1st half 2022	
161	R161. Paid visiting professional positions dedicated to journalists/media professionals from situation countries could also contribute to increasing the internal and external capacity of the Court to communicate directly with the situation countries, and especially the victims.	161	Court & ASP	Court + RM				1st half 2022	RM thinks that R161 and R162 should be dealt with in conjunction.
162	R162. A scholarship/grant fund for journalists from situation countries could be considered, to enable them to report from The Hague for limited periods of time.	162	Court & ASP	Court + RM + Budget				1st half 2022	
	E. Communications Strategy F. Outreach Strategy								<i>RM proposes to assign these recommendations to RM as platform for discussion.</i>
163	R163. The Court needs a cross-Organ, coordinated communications strategy. Most importantly, it needs the different Organs to be talking to each other and coordinating public information responses to issues and developments in the Court's business even in the absence of such a strategy. An outreach plan, at least for every situation country, if not also per region, should be devised and then implemented from the PE stage of every situation.	163	Court	Court	V			2nd Half 2021	
164	R164. Outreach programs and activities should be built into decisions to pursue particular investigative activities from the start, given the critical importance of winning the support of communities impacted by the events to be investigated. Outreach strategies for new situations should be coordinated across the Court and should be ready to be implemented at the time that any new preliminary examination is announced. The Registry's Regulations, limiting outreach to situations and cases, should be amended to enable outreach activities to be carried out from the PE stage.	164	Court	Court				1st half 2022	
165	R165. Outreach activities should be built into the program budget of any new investigation, to ensure that this dimension of the case is not ignored. Given the budgetary challenges faced by the Court, consideration should be given to innovative ways of raising essential funding, including lobbying of interested States Parties and drawing on the expertise and resources of civil society.	165	Court	Court				1st half 2022	

166	R166. The Court should develop communication materials to be shared during outreach activities, according the specific Outreach Strategy. Such materials should cover: (i) The role and mandate of the Court; (ii) The role and mandate of the OTP and its strategy; (iii) The goals and steps of PEs/Investigations; (iv) The specific progress of a PE/Investigation in a given situation; (v) Next steps envisioned within each PE/Investigation; (vi) The rights of victims in the Rome Statute system, at each stage of the proceedings; (vii) The independent character of the OTP and the parameters under which the Court can and cannot act in relation to different country situations.	166	Court	Court		1st half 2022	
167	R167. PIOS should retain coordination over outreach officers in field offices, working in cooperation with the Heads of said offices, and have available a centralised outreach budget that enables them to more flexibly allocate resources based on needs (workload, judicial developments and priorities among the different situations). The OTP should consult the PIOS in designing its outreach activities to ensure a coordinated approach and avoiding overlaps.	167	Court	Court		2nd half 2022	
168	R168. In order to improve media access to the Court/OTP, the Court/OTP should simultaneously host video press conferences with situation/regional countries.	168	Court	Court		2nd half 2022	
G. External political measures against the Court							
169	R169. The ASP and States Parties should develop a strategy for responding to attacks on the Court by non-States Parties, and should be prepared to speak up in the Court's defence, given that its dignity and political impartiality seriously inhibits its ability to defend itself against unsubstantiated and biased attacks. The ASP and States Parties could further conduct public information campaigns in their countries, with support from the Court's PIOS in developing communication materials.	169	ASP	RM	V	2nd half 2021	RM thinks implementation will lie with Bureau.
170	R170. The Court should formalise a crisis management policy that clarifies responsibilities, chain of command and process, enabling concerted action on behalf of the Court and timely responses.	170	Court	Court		1st half 2022	
VIII. ELECTION OF THE PRESIDENCY							
171	R171. The Presidency should draft guidelines to be approved by the Plenary session of Judges, for the conduct of the election of the Presidency, including provision that candidates should not make directly or indirectly any offer to a colleague that might in the context of the election be construed as an inappropriate personal gift, advantage, privilege or reward, and include a similar provision in the Code of Judicial Ethics.	171	Court	Judiciary		2nd half 2021	Court's comment: Already implemented / being implemented. RM does not think this is a priority at the moment given that new presidency elections will take place in 2024. Since the Court inform us this recommendation is already implemented the RM thinks early assessment is appropriate however.
172	R172. Candidates should restrict campaigning to addressing colleagues on their personal attributes that fit them for the office sought and their plans for their term of office.	172	Court	Judiciary		2nd half 2021	Court's comment: Already implemented / being implemented.
173	R173. The Statute should be amended to remove the provision requiring the President to serve the entire term of office in the Appeals Division and only in that Division.	173	ASP	Amendments		2nd half 2022	
IX. WORKING METHODS							
A. Induction and continuing professional development							
174	R174. The Presidency should design and organise a compulsory, intensive and comprehensive Induction Programme of sufficient duration for new Judges, soon after commencement of their judicial mandate, and in cooperation with other partners and stakeholders. The contents of the re-designed induction should be tailor-made (taking into account the background and profiles of the newly elected Judges), with sufficient consideration given to the subjects proposed by the Experts.	174	Court	Judiciary		1st half 2022	Court's comment: Already implemented / being implemented. RM advises to deal with R 174-R177 in conjunction.
175	R175. The Presidency should also design and organise annually a Continuing Professional Development Programme of a series of events in The Hague and elsewhere at which the Judges can engage with experts in international law and other professional activities to address matters of interest relevant to the development of their professional, scientific and cultural knowledge, skill and experience, including therein an event similar to the current Judges Annual Retreat.	175	Court	Judiciary		1st half 2022	
176	R176. The Presidency should consider, in the organisation of the re-designed Induction and Professional Development Programmes, obtaining the advice, cooperation and support of universities, institutes and other organisations with recognised experience in professional development in the subject areas intended for the programme.	176	Court	Judiciary		1st half 2022	
177	R177. The Court should consider developing further the Annual Judicial Seminar, including its content, duration and participants from State Parties' highest courts.	177	Court	Judiciary		1st half 2022	
B. Full-time service of new judges							
178	R178. To afford greater transparency on the calling to serve on a full-time basis by newly-elected Judges, the Presidency should consider issuing a formal public statement intimating the decision and the grounds for making it.	178	Court	Judiciary		2nd half 2021	Court's comment: Already implemented / being implemented. In view of the information from the Court the RM thinks these recommendations can be assessed early.
179	R179. The Presidency should, with the assistance of the Registrar, give priority to and ensure effective succession planning of Judges.	179	Court	Judiciary		2nd half 2021	Court's comment: Already implemented / being implemented.
180	R180. The Registrar should ensure the timely provision of full details on the conditions and terms of service of Judges, including their repatriation, pension, medical, and other entitlements and their obligations to States Parties for onward transmission to candidates for nomination.	180	Court	Judiciary & Registry		2nd half 2021	Court's comment: Already implemented / being implemented.
C. Code of judicial ethics							
181	R181. The Presidency should undertake, as a matter of priority, a review directed to update and strengthen the Code of Judicial Ethics.	181	Court	Judiciary		2nd half 2021	Court's comment: Already implemented / being implemented. In view of the information from the Court the RM thinks these recommendations can be assessed early.
182	R182. The Presidency should include in the Code an express prohibition of inappropriate campaigning and pledges, promises or indications in the election of the Presidency and for any other judicial leadership position.	182	Court	Judiciary		2nd half 2021	Court's comment: Already implemented / being implemented.
183	R183. The Presidency should, in reviewing the Code, consider comparable Codes of other international criminal tribunals and courts, as well as regional and national courts, and take into account lessons learnt and other relevant developments.	183	Court	Judiciary		2nd half 2021	Court's comment: Already implemented / being implemented.
184	R184. The Presidency should consider including in the Code a provision requiring its review and update at least every five years.	184	Court	Judiciary		2nd half 2021	Court's comment: Already implemented / being implemented.
D. Judicial collegiality							
185	R185. The Presidency and the Presidents of the Divisions and Chambers should as a matter of priority actively and continuously promote a more cohesive judicial culture of collegiality in the discharge of the judicial functions of Judges and Chambers.	185	Court	Judiciary	V	2nd half 2021	RM points out that this R requires ongoing commitment. R 185-188 should be assessed in conjunction.

186	R186. The Presidency should consider including or reintroducing collegiality as a subject for facilitated discussion among Judges at the Induction Programme for new Judges, the Judges' Annual Retreat or other judicial professional development events.	186	Court	Judiciary	V	2nd half 2021	RM points out that this R requires ongoing commitment.
187	R187. The Presidency should consider the incorporation of a reference to collegiality in the Code of Judicial Ethics.	187	Court	Judiciary	V	2nd half 2021	Court's comment: Already implemented / being implemented.
188	R188. The Presidency should, in consultation with the Judges, consider more specific measures and the issuance of guidelines designed to foster collegiality, including improvements in the quality of the working relationships, through (i) improved methods and means of communications, (ii) increased intra-Chamber and intra-Division dialogue and discussions, (iii) augmented intra-Division consultations, (iv) promoting the awareness that lack of collegiality leads to dysfunctionality of Chambers, affects the final result of their work and as a consequence also the credibility of the Court, and (v) reinforcement of mutual respect and trust among Judges, and between Judges and staff.	188	Court	Judiciary	V	2nd half 2021	
X. EFFICIENCY OF THE JUDICIAL PROCESS AND FAIR TRIAL RIGHTS							
A. Pre-Trial stage							
189	R189. The Judges should include in the Chambers Practice Manual a provision that Chambers should routinely, at the first appearance of an accused, request the Prosecution to specify the state of the investigation in order to assist the Chamber in the exercise of its powers under Rule 121. The representative of the Prosecutor attending hearings should be in possession of complete, accurate and contemporary information on the situation to enable them to provide a full report to the Chamber.	189	Court	Judiciary	V	2nd half 2021	<i>RM proposes to assign discussion to SGG.</i>
190	R190. The system of Pre-Trial disclosure of evidence and all related matters, including redaction and other relevant protocols, should be the subject of urgent review by a Review Team which should be chaired by a Judge and should include a senior prosecutor, a senior member of Chambers staff, the Head of OPCD and the President or nominee of the ICCBA with a view to making recommendations to render the system more predictable and expeditious.	190	Court	Judiciary (OTP + OPCD + ICCBA)	V	2nd half 2021	The Judiciary will take the lead on this, but OTP, OPCD and ICCBA to be involved.
191	R191. Throughout the conduct of confirmation proceedings, Judges should have regard to the purpose of the confirmation process as a filter for inadequately supported charges and to ensure the fair trial rights of the accused, including by conducting efficient and expeditious proceedings leading to a clear and unambiguous confirmation of charges decision.	191	Court	Judiciary	V	2nd half 2021	
192	R192. Judges should adhere to the provisions set out in the Chambers Practice Manual and other agreed protocols including by applying the timelines and deadlines therein throughout the conduct of all proceedings, unless there are compelling reasons for being unable to do so.	192	Court	Judiciary	V	2nd half 2021	
193	R193. The presentation of evidence for the purposes of confirmation of charges, the parties' submissions thereon, the hearing itself and the form, content and structure of the decision confirming the charges should follow the guidance in the Chambers Practice Manual.	193	Court	Judiciary	V	2nd half 2021	
194	R194. The Chambers Practice Manual should be revised by a small team of Judges invited by the Presidency to undertake that task, with a view to rendering its language more prescriptive and identifying provisions which could suitably be incorporated into binding Regulations of the Court. The Manual should be amended to provide that its remaining contents should be adhered to unless the Chamber considers that that it would be contrary to the objectives of efficiency, expeditiousness or fair trial.	194	Court	Judiciary		1st half 2022	
195	R195. Alternatively, following the review of the language of the Chambers Practice Manual, its provisions could be divided into two categories: those that cannot be derogated from except under exceptional circumstances which should be explained in the Chamber's decision; and those which should be followed unless the Chamber considers that it would be contrary to the objectives of efficiency, expeditiousness or fair trial. The Regulations of the Court should then be amended to set out those categories and identify those which fall into Category 1.	195	Court	Judiciary		1st half 2022	
196	R196. Considering that judicial case management is a complex process, it is advisable, as stated in the section 'improving the nomination process of Judges', that for the position of the Presiding Judges of the Pre-Trial and Trial Chambers, Judges with extensive experience in managing and in presiding complex criminal cases be assigned where possible.	196	Court	Judiciary		1st half 2022	
197	R197. The Pre-Trial Division Judges should have regular meetings to discuss matters that are the source of inconsistent practices among differently composed Chambers with a view to harmonising procedures as far as possible. The Judges of the Pre-Trial Division are encouraged to continue to meet as necessary with the OTP and the Head of the new Defence Office (currently OPCD) to discuss matters of mutual concern including matters relating to the interface between their respective roles at the start of the confirmation process, with a view to identifying ways of improving and maintaining the efficiency of the pre-trial stage.	197	Court	Judiciary (OTP + OPCD + OPCV + ICCBA)		1st half 2022	This may not be classified as a priority, but the timeline to establish the modalities to give effect to this recommendation may be given early consideration to. OPCV and ICCBA added as per overall response by the Court.
198	R198. An occasional symposium among Judges of the Pre-Trial Division, members of the OTP and defence counsel in active and/or previous cases before the Court would provide a suitable forum for discussion of topical matters relating to the work of the Pre-Trial Division.	198	Court	Judiciary (OTP + OPCD + OPCV + ICCBA)		1st half 2022	Linked to R197 and should be clustered.
B. Trial stage							
199	R199. When a confirmation decision is issued, it should be transmitted immediately to the Presidency with the record of the proceedings, and the Presidency should forthwith transmit both to the Trial Chamber to begin trial preparation.	199	Court	Judiciary	V	1st half 2022	Suggestion of a rule in the Rules of Procedure and Evidence (RPE), rule 155, may be the only means to change the process between a confirmation decision and commencement of trial, and this may necessitate ASP involvement.
200	R200. The Trial Chamber should commence trial preparation and issue the scheduling order for the first status conference as soon as possible. There is no reason in principle why preparation cannot begin while the confirmation decision is the subject of an application for leave to appeal or an appeal. Any delay in or postponement of trial preparation should occur only if there is good cause shown therefor.	200	Court	Judiciary	V	1st half 2022	Linked to R199.
201	R201. Recognising that a motion for acquittal on the ground that there is no case to answer is now an established feature of the Court's procedure, the Judges should draft Regulations of the Court to govern the procedure, including specifying the effect of a successful motion, to ensure a consistent approach by Chambers and providing for an appeal in appropriate circumstances.	201	Court	Judiciary		2nd half 2022	
202	R202. The Judges should consider whether 'desirability' is the appropriate standard for representations by an amicus curiae and whether Chambers should be required to give 189 reasons for authorising an amicus curiae to make submissions and, where several apply, for selecting those to whom authority is given (RPE, Rule 103(1)).	202	Court & ASP	Judiciary & SGG + WGA		2nd half 2022	Change in desirability standard may require change to rule 103(1) of the RPE with ASP involvement, but Court to take the initial step.
203	R203. It is recommended that a rule should be drafted to provide for the appointment of an amicus curiae or independent counsel to investigate and/or prosecute where a contravention of Article 70 is alleged, in circumstances where there is a potential conflict of interest for the Prosecution.	203	Court & ASP	Judiciary & SGG + WGA		2nd half 2022	
204	R204. It is recommended that Chambers make the widest practicable use of the means of presenting evidence provided for by Article 69(2) and Rules 67 and 68 allowing for use of prior recorded testimony and for the presentation of evidence by electronic or other special means.	204	Court	Judiciary		2nd half 2021	Although prioritized by the Independent Experts (IE), implementation ongoing and may only require reporting from the Court as per the overall response.
205	R205. The Court should remain mindful of the authority it has under Article 3 to sit elsewhere than in The Hague whenever it considers it desirable and should make budgetary provision for that to occur when any Chamber decides that sitting elsewhere would be in the interests of justice.	205	Court	Judiciary + Registry + OTP		2nd half 2022	Budget implications to be considered by the ASP.
206	R206. The ASP and/or the Judges should make provision, by whichever legislative means they consider appropriate, for proceedings to continue in the absence of one Judge for illness or other urgent personal reasons for such period as they consider appropriate on the basis that the remaining Judges are satisfied that to do so will have no adverse impact on the fairness of the trial.	206	Court & ASP	Judiciary + SGG	V	2nd half 2021	This recommendation can be prioritized given the extant lacuna, and the work done by SGG already in 2014. See related R214-R215. Connected to R381-R384 as well. ASP lead; Judiciary urges this to be a top priority and stands ready to engage in consultations.

207	R207. Budgetary provision should be made for the completion and on-going update and development of the Case Law Database.	207	Court & ASP	Judiciary & Registry	V	1st half 2022	This recommendation is to be considered in the context of the exercise envisaged in R209.
208	R208. The Court should also be vigilant to take advantage of any currently available technological facilities that can be deployed, and that may be readily adapted, to further enhance the efficiency of the Court.	208	Court	Judiciary & Registry	V	1st half 2022	R208 to R211 are linked and prioritisation should be extended recognizing the linkage, and the importance of technology in the judicial process, and the principle of fairness. From the Court's view, this recommendation is to be considered in the context of the exercise envisaged in R209.
209	R209. Following delivery of the first modules of the JWP in 2021, the Registry should develop a plan for regular review and evaluation of the current capabilities of the Court digital systems in light of developments in digital technology with a view to taking timely and appropriate steps to update digital support to ensure the efficiency and expedition of proceedings. In order to ensure successful implementation of such plan, a Task Force, comprising staff from both Chambers and the Registry's IT Department should be set up. That Task Force should also be entrusted with the responsibility for identifying working methods and technological tools that could potentially be introduced for use in Chambers and proceedings. The OTP and Defence Office should be consulted as appropriate. The Task Force should issue an annual report and share this with the Judges and all Chambers staff.	209	Court	Registry	V	1st half 2022	Court breakdown of timeline: June 2021 mapping of existing coordination bodies on technology and their ToR. August 2021 mapping of processes in place to identify technological requirements. October 2021 proposal to CoCo with recommendation for the establishment of a new body, as appropriate. January - July 2022 development of ToRs and streamlining existing bodies. Report to CBF by September 2022 and report to ASP. January 2023 implementation of new model and processes, as appropriate.
210	R210. Chambers and the Registry should develop a consistent practice of recording oral decisions made in judicial proceedings in a digitally searchable database, numbering them and notifying the parties of the details thereof.	210	Court	Judiciary & Registry	V	1st half 2022	This recommendation is to be considered in the context of the exercise envisaged in R209.
211	R211. The JWP Project Board should facilitate the widest possible access to the JWP for external legal teams.	211	Court	Judiciary & Registry	V	1st half 2022	This recommendation is to be considered in the context of the exercise envisaged in R209.
212	R212. The VPRS should intimate to all potential clients their willingness to provide VAMS services more directly through the provision of relevant user accesses.	212	Court	Registry + OPCV		1st half 2022	Subject to the outcome of the consideration of R359 on the establishment of a standing coordination body, this body could serve as the forum to engage in these consultations.
C. Interlocutory appeals							
213	R213. The Judges should consider introducing into the Chambers Practice Manual guidelines regarding decisions on substantive and procedural issues which may be subject to interlocutory appeal, as well as clarification of the cases in which the proceedings should be stayed for the time necessary to adjudicate the interlocutory appeals.	213	Court	Judiciary		2nd half 2021	<i>Proposed platform for the assessment of the recommendations: SGG.</i>
D. Management of transitions in the judiciary							
214	R214. The Rome Statute should be amended to provide for the assignment of a substitute Judge to enable a trial to continue following the substitute Judge certifying that they have familiarised themselves with the record of the proceedings.	214	Court & ASP	Judiciary & SGG + WGA	V	2nd half 2021	R214-215 linked and also connected R206. This is described by the Court as urgent matter with need for high priority, and the ASP to lead.
215	R215. When the workload of the Court develops to the point where it no longer allows for a substitute Judge to be assigned from the 18 regularly elected, the ASP should consider applying Article 36(2) and electing one or more Judges for such purpose.	215	Court & ASP	Judiciary & SGG + WGA	V	2nd half 2022	ASP to lead and the Judiciary stands ready to engage in consultations.
XI. DEVELOPMENT OF PROCESSES AND PROCEDURES TO PROMOTE COHERENT AND ACCESSIBLE JURISPRUDENCE AND DECISION-MAKING							
A. Standard of review in appeals B. Departure from established practice and jurisprudence C. Developing a deliberation culture							
D. Judgment structure and drafting E. Conflicts between different legal systems and best practices							
216	R216. Pre-Trial and Trial Chambers should accord respect to the decisions of other Chambers.	216	Court	Judiciary	V	2nd half 2022	
217	R217. Recognising the importance of legal certainty and consistency, the Court should depart from established practice or jurisprudence only where that is justified on grounds precisely articulated in the decision/judgment.	217	Court	Judiciary	V	2nd half 2022	R217-R218 prioritized by the IE, and Court in the overall response noted that due attention will be accorded to R217 in future discussions on working methods.
218	R218. Before departing from practice or jurisprudence approved by the Appeals Chamber, the Chamber should be required, by procedures stated in a Regulation of the Court, to identify the point precisely in a written notice to parties requesting written submissions thereon. Argument should be heard before deciding the point either as a preliminary issue or in the context of the appeal. In the event that the Chamber is faced with inconsistent decisions of the Appeals Chamber on a point, the same process should apply. In the long term, consideration should be given by the ASP to amending the Rome Statute by increasing the Appeals Chamber to seven Judges in order to address important issues including such as conflicts in previous decisions.	218	Court & ASP	Judiciary & WGA	V	2nd half 2022	
219	R219. The Presidency should encourage the development within Chambers of a genuine deliberation practice.	219	Court	Judiciary (Presidency)		2nd half 2021	R219-R221 issues related to judicial deliberations, already implemented or being implemented. The Court will have to report on the implementation or provide update during ASP20.
220	R220. Deliberations and Judgment drafting should begin upon the constitution of the relevant Trial/Appeals Chamber and be a continuous process grounded on the instructions and directions generated through on-going deliberations by the Judges, and should follow the Judgment Structure and Writing Guidelines as set out in the Chambers Practice Manual.	220	Court	Judiciary		2nd half 2021	Already implemented or being implemented.
221	R221. Trial Chambers are encouraged to show respect for and pay particular regard to the obligation in Article 74(5) to arrive at a unanimous decision, and make increased efforts to do so, including where appropriate endeavouring to arrive at a compromise on divisive issues, or exercising judicious restraint.	221	Court	Judiciary	V	2nd half 2021	R221-224 are linked, should be clustered and prioritized as per the Annex 1A of the IER report. Court noted that recommendation already implemented or being implemented.
222	R222. The Regulations of the Court should be amended to require all trial decisions and appeal judgments on conviction or acquittal and all related dissenting and concurring, opinions to be issued in writing at the same time as the decision or judgment.	222	Court	Judiciary	V	2nd half 2022	R222-R224 the Court describes as medium-term priorities.

223	R223. Chambers should be required to circulate the final draft of the proposed judgment among all the Judges of the Chamber, sufficiently in advance of the judgment being issued, to enable any Judge, who intends to issue an opinion separate from the judgment of the Chamber, to have time to finalise and circulate that judgment to other members of the Chamber before the judgment is finalised.	223	Court	Judiciary	V	2nd half 2022	
224	R224. Guidelines as to the length and content of all forms of separate opinions should be introduced into the Chambers Practice Manual.	224	Court	Judiciary	V	2nd half 2022	
225	R225. The Judges should keep the Judgment Structure and Drafting Guidelines under constant review and update them regularly in light of their ongoing experience.	225	Court	Judiciary		2nd half 2021	R225 to be under constant review, and in the long term is linked to R221-R224.
XII. OTP SITUATIONS AND CASES: PROSECUTORIAL STRATEGIES OF SELECTION, PRIORITIZATION, HIBERNATION AND CLOSURE							
A. Initial situation and case selection: Preliminary Examinations							
226	R226. The Prosecutor should develop a policy on the criteria relevant to the opening of a PE based on Article 15 communications (PE Phase 1) and include it in an update to the Policy Paper on Preliminary Examinations.	226	Court	Office of the Prosecutor		1st half 2022	Further views on R226-R267 reserved for new Prosecutor. In the Overall Response, the Court noted that the 2020 Report on PE Activities, the OTP did provide information on the function of phase 1 of PRs and the criteria it applies.
227	R227. In order to address the disparity between the OTP resources and the high number of PEs resulting in investigations, the Prosecutor should consider adopting a higher threshold for the gravity of the crimes alleged to have been perpetrated. Gravity should also be taken into account at Phase 1 of PEs.	227	Court	Office of the Prosecutor	V	2nd half 2021	As a general point, in the prioritization of OTP-specific recommendations the approach taken by the Court focal points is to aim at operational improvements that are already being initiated or that are logical, from the perspective of how to strengthen the work of the OTP presently. This approach is taken with the Court focal points being mindful of the transition in the OTP and the possibility of the new Prosecutor having a view on those recommendations.
228	R228. Feasibility should not be taken into account with regard to PE assessments.	228	Court	Office of the Prosecutor		2nd half 2021	According to the Court, R228 reflects what is already the OTP's practice. OTP then can just report to the ASP, and hence R228 should be viewed as a "low hanging fruit".
229	R229. The Prosecutor under this heading should also consider the recommendations made in relation to the OTP communications and outreach (See supra Section VII.F. Outreach Strategy).	229	Court	Office of the Prosecutor		1st half 2022	Linked to R297, and should be considered as a whole.
B. Selection and prioritization of cases and perpetrators							
230	R230. The OTP should consider establishing a hierarchy among the criteria for case selection. The criteria of highest importance might be considered to be: (i) the gravity of the crimes (in line with the Policy Paper); (ii) the strength and diversity of the evidence (currently included only in relation to case prioritisation); and (iii) the degree of responsibility of potential suspects.	230	Court	Office of the Prosecutor		2nd half 2022	See OTP's Policy paper on Case Selection and Prioritisation on merger of recommendation and existing criteria (Court overall response).
231	R231. The OTP would benefit from focusing on evidential strength, giving priority to the cases with the strongest evidence, in particular non-testimonial evidence, such as intercepts, contemporaneous video and forensic records.	231	Court	Office of the Prosecutor		2nd half 2022	See Strategic Plan on OTP's current approach (Court overall response).
232	R232. The OTP should consider more transparency with regard to its approach to assessing the degree of responsibility for crimes ('those most responsible') and the hierarchical rank of the accused ('mid- and high-level perpetrators').	232	Court	Office of the Prosecutor	V	2nd half 2021	Linked to R233 and may be assessed together.
233	R233. As part of a larger situation strategy, prosecuting mid-level perpetrators might be appropriate in terms of effectiveness, fighting impunity, and developing solid jurisprudence. Where notorious or mid-level suspects are prosecuted, consideration should be given to their role in the overall strategic planning for the situation.	233	Court	Office of the Prosecutor	V	2nd half 2021	R233 prioritized by the IE, and as the Court's overall response indicates that R233 and R234 reflect current OTP approach, a quick assessment may be achieved before ASP20. R233 is linked to R234 and may be assessed together with R232. See OTP's Policy paper on Case Selection and Prioritisation on its current approach (Court overall response).
234	R234. In line with the evidence-led approach, the OTP should make it clear that the focus is on those most responsible for the crimes charged, even if they do not occupy senior ranks in organisations allegedly responsible for the commission of the crimes, especially where such cases may lead to investigating and/or prosecuting cases against those occupying high level positions.	234	Court	Office of the Prosecutor	V	2nd half 2021	
235	R235. Charges should be concise and well-grounded on the available evidence. They should be limited to those charges in respect of which the evidence is the strongest.	235	Court	Office of the Prosecutor	V	2nd half 2021	R235 accords with current OTP's practice (Court overall response), and hence a "low-hanging fruit" to assess.
236	R236. The OTP should consider limiting the scope of the cases temporally, geographically, and with regard to modes of liability.	236	Court	Office of the Prosecutor		1st half 2022	This is an important recommendation, which was prioritized by the Independent Experts, for which appropriate time is needed for its consideration, and for the new Prosecutor to express a view (if any). It may be best to be assessed in 2022, and for this reason it will not be listed as a priority, since prioritisation for the purpose for the comprehensive action plan is linked to timeline for consideration.
237	R237. In line with the Court jurisprudence, the OTP should consider all modes of liability to be of equal seriousness and importance.	237	Court	Office of the Prosecutor	V	2nd half 2021	R237 reflects current OTP approach as per the Court overall response. This may also be a "low hanging fruit" for assessment.
238	R238. The OTP should abandon policy considerations when determining the modes of liability, and focus on the mode of liability best supported by the evidence available.	238	Court	Office of the Prosecutor	V	2nd half 2021	OTP has a draft Charging Guidelines which could be a critical factor in the further consideration of this recommendation. Another "low hanging" fruit.
239	R239. The OTP should develop guidelines concerning guilty pleas. Such guidelines should govern the situations in which guilty pleas would be acceptable having regard, in particular, to the seriousness of the crimes and any moral or ethical issues involved.	239	Court	Office of the Prosecutor	V	2nd half 2021	R239 has been implemented (Court overall response). See the OTP Guidelines for Admission of Guilt.

240	R240. In order to improve the process of case selection and prioritisation, the OTP should: (i) Complete the development of Case Selection Documents; (ii) Institute an annual cycle of input collection from integrated teams regarding the status of their investigations, and their recommendations for case selection and prioritisation; (iii) Ensure that team leadership (ID Team leader and PD Senior trial lawyer) are able to submit their views directly to the Prosecutor.	240	Court	Office of the Prosecutor	V	2nd half 2021	R240-R242 are linked. Court has prioritized R241 and therefore will have to be considered together with R240 and R242.
241	R241. In order to be more strategic in its case selection, the OTP requires situation-specific strategic plans, which should include the goals of the OTP in relation to discrete investigations and prosecutions. In other words, the goals may be provisional at the outset of the investigation and develop as further evidence collection and analyses are conducted.	241	Court	Office of the Prosecutor	V	2nd half 2021	Priority set by OTP as necessary for effective and efficient OTP operations.
242	R242. The OTP should consider developing a situation-specific case overview document, so that case selection or prioritisation decisions are made in the context of strategies developed for each discrete situation. In this regard, the analysis of crime patterns and structures are an important starting point, providing an overview of the incidents based on their gravity, temporal and geographical scope, as well as the structures of all the groups potentially responsible for the incidents.	242	Court	Office of the Prosecutor	V	2nd half 2021	
C. Situation prioritization, hibernation and closure							
243	R243. The OTP should devise a policy for the prioritisation, de-prioritisation and hibernation of situations. It should contain the criteria and benchmarks to guide the strategic planning in each situation. Such plans should also include the activities that are necessary during the de-prioritisation or hibernation of a situation in order to ensure that the situation remains viable and capable of re-activation.	243	Court	Office of the Prosecutor		1st half 2022	R243-R250 are linked and should be considered as a cluster. These recommendations may require the attention of the new Prosecutor, and consideration in the first half of 2022 ideal.
244	R244. Feasibility-related factors should be seriously considered after the opening of an investigation. Should more situations reach the investigation stage without sufficient resources available to conduct serious investigations, the OTP should hibernate de-prioritised investigations.	244	Court	Office of the Prosecutor		1st half 2022	
245	R245. If the strategy in respect of a situation is not succeeding for factors considered to be temporary, the investigation should be hibernated/de-prioritised. If lack of success is due to factors assessed to be permanent, e.g. death of the accused or building up of national prosecuting capacity so that cases can be deferred, the investigation should be closed.	245	Court	Office of the Prosecutor		1st half 2022	
246	R246. The OTP should determine and communicate to the ASP the resources required to de-prioritise or hibernate and/or reactivate a situation.	246	Court	Office of the Prosecutor		1st half 2022	
247	R247. The following elements should be incorporated into the forthcoming OTP policy paper on completion: (i) Coordination between the OTP, Registry, and TFV in devising and implementing completion strategies; (ii) Strategies to address the avoidance of impunity and support for local justice processes. The ASP should consider establishing a working group to assist and support the Court in addressing impunity gaps and facilitating partnerships to develop domestic justice processes and maintenance of the rule of law; (iii) Strategies to facilitate evidence- and information- sharing with domestic courts and authorities; (iv) Consider developing a joint Outreach strategy for completion of situations by the OTP, in line with the Court-wide Outreach strategy(See supra Section VII.F Outreach Strategy).	247	Court & ASP	Office of the Prosecutor & Complementarity		1st half 2022	Priority set by OTP as necessary for effective and efficient OTP operations.
248	R248. Following the development of the OTP Policy Paper on Completion, the Office should consider integrating it into a wider and more comprehensive strategy for the 'life-cycle' of the OTP's involvement in a given situation. It should reference all stages of the Court's engagement, including PEs, investigations, prosecutions, and engagements with victims. This comprehensive strategy should also be translated into the Operations Manual for the OTP, with clear responsibilities assigned for devising and implementing the situation-specific strategies, and for monitoring compliance therewith.	248	Court	Office of the Prosecutor		1st half 2022	
249	R249. The OTP should ensure that when an investigation is opened, an implementation and completion strategy is in place.	249	Court	Office of the Prosecutor		1st half 2022	
250	R250. The implementation and strategy plans should be included in the Key Performance Indicators.	250	Court	Office of the Prosecutor		1st half 2022	
XIII. PRELIMINARY EXAMINATIONS							
A. Concerns related to Preliminary Examinations Section (PES)							
251	R251. In order to increase the efficiency of the handover process from the PES to IAS at the conclusion of a PE, the OTP should institutionalise the practice of appointing an integrated team from Phase 2 of PEs to include a member from each of the ID, PD, and JCCD.	251	Court	Office of the Prosecutor	V	2nd half 2021	R251-R253 are linked. The Court see them as actionable and either reflect existing OTP practice or are already being, in large part, implemented.
252	R252. The OTP should harmonise the working methods of PES and IAS. It should also consider adopting cross-divisional analysis guidelines.	252	Court	Office of the Prosecutor	V	2nd half 2021	
253	R253. The OTP should encourage staff exchanges between PES and IAS to further familiarise those Sections with their respective working methods, and to facilitate the smooth and efficient start-up of an investigation at the conclusion of a PE.	253	Court	Office of the Prosecutor	V	2nd half 2021	
B. Length of PE activities, Time limits							
254	R254. The OTP should consider carrying out the PE activities more holistically. There is little benefit to a phased approach (Phases 2-4). The OTP should consider reducing the number of separate reports produced by the PES, and combining the Phase 2-4 reports into one PE report comprised of the assessment of subject matter jurisdiction, complementarity, gravity, and the interests of justice.	254	Court	Office of the Prosecutor	V	2nd half 2021	R254 has to be linked to R255, with R254's consideration is for a holistic PE activities, while R255 consideration is for the adoption of an overall strategy plan for each PE. The two are linked and should be assessed together. R255-R256 are linked. And the 2 years PE strategy (R257) may also be linked to the issue of complementarity. Priority suggested by IER and necessary for effective and efficient OTP operations.
255	R255. The OTP should consider adopting an overall strategy plan for each PE, with benchmarks and provisional timelines for all its phases and activities, including closure, and, if relevant, re-opening.	255	Court	Office of the Prosecutor	V	2nd half 2021	
256	R256. The strategy plan should include, at minimum: (i) the timeline of the PE, with an estimate of the dates for delivery of the analytical reports to the Prosecutor; (ii) benchmarks and timelines for the assessment of complementarity; (iii) benchmarks and time limits for any responses requested from the state concerned; (iv) any missions (visits) or other activities apart from the analysis conducted at the seat of the Court, together with an estimate of the time and resources required for each of them (including unique investigative opportunities). It should be made apparent that such a plan retains flexibility and be subject to change in the event of supervening material and substantial changed circumstances.	256	Court	Office of the Prosecutor	V	2nd half 2021	Linked to R255
257	R257. The strategy plan should be prepared on the basis that the PE will last no longer than two years. Extensions could be granted by the Prosecutor, but only in exceptional and justified circumstances.	257	Court	Office of the Prosecutor	V	2nd half 2021	Linked to R255
258	R258. The strategy plan should be a living document, updated regularly throughout the course of the PE. Upon authorisation of an investigation, this plan should provide the foundation on which to build the OTP's targets and strategies for the investigation.	258	Court	Office of the Prosecutor	V	2nd half 2021	Linked to R255
259	R259. If a PE, or a phase of a PE lasts longer than the provisional timeline provided in the strategy plan, the causes of any such delays should be reported by the Prosecutor in the Annual Report on Preliminary Examination Activities.	259	Court	Office of the Prosecutor	V		Linked to R255
260	R260. If the two-year limit suggested for a PE is exceeded, care should be taken to assess the need for activities directed at the need for preservation of evidence. The ID member of the integrated team should be tasked with finding any unique investigative opportunities and, where possible, to initiate steps to preserve such evidence.	260	Court	Office of the Prosecutor	V		Linked to R255

261	R261. Compliance with the PE strategy plan should be included in the Key Performance Indicators of the OTP, and reported upon to the ASP.	261	Court	Office of the Prosecutor	V		Linked to R255
C. Complementarity and positive complementarity							
262	R262. The OTP should not have regard to prospective national proceedings and focus solely on whether national proceedings are or were ongoing (Article 17). This would further align the admissibility criteria on complementarity with Article 17 of the Rome Statute ('is', 'has been' conducted), and the requirements set out by the Appeals Chambers ('tangible' steps).	262	Court & ASP	Office of the Prosecutor + Compl. (to facilitate discussions)		1st half 2022	R262-R264 are linked and should be considered as a clustered. The entity responsible is the OTP and views on substance may be obtained from ASP and other stakeholders. This can be done through the Complimentarity facilitation. Note further link to R363. R262 is prioritized by the IE and certainly represent an important recommendation. With the transition in the OTP, assessment by 1st half of 2022 affords the new Prosecutor the opportunity to express a view (if any) on the said recommendations, and for the OTP to take the lead as the "entity identified as responsible for implementation" (see preambular para. 6 of resolution 19/7).
263	R263. Time limits should be considered for states to comply with OTP requests during complementarity assessments, in combination with providing clear criteria of what the OTP requires in order to make an Article 17 determination.	263	Court & ASP	Office of the Prosecutor + Compl. (to facilitate discussions)		1st half 2022	
264	R264. Positive complementarity activities should not delay the opening of an investigation or closure of a PE. The OTP should consider positive complementarity in the context of the strategy for the situations at all stages of proceedings, and not restricted to PEs. The OTP should consider whether positive complementarity activities would be more appropriate after an investigation is authorised.	264	Court & ASP	Office of the Prosecutor + Compl. (to facilitate discussions)		1st half 2022	
265	R265. Positive complementarity should be considered in the design of completion strategies.	265	Court & ASP	Office of the Prosecutor + Compl. (to facilitate discussions)	V	2nd half 2021	R265 is actionable and substance addressed in the draft OTP Policy Paper on Completion Strategy. This recommendation may therefore be assessed before ASP20.
D. Transparency of Preliminary Examinations							
266	R266. The OTP should continue with its current level of transparency in relation to PE activities: announcements of opening and closing each PE, annual report to the ASP, situation-specific updates and statements.	266	Court	Office of the Prosecutor	V	2nd half 2021	R266 endorses current OTP practice, and can be considered as a "low hanging fruit" to report on in ASP20.
267	R267. The Prosecutor should consider appointing an OTP focal point to be in charge of responding to queries and otherwise communicating with the civil society and other stakeholders during the PEs (See supra Section VII.D. Relations with Civil Society and Media Organisations) .	267	Court	Office of the Prosecutor	V	2nd half 2021	A "low hanging fruit" which reflect current OTP practice and could be enhanced following assessment.
XIV. INVESTIGATIONS							
A. Investigative strategy							
268	R268. The ID should consider drafting a policy paper on OTP Investigations, combining the best practices and lessons learnt from its 18 years of practice. It should include its vision for the way forward. The policy paper should cover the principles, practices, standards, and strategies that should be applied in OTP investigations.	268	Court	Office of the Prosecutor	V	2nd half 2022	
269	R269. The ID should develop long-term situation-specific investigative strategies that cover all stages of investigations from the opening of an investigation to possible de-prioritisation, hibernation and closure of an investigation. These plans should have flexible benchmarks to monitor the implementation of the strategy.	269	Court	Office of the Prosecutor	V	2nd half 2021	R269-271 are linked and be approached as a cluster for consideration. The recommendations are being put into practice by the OTP with possible further development (Court overall response).
270	R270. The strategy should include, at minimum: (i) the goals of the investigation; (ii) the main incidents identified, and discrete investigative strategies for each incident; (iii) a matrix of the incidents identified, together with potential suspects, to form part of the case selection and prioritisation document; (iv) types and volume of evidence available, including evidence that might be obtained through financial, cyber and other investigations; (v) analysis requirements in terms of software and resources; (vi) planning for an ID field presence; (vii) cooperation prospects, partners and stakeholders; (viii) prospects of arrests, assessment of tracking capabilities in relation to the situation; (ix) resources necessary to comply with the goals of the strategic plan; (x) closure and hibernation benchmarks and strategies.	270	Court	Office of the Prosecutor	V	2nd half 2021	
271	R271. Situation-specific strategic plans should be treated in a flexible manner, and adapted in the light of developments as the investigation proceeds. Annual investigation plans should be incorporated into a long-term investigative strategy, and aligned with it, to ensure that ongoing activities contribute to the overall goals of each investigation.	271	Court	Office of the Prosecutor	V	2nd half 2021	
B. Investigative technique and tools							
272	R272. The OTP should continue to develop strong partnerships and enter into Memoranda of Understanding with States Parties, international and intergovernmental organisations, and private companies.	272	Court & ASP	Office of the Prosecutor	V	2nd half 2021	A priority as suggested by Cooperation facilitation (coop.)
273	R273. The OTP should consider requesting assistance from the ASP in raising the awareness of States Parties to the needs of the OTP. Best practices and lessons learnt could be shared.	273	Court & ASP	Office of the Prosecutor + Coop.		1st half 2022	Although a priority as suggested by Cooperation facilitation, time may be needed for the OTP to go through the transition and provide the information necessary for the substantive assessment of the recommendation.
274	R274. The OTP and the ASP should consider improvements in cooperation. Consideration might be given to the development of a uniform cooperation framework for all States Parties, or for regional groups of states (See R152 (p.121)).	274	Court & ASP	Office of the Prosecutor & Coop.		1st half 2022	Although R274-R275 are identified as priorities, they may be addressed together with other cooperation related recommendations.
275	R275. The OTP and the ASP could consider revisiting agreements with international and intergovernmental agencies with which the OTP engages frequently, such as the UNHCR and International Organisation for Migration.	275	Court & ASP	Office of the Prosecutor & Coop.		1st half 2022	Timeline as suggested by Coop. Facilitation
276	R276. The OTP should consider a review of relevant domestic cooperation laws, procedures, and policies for the purpose of enabling cooperation with States Parties for evidence collection.	276	Court	Office of the Prosecutor	V	2nd half 2021	R276 considered to be actionable is being implemented (Court overall response). May be seen as a "low hanging fruit".
277	R277. The OTP should consider establishing joint training with Court staff and investigators from States Parties, not only to improve capacity, but also to strengthen an informal network of contacts.	277	Court	Office of the Prosecutor		1st half 2022	A priority as suggested by Coop., however, the views of the new Prosecutor necessary.

278	R278. The OTP should consider strategic secondment of national law enforcement agents to assist in achieving the same goals.	278	Court	Office of the Prosecutor		1st half 2022	A priority as suggested by Coop., however, the views of the new Prosecutor necessary.
279	R279. The efficiency of the RFA process should be improved. Many delays could be averted by eliminating the additional review process, leaving the ICAs responsible for the consistency and reliability of judicial cooperation practices. The Senior Trial Lawyers should provide the ICAs with the content of the RFAs. The ICAs should then be able more speedily to facilitate compliance with the requests.	279	Court	Office of the Prosecutor		1st half 2022	R279 linked to R280-R281.
280	R280. A framework for informal operational contacts should be established in all situation countries. Investigators could then make informal enquiries to law enforcement or national authorities to ascertain whether the information sought actually exists/and is available. RFAs should, if necessary, then follow.	280	Court	Office of the Prosecutor		1st half 2022	A priority as suggested by Coop., however, the views of the new Prosecutor necessary.
281	R281. Consideration should be given to the RFA database being made more accessible to appropriate leadership of PD and ID.	281	Court	Office of the Prosecutor		1st half 2022	
282	R282. The recommendations made in the section on staff quantity 525 should be taken into account with regard to requests for cooperation.	282	Court	Office of the Prosecutor		2nd half 2022	Need to take into account recommendations made in the section on staff quantity. Engagement with Coop. may be considered.
283	R283. In the absence of additional funds, the OTP should consider assigning one of its present staff members, with financial investigations skills, to work exclusively on financial investigations. Similar to Recommendation 103, the position could also be filled through secondment.	283	Court	Office of the Prosecutor		2nd half 2022	Timeline similar to R103.
284	R284. The ASP should consider appointing a focal point for arrests.	284	ASP	Coop & Non-Coop.	V	2nd half 2021	A "low hanging fruit", and will be an ongoing effort.
285	R285. In order to improve the tracking of suspects, the OTP should continue to develop mechanisms for coordination and cooperation at the technical level (national law enforcement), and focus on informal cooperation networks.	285	Court	Office of the Prosecutor	V	2nd half 2021	Priority as suggested by Coop.
286	R286. The OTP should strengthen the SALT by appointing an additional analyst/investigator.	286	Court	Office of the Prosecutor + Non-Coop.		1st half 2022	
287	R287. The OTP should strengthen coordination with the Registry's financial investigator. One of the initial steps to facilitate this coordination could be the creation of an inter-Organ working group on asset-tracing and financial investigations.	287	Court	OTP & Registry		1st half 2022	
288	R288. Arrest prospects and activities should be included in investigative planning for each situation.	288	Court	Office of the Prosecutor		1st half 2022	
289	R289. The Court needs a rewards program in order to facilitate access to information from the general public for the location and arrest of fugitives. The ASP should consider setting up a working group to consider the possible ways such a program could be set up and funded.	289	Court & ASP	OTP & Registry + Non-Coop./Coop. + Budg.	V	2nd half 2022	
290	R290. There is a need for a special operations fund for the OTP. It would enable the teams carrying out the tracking and arrests of suspects to plan for and cover expenses in the field without delays.	290	Court & ASP	OTP & Registry + Budg. + Coop.	V	1st half 2022	
291	R291. The OTP should consider further developing remote investigation techniques, including remote witness screening and the online collection of evidence.	291	Court	Office of the Prosecutor		2nd half 2022	This recommendation is actionable and already being implemented (Court overall response).
292	R292. Once the COVID-19 pandemic-related restrictions are lifted, the OTP should conduct a lessons learnt exercise in relation to the (i) techniques for remote investigations; (ii) flexible use of staff during the time of travel restrictions; (iii) the role that a field-based team could have played; (iv) possible future restrictions for reasons such as a local epidemics and budget restrictions; (v) possible requirements for cooperation in relation to remote investigation techniques such as partnerships with internet service providers.	292	Court	Office of the Prosecutor	V	2nd half 2021	R292 should be prioritized to take advantage of memory alertness - see the reference to the ICC focus group on "the future of work" in the overall response.
C. ID Field presence in situation countries							
293	R293. The OTP should continue to consider the different models available in order to maintain more investigative staff in the field on a longer-term basis. The Experts support the strategy of more local, field-based recruitment on the GTA or STA basis, as well as international recruitment with a duty station based in the field.	293	Court	Office of the Prosecutor		1st half 2022	R292-R298 are linked and should be considered as a cluster.
294	R294. The OTP should consider increasing the number of Situation Specific Investigative Assistants and Country Experts.	294	Court	Office of the Prosecutor		1st half 2022	Linked to R293
295	R295. The OTP should consider the recruitment in situation countries of local investigative staff who could be active in the field for the duration of an investigation, and who would support the integrated teams, as well as liaise with local contacts.	295	Court	Office of the Prosecutor		1st half 2022	Linked to R293
296	R296. Where local recruitment is not an option, the OTP should consider ways in which some of the investigators and/or analysts on the team could acquire greater familiarity with the context of the investigation. Long-term missions are one option. Another might be the recruitment of suitable staff from neighbouring countries.	296	Court	Office of the Prosecutor		1st half 2022	Linked to R293
297	R297. The OTP should consider increasing their cooperation with the Registry regarding the use of field offices. Field offices should include OTP staff, including analysts, and local contractual staff. A permanent arrangement should be investigated jointly by the OTP and the Registry. In particular, consideration should be given to the OTP using field offices for outreach and cooperation, increased ID contact with local officials, victims and witnesses, with appropriate advice from PD and JCCD.	297	Court	Office of the Prosecutor		1st half 2022	Priority set by the OTP as necessary for effective and efficient OTP operations.
298	R298. The OTP should continue its ongoing consultations with staff in relation to possible long-term deployment to the field. They should also consult with the Court's Human Resources Section regarding development of contracts with flexible duty stations.	298	Court	Office of the Prosecutor		1st half 2022	Linked to R297
D. Evidence assessment and analysis							
299	R299. The important role of analysis should be recognised and valued by the OTP. Collection of evidence should be analysis-driven to avoid over- and under-collection. It would also support evidence-led, rather than target-led, investigations.	299	Court	Office of the Prosecutor		1st half 2022	R299 to be linked to R300-R304 and can be considered together. Since R301-R304 are seen as actionable and may reflect current OTP practice, further time to consider the assessment of R299 and R300 seems like a good approach in order not to overburden OTP with prioritized recommendations before ASP20.
300	R300. Analysts should draft and manage collection plans (with team leadership's approval). Their input should also be sought during the drafting of strategic situation and case specific plans.	300	Court	Office of the Prosecutor		1st half 2022	
301	R301. Analysts should form a critical component of evidence review at all stages. In particular, AWA reviews and internal evidence reviews should be analysis driven and informed by the senior analyst on each team.	301	Court	Office of the Prosecutor		1st half 2022	
302	R302. Analysts should play a key role in the preparation of cases. They should assist in the formation of factual hypotheses and theories, and help guide the collection of evidence.	302	Court	Office of the Prosecutor		1st half 2022	
303	R303. The OTP should make additional resources available for the IAS. More analysts, especially at P-1, P-2 levels, are necessary to realise the analysis requirements of the OTP.	303	Court	Office of the Prosecutor		1st half 2022	
304	R304. Consideration should be given to the recruitment or secondment of analysts with specialised skills to ensure efficient exploitation of a more diverse evidence base.	304	Court	Office of the Prosecutor		1st half 2022	
XV. OTP INTERNAL QUALITY CONTROL MECHANISMS							
A. Evidence reviews: Internal and peer review							
305	R305. The OTP should consider increased monitoring of internal evidence reviews. They should be obligatory in every investigation and trial preparation, and appropriately regulated.	305	Court	Office of the Prosecutor	V	2nd half 2021	R305-R310 to be prioritized for quality control.
306	R306. The OTP should assess the reasons for poor compliance with source evaluation. It should ensure that source evaluation guidelines comply with the relevant jurisprudence of the Chambers.	306	Court	Office of the Prosecutor	V	2nd half 2021	
307	R307. Reporting on compliance with source evaluation of witnesses should be included in the OTP report on Key Performance Indicators.	307	Court	Office of the Prosecutor	V	2nd half 2021	

308	R308. Peer evidence reviews should be made more efficient and meaningful by: (i) Allowing more time for the panels to prepare for the reviews. The minimum preparation time for review should be two weeks; (ii) Consider the tasking of review panel members solely with the review of the case file for an appropriate number of days, i.e. suspending all other tasks of the staff member assigned to a panel for that period of time. In this context, it might be more convenient to include in the review panel more of the junior members of staff; (iii) Appointing a senior member of the review panel to draft the report of the panel and provide it simultaneously to the PD Director and to all the members of the team whose document is under review. The reports should include sufficient detail and argumentation in favour of and against accepting the factual allegations contained in the draft document under review; (iv) Considering the greater use of 'red-teaming', or simulated opposition, in reviews. That would represent a more realistic preview of what is likely to happen during a hearing.	308	Court	Office of the Prosecutor	V	2nd half 2021	
309	R309. Peer review panels' composition requires the following improvements: (i) Including analysts and investigators in the preparation and consideration of reviews. The ID staff should lead the discussions on evidentiary/fact-finding questions, while the PD staff should lead on the legal analysis; (ii) Considering inviting more P-2/P-3/P-4 staff onto the panels, in order to optimise the time available for preparation of the review. Allowing more junior grade staff to participate would also be a positive recognition of their work; (iii) In appointing members of review panels, consideration should be given to the situation or regional expertise of possible panel members.	309	Court	Office of the Prosecutor	V	2nd half 2021	
310	R310. The OTP should institute a process of rigorous testing of the trial readiness of cases between the confirmation of charges and the commencement of the trial (Currently, the peer evidence reviews are mandatory at the stages before filing an Application for Warrant of Arrest (AWA), and before filing the Document Containing Charges (DCC)).	310	Court	Office of the Prosecutor	V	2nd half 2021	
B. Trial monitoring							
311	R311. The OTP should consider surveying the practices employed by the trial teams to date, to develop a comprehensive and consistent approach to the manner in which trial teams prepare for witness examinations, presentations of complex evidence, and oral arguments.	311	Court	Office of the Prosecutor	V	2nd half 2021	R311-R312 linked. Additionally R313-R319 may have to be considered as a cluster.
312	R312. The OTP should record all the findings of the above in the lessons learnt portal.	312	Court	Office of the Prosecutor	V	2nd half 2021	
C. Lessons learnt							
313	R313. The OTP should review the guidelines relating to lessons learnt, and consider making adherence to the process either mandatory and/or part of the performance appraisal of managers.	313	Court	Office of the Prosecutor	V	2nd half 2021	R313 can be linked to R312 on lessons learnt. R313-R317 also linked in prioritization and for effective and efficient OTP operations and optimal performance.
314	R314. Appoint a senior staff member of the OTP management to be responsible for monitoring compliance with lessons learnt.	314	Court	Office of the Prosecutor	V	2nd half 2021	
315	R315. Incorporate lessons learnt into the workflow of the teams.	315	Court	Office of the Prosecutor	V	2nd half 2021	
316	R316. Reconsider the present practice which requires team members, at the end of a case, being immediately reassigned to other tasks and consequently not being available to consider lessons learnt.	316	Court	Office of the Prosecutor	V	2nd half 2021	
317	R317. Consider the incorporation of lessons learnt into OTP Key Performance Indicators, and report on them publicly.	317	Court	Office of the Prosecutor	V	2nd half 2021	
318	R318. Consider ways to maintain the investigations jurisprudence report. Consider assigning a junior qualified staff member to maintain this project.	318	Court	Office of the Prosecutor	V	2nd half 2021	
319	R319. Adherence to the jurisprudence should be integrated as lessons learned and new staff should be introduced to the relevant jurisprudence.	319	Court	Office of the Prosecutor	V	2nd half 2021	
XVI. DEFENCE AND LEGAL AID							
A. Institutional representation							
320	R320. Although accused have mainly been represented by private, external Defence Counsel, appointed from the List of Counsel maintained by the Court, the possibility for the OPCD to be appointed as public Defence Counsel (duty counsel) should be maintained.	320	Court	Judiciary & Registry + OPCD		2nd half 2021	Court provided the following analysis which should apply to R320-R327: Internal and external consultations to take place up to October 2021. A concept paper based on consultations prepared by November 2021 for CoCo consideration. April 2022 recommendation on options based on concept note. Presentation of report with costs and structural options and implications by December 2022. By March 2023 decision of the CoCo on a proposal. Subject to this, submission to CBF (Spring 2023) and inclusion in 2024 PPB by July 2023. Consideration by the CBF and approval of proposed structure by ASP in December 2023. Commencement of implementation by January 2024, subject to decisions by ASP.
321	R321. In light of ICCBA's recognition as the Bar of the Court, its role in the annual training for counsel ought to be formally recognised. Further, consideration could be given to having an elected ICCBA representative as a member of the Advisory Committee on Legal Texts (ACLT).	321	Court	Judiciary & Registry		2nd half 2021	In considering R321, specific engagement with ICCBA and interested lawyers in the Court's 'List of Counsel' recommended. OPCD can also be engaged.
322	R322. Regarding internal organic structures, reshaping the current office for the Defence (OPCD) by entrusting it with additional responsibilities would improve efficiency of governance and of administration, increase budgetary transparency, provide a strategy for Defence Services, enhance accountability, and ensure appropriate representation of the Defence in the ACLT.	322	Court	Judiciary & Registry + OPCD	V	2nd half 2021	Current OPCD will certainly have a role in addressing R322.
323	R323. These objectives may be achieved by bringing under the OPCD's management and governance the Counsel Support Section (CSS)'s defence services, as well as legal aid. This new Defence Office would retain functional independence, as the OPCD currently has, and represent Defence interests within the Court, as for example through attendance in CoCo+ meetings (See R11 (p.22)) and representing the Defence in the ACLT. This would also resolve the difficult position the Registry is in, in having to represent the Defence while maintaining its neutrality.	323	Court	Judiciary & Registry + OPCD	V	2nd half 2021	
324	R324. The Defence Office would further be responsible for oversight, capacity building and strategic development for defence representatives before the Court.	324	Court	Judiciary & Registry + OPCD	V	2nd half 2021	
325	R325. It is further recommended that the PIOS enables Defence-generated press releases on the Court's website, in the spirit of institutional equality of arms.	325	Court	Judiciary & Registry + OPCD	V	2nd half 2021	Since R324 is linked to R325, then prioritizing both seems inevitable.
326	R326. Finally, in developing the Court's public information and outreach strategies, the Defence Office should also be consulted, to ensure such communication efforts respect the principles of fair trials and presumption of innocence.	326	Court	Judiciary & Registry + OPCD	V	2nd half 2021	

327	R327. The Experts believe the new Defence Office, offering a strengthened voice to the Defence on an institutional level, together with the ICCBA's recognition by the ASP and its reporting to the Assembly, (ICC-ASP/18/Res.6 para.81: The ASP 'invite[d] the International Criminal Court Bar Association to report to the Assembly, through the Bureau, on its activities in advance of the nineteenth session') redress what could have been perceived as an institutional imbalance regarding the Defence.	327	Court	Judiciary & Registry + OPCD		2nd half 2021	
B. Legal Aid							
328	R328. Renewed efforts, taking into account past assessments and consultations already carried out, should take place to finalise the reform of the legal aid policy. It should be accessible, effective, sustainable, and credible, including ensuring equality of arms with the Prosecution and adequate facilities to Defence teams to prepare and conduct an effective defence. A full reform of the Policy is recommended, rather than only updating numbers. Otherwise, the topic will return to the ASP agenda in the coming years. The reform should be carried out and finalised with the help of a working group composed of individuals with specific experience working with defence and victims and legal aid policies before international courts, nominated by the Registrar, OPCD, OPCV and ICCBA. The working group should not begin its work within confined limits (e.g. budgetary limitations).	328	Court & ASP	Registry (+ OPCD + OPCV) & Legal Aid	V	2nd half 2021	In considering R328, ICCBA to be engaged. The cluster of recommendations which concern a revised legal aid policy framework, and for which the following process is applicable as outlined by the Court, include R328, R332, R333, R334: Consultations led by the HWG Facilitator on Legal Aid start in May 2021. ASP to decide on scope of mandate (IER recommendations) for proposals on Legal Aid by December 2021. Consultation process on new legal aid policy (as per mandate by the ASP) by July 2022. Proposed policy by September 2022 for consideration by CBF, consultation in the HWG and decision by ASP in December 2022. Subject to decision, application of new policy in the proposed budget for 2024 by July 2023. Consideration by the CBF in September 2023 and decision by ASP of application of new policy in December 2023. Implementation of policy -subject to decision- by 1 January 2024.
329	R329. Decisions on interpretations and application of legal aid should be made accessible to other Defence and Victims' teams, with any needed redactions that might be necessary, to ensure uniform application of the policy.	329	Court	Judiciary & Registry	V	2nd half 2021	OPCD can play a role in coordinating between teams.
330	R330. The current framework and operation of the functions regarding financial investigations on suspects and accused persons should be reviewed, to ensure increased efficiency. It should also be brought in closer working relation to other units within the Court that collect information that might be relevant.	330	Court	OTP & Registry	V	1st half 2022	
331	R331. Additional resources are needed in the Registry to strengthen and complement the sole Financial Investigator position, as well as the Registry's capacity to support States Parties in implementing cooperation requests in this field. For this, the Experts recommend that the Court makes use of seconded personnel with specific expertise. The Experts note that strengthened Registry capacity in this area would contribute to lowering legal aid costs.	331	Court & ASP	Registry + Coop.	V	2nd half 2021	
332	R332. States Parties to the Rome Statute have a role to play in ensuring that declarations of indigence by prosecuted persons are honest and that assets, including property of the prosecuted persons are secured pending the result of the trial.	332	ASP	Coop.	V	2nd half 2021	Linked to R328
333	R333. The Court should consider elaborating scales of professional fees for legal staff working in external victims' teams, especially young professionals and women. Alongside the maximum rate indicated in the legal aid policy per role, a minimum rate should also be foreseen. The use of the money provided by the Court in terms of legal aid should respect different functions, while not being discriminatory.	333	Court	Registry + OPCV/OPCD		2nd half 2021	Involvement of Legal Aid facilitation for R333-R334 recommended. Linked to R328.
334	R334. The relationship between the Court and support staff assisting external counsel for Defence and Victims should be formalised by granting them SSA contracts or consultant status.	334	Court	Registry + OPCD		2nd half 2021	Linked to R328
335	R335. As recommended elsewhere, in line with the One Court principle, the Court wellbeing framework (including for example the system foreseen by the Administrative Instruction on harassment, access to OHU) and disciplinary procedures should be extended to support staff (See supra Section I.A.1(2) and R4 (p.18); see also supra Section ICC/IO GovernanceV.B.4. Judicial Council of the Court R115 (p.102)).	335	Court	Registry		2nd half 2021	The SUC should have a role in the consideration and taking appropriate action on R335. Noted that the ICCBA is engaged with Registry on the topic. OPCD may also play a role for defence teams support staff.
XVII. VICTIM PARTICIPATION							
A. Outline of the system B. The system in operation C. Recognition of victims as participants D. Concerns about the system as a whole							
E. Legal Representation of Victims F. Tracing victims in the reparations phase							
336	R336. The VPRS should be recognised as the lead entity charged with tracing and identifying further victims with claims for reparation during the reparations phase.	336	Court	Judiciary + OPCV/TFV	V	2nd half 2022	R336-R341 are linked and may be considered together as a cluster. On priorities, the Court has deemed recommendations in Chapters XVII and XVIII where the Judiciary should take the lead as medium-term priorities.
337	R337. It is recommended that arrangements for facilitating and collecting applications for victim participation should commence earlier than at present. In particular, in a case where normally applications would be collected from the time of the submission of the DCC, the date of commencement should be advanced to the point of issue of an arrest warrant or a summons to appear.	337	Court	Judiciary + OPCV	V	2nd half 2022	
338	R338. Victims admitted to participate in proceedings should be automatically admitted to participate in any other case opened within the same situation for the same events.	338	Court	Judiciary + OPCV		2nd half 2022	
339	R339. The standing coordination body (See R359 (p.311)) should carry out a full appraisal of the effectiveness of the scheme with the aim of facilitating the meaningful participation of the maximum possible number of victims in proceedings.	339	Court	Judiciary & Registry + OPCV/TFV		2nd half 2022	The consideration of R339 may be subject to the assessment of R359 on the establishment of a coordination body.
340	R340. Where a Chamber requires notice of the line of examination a legal representative of victims proposes to follow, the deadline set, if any, should be no more than 48 hours before the relevant hearing.	340	Court	Judiciary		2nd half 2022	
341	R341. Consideration should be given by the Registry to extending the range of proceedings in which the Court can appoint counsel for victims to include preliminary examinations and requests for authorisation to open an investigation.	341	Court	Judiciary & Registry		2nd half 2022	
XVIII. VICTIMS: REPARATIONS AND ASSISTANCE							
A. Current framework for victims participation in the Rome Statute system, and its functioning B. Judicial matters related to reparations							
<i>Proposed platform for the assessment of the recommendations: RM</i>							

361	R361. Cooperation between the Court and the ASP needs to be encouraged by the implementation of the recommendations in this Report and by stronger political support for the Court by States Parties.	361	Court & ASP	Court & Coop. + PASP	V	2nd half 2021	
362	R362. The Court should accept the legitimate authority of the ASP to decide its budget and should tailor its activities to match the resources available.	362	Court	Court	V	2nd half 2021	
363	R363. A discussion among stakeholders (Court, States Parties and civil society) should be convened on the strategic vision for the Court for the next ten years, which will enable the Court and the ASP to focus their efforts of implementing the Rome Statute in the same direction. An outcome of the discussion should be agreeing on the level of activity that the Court is expected and desired to reach in ten years' time and the steps (resources, cooperation and institutional development) that need to gradually occur for the organisation to reach that point.	363	Court & ASP	Court & PASP & civil society		1st half 2022	Court suggests 2023 (25th anniversary of the Rome Statute) as the opportune time, to also fit into the 2025-2028 Strategic Planning cycle of the Court. Priority important for generating cooperation and support to enable Court to achieve its key objectives of ensuring accountability and contributing to prevention in a rule-based international order. The suggestion affords time to consider other recommendations that can feed into the consideration of this recommendation.
B. Internal and external oversight mechanisms							
364	R364. The IOM and the OIA should be given enhanced authority and resources to be able to better carry out their functions.	364	Court & ASP	Court & IOM-F + IOM + OIA		1st half 2022	
365	R365. Heads of Organs and the next Prosecutor should commit to ensuring effective and full cooperation with oversight and disciplinary mechanisms. Additional confidentiality agreements could be envisaged for individuals in the relevant oversight bodies.	365	Court	Court		1st half 2022	
366	R366. The Audit Committee and the CBF could be merged into one Organ of budgetary control and audit. The mandate of CBF – Audit Committee members should be extended to a five-six years, non-renewable term.	366	ASP	BMO + OIA		1st half 2022	
367	R367. As a work unit located in the Registry, the OIA would more properly report to the Principals rather than to the Audit Committee, a subsidiary of the ASP. This would not prevent the OIA from appearing before the new budgetary control and audit body as required, and responding to its requests. The new body's role towards the OIA would be overseeing the adequacy of the framework set up for the Court's internal audit function, rather than oversight of the substance of the OIA's work.	367	Court & ASP	Court + OIA & BMO		1st half 2022	
368	R368. The ASP is recommended to make use of the upcoming recommendations of the External Auditor, tasked with assessing the Court's oversight bodies, to find ways to streamline and render more efficient its oversight structures.	368	ASP	IOM-F + BMO		1st half 2022	
C. Secretariat of the ASP							
369	R369. An office and focal point should be appointed within the Registry to coordinate with the different services of the Court to provide all necessary support for the ASP. In the long-term, the functions of the Secretariat of the ASP should be taken over by the Registry, and the Secretariat of the ASP, in its current form, dismantled.	369	Court & ASP	Registry (1st part), Court (2nd part) & SGG + BMO	V	1st half 2022	R369-R370 are connected to R1-R11, the three-layered governance model. Court update on the identification of a focal point, discussion with the SASP and Registry concluded in June 2021 with agreement that the role should continue to be performed by the Chief of Staff of the Registrar.
370	R370. In line with the Experts' recommendation for the ASP Secretariat to be absorbed into the Registry, it is envisaged that the Executive Secretary of the CBF and Audit Committee position, currently located in the ASP Secretariat, also be transferred to the Registry, where it would maintain its functional independence.	370	Court & ASP	Court & SGG + BMO	V	1st half 2022	
XX. IMPROVEMENT OF THE SYSTEM OF NOMINATION OF JUDGES							
371	R371. The procedure for the nomination and election of Judges should be amended as follows: (i) States Parties should be required to ensure the attendance of candidates in person for interview by the ACN; (ii) the interview should be an essential element of the process and any candidate not attending should be disqualified barring exceptional circumstances; (iii) Similarly, participation in the roundtable discussions before the election should also be mandatory with failure to participate also resulting in disqualification barring exceptional circumstances.	371	ASP	PEJ.	V	2nd half 2021	
372	R372. In designing the modalities of the roundtable discussions, the NYWG should have particular regard to aspects of the candidate assessments highlighted in the ACN report and include on the agenda topics aimed at supplementing the report in relation to these aspects.	372	ASP	PEJ.	V	2nd half 2021	
373	R373. The ACN should include in the common questionnaire to be completed by all nominees provision for its accuracy to be certified by a senior member of the national level Judiciary or of the nominations/appointments body which oversaw the nomination process.	373	ASP	PEJ. + ACN	V	2nd half 2021	
374	R374. The ACN at the candidate interview should endeavour to assess the ability of the candidate to manage and conduct complex international criminal trials fairly and expeditiously and their suitability as a Presiding Judge.	374	ASP	PEJ. + ACN	V	2nd half 2021	
375	R375. The ACN should require the nominating state to submit along with the nomination a certificate setting the procedure followed leading to the nomination.	375	ASP	PEJ. + ACN	V	2nd half 2021	
376	R376. The ASP should initiate a process leading to the harmonisation of the nomination procedures followed by States Parties. That should include requiring States Parties providing in the course of 2021 information and commentary on their own existing or prospective procedures for nomination of candidates to the Court.	376	ASP	PEJ. + ACN	V	2nd half 2021	
377	R377. In time for the election of Judges in 2023, the Working Group on Nomination and election of Judges should compile a set of criteria which should be applied in national level nomination processes along with guidelines on the conduct of the nomination process.	377	ASP	PEJ.	V	2nd half 2021	
378	R378. States Parties should accord utmost respect to the assessments in the ACN report and should not cast their votes in a way that is inconsistent with any aspect of an assessment.	378	ASP	ASP + PEJ.	V	2nd half 2021	
379	R379. The Working Group on Nomination and Election of Judges should consider whether it is now appropriate to review the criteria applicable to and the profiles of candidates from List B, having regard to the significance of criminal trial experience to the work of the Court.	379	ASP	PEJ.	V	2nd half 2021	It may make sense for R379-R380 to be considered in the 2nd half of 2021 together with R 371-378, but Facilitator will check whether it would make sense to postpone consideration to the 1st half 2022
380	R380. The Working Group on Nomination and Election of Judges should consider whether it is now appropriate to review the qualifications for membership of the ACN.	380	ASP	PEJ.	V	2nd half 2021	
XXI. DEVELOPMENT OF THE RULES OF PROCEDURE AND EVIDENCE							
Proposed platform for the assessment of the recommendations in part XXI: SGG (WGA as appropriate)							

381	R381. Article 51(2) of the Rome Statute should be amended to provide that amendments to the RPE may be proposed by a Judge, the Prosecutor, the Defence Office or any State Party, and that any amendment will enter into force if agreed to by an absolute majority of the Judges at a plenary meeting convened with notice of the proposal. It would have immediate effect. Until such an amendment enters into force, the ASP should vote on RPE amendments by two thirds majority, rather than consensus, in line with the provisions of Article 51(2).	381	Court & ASP	Judiciary & OTP & SGG + WGA	V	2nd half 2021	High priority for the Court. ASP to lead. The Court urges the Assembly to address R381 as a matter of priority and stands available to engage in consultations. R382-R384 are connected to R381 and be accorded priority as well.
382	R382. Any proposal should be intimated to the Prosecutor and the Registrar a reasonable time before the plenary meeting for their comments.	382	ASP	SGG	V	2nd half 2021	
383	R383. In adopting any proposal, the Judges should be required to ensure, and to certify to that effect, that the amendment is not inconsistent with the provisions of the Rome Statute and the right of accused persons appearing before the Court to a fair and expeditious trial.	383	Court & ASP	Judiciary & SGG	V	2nd half 2021	
384	R384. On adoption the amendment should be circulated to States Parties for comment and would remain in force in the absence of objection from a majority of States Parties within six months.	384	Court & ASP	Judiciary & SGG + WGA + SASP	V	2nd half 2021	

Remaining Issues							For Coop. facilitation, the 66 recommendations on cooperation 2007 or the "Declaration of Paris on Financial Investigations and Asset Recovery" of 2017 should be implemented.
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KEY	
ACN	Advisory Committee on Nominations of Judges
ASP	Assembly of States Parties
BMO	Facilitation on Budget Management Oversight
Budg.	Facilitation on the budget
CBF	Committee on Budget and Finance
Compl.	Facilitation on complementarity
Coop.	Facilitation on cooperation
ECBO	Ethics and Business Conduct Office
GRGB	Facilitation on geographical representation and gender balance in the recruitment of staff of the Court
HWG	The Hague Working Group
ICCBA	International Criminal Court Bar Association
Non-Coop.	Facilitation on non-cooperation
IOM	Independent Oversight Mechanism
IOM-F	Facilitation on the Independent Oversight Mechanism
NYWG	New York Working Group
OIA	Office of Internal Audit
OPCD	Office of Public Counsel for the Defence
OPCV	Office of Public Counsel for Victims
OTP	Office of the Prosecutor
PASP	President of the Assembly of States Parties
PEJ	Facilitation on the Review of the procedure for the nomination and election of judges
RM	Review Mechanism
SASP	Secretariat of the Assembly of States Parties
SGG	Study Group on Governance
SUC	Staff Union Council
TFV	Trust Fund for Victims
WGA	Working Group on Amendments