



Original: **English**

No.: **ICC-RoR125-01/15**

Date: **4 September 2015**

THE PRESIDENCY

Before: Judge Silvia Fernández de Gurmendi, President
Judge Joyce Aluoch, First Vice-President
Judge Kuniko Ozaki, Second Vice-President

[REDACTED]

Public Redacted

**Public redacted version of
“Decision on the ‘Request for Review of Decision to Deny the Applicant admission to
the List of Assistant to Counsel Pursuant to Regulation 125(4) of the Regulations of the
Registry’”, 4 September 2015, ICC-RoR125-01/15-5-Conf-Exp**

**Decision to be notified in accordance with regulation 31 of the *Regulations of the Court*
to:**

Applicant
[REDACTED]

Counsel for the Defence
[REDACTED]

REGISTRY

Registrar
Mr. Herman von Hebel

Counsel Support Section
Mr. Esteban Peralta Losilla

The Presidency of the International Criminal Court (“Court”) has before it an application dated 6 August 2015 of [REDACTED] (“Applicant”) for judicial review of a decision refusing her inclusion in the list of assistants to counsel, pursuant to regulation 125(4) of the Regulations of the Registry.¹

The Application is granted, in part, for the following reasons.

I. PROCEDURAL HISTORY

1. In May or June 2015, the Applicant was recruited by the defence in *The Prosecutor v. [REDACTED]* as legal assistant to counsel, pending her successful inclusion in the Court’s list of assistants to counsel.²
2. On 26 June 2015, the Applicant filed an application with the Counsel Support Section (“CSS”) of the Court requesting her inclusion in the list of assistants to counsel, pursuant to regulation 125(3) (“Request for Inclusion”).³
3. On 9 July 2015, the [REDACTED] defence team was informed by email that the Request for Inclusion had been denied.⁴
4. On 16 July 2015, the Applicant requested that the rejection of her Request for Inclusion be communicated to her, together with the reasons therefor and information on applying to the Presidency for review thereof, pursuant to regulation 125(4).⁵
5. On 24 July 2015, counsel for the [REDACTED] defence team sought review by the Presidency of the decision to reject the Request for Inclusion (“Defence Application”),⁶ with the Applicant annexing certain information.⁷
6. On 29 July 2015, the Presidency found that it was unclear whether a decision on the Request for Inclusion had been made, noting that the Defence Application did not originate from the Applicant and that there may have been an outstanding request for

¹ All future references to regulations shall refer to the Regulations of the Registry, unless otherwise indicated.

² Defence Request for Review of the Denial of an Applicant to the List of Assistant to Counsel Pursuant to Regulation 125(4) of the Regulations of the Court, 24 July 2015, ICC-RoR125-01/15-1-Conf-Exp, para. 7; Request for Review of Decision to Deny the Applicant admission to the List of Assistant to Counsel Pursuant to Regulation 125(4) of the Regulations of the Registry, 6 August 2015, ICC-RoR125-01/15-3-Conf-Exp, para. 1.

³ ICC-RoR125-01/15-4-Conf-Anx.

⁴ ICC-RoR125-01/15-3-Conf-Exp-AnxA, p. 2.

⁵ ICC-RoR125-01/15-3-Conf-Exp-AnxB, p. 2.

⁶ Defence Request for Review of the Denial of an Applicant to the List of Assistant to Counsel Pursuant to Regulation 125(4) of the Regulations of the Court, ICC-RoR125-01/15-1-Conf-Exp (“Defence Application”).

⁷ ICC-RoR125-01/15-1-Conf-Exp-AnxA.

reconsideration.⁸ The Presidency ordered that if a decision had been taken, the Registrar must notify the Applicant and the Applicant must confirm whether she sought review (“Order”).⁹

7. On 4 August 2015, the Applicant received reasons for the rejection of her Request for Inclusion and information on applying for review (“Impugned Decision”).¹⁰
8. On 6 August 2015, the Applicant sought review of the Impugned Decision by the Presidency, pursuant to regulation 125(4) (“Application”).¹¹
9. On 19 August 2015, the Registry filed a response to the Application, pursuant to regulation 125(5) (“Response”).¹²

II. URGENCY

10. The Applicant requested that the Registrar be ordered to respond within 5 days, rather than the 15 days permitted by regulation 125(5).¹³ In support thereof, the Applicant cited the Defence Application and the importance of having an assistant to counsel to [REDACTED].¹⁴ [REDACTED].¹⁵ The Applicant also referred to [REDACTED].¹⁶
11. The Presidency recognises the importance of [REDACTED] being able to communicate with his counsel in confidence.¹⁷ Yet, when considering the Applicant’s request for a reduced deadline, the Presidency determined that abiding by the prescribed statutory deadline would have no substantial impact on [REDACTED] rights in this regard. [REDACTED]. Finally, the Presidency noted that the Applicant was fully informed that her appointment was conditional on her inclusion in the list of assistants to counsel¹⁸ and took all employment-related decisions in such light.
12. For the above reasons, the Presidency considered that the Applicant’s request for an

⁸ Order concerning the Request dated 24 July 2015, ICC-RoR125-01/15-2-Conf-Exp, p. 3.

⁹ *Id.* at p. 4.

¹⁰ ICC-RoR125-01/15-3-Conf-Exp-AnxC (“Impugned Decision”).

¹¹ Request for Review of Decision to Deny the Applicant admission to the List of Assistant to Counsel Pursuant to Regulation 125(4) of the Regulations of the Registry, 6 August 2015, ICC-RoR125-01/15-3-Conf-Exp (“Application”).

¹² Observations on the “Request for Review of Decision to Deny the Applicant admission to the List of Assistant to Counsel Pursuant to Regulation 125(4) of the Regulations of the Registry”, ICC-RoR125-01/15-4-Conf (“Response”).

¹³ Application, *supra* note 11, at para. 9.

¹⁴ Defence Application, *supra* note 6, at para. 5; Application, *supra* note 11, at para. 9.

¹⁵ [REDACTED].

¹⁶ Application, *supra* note 11, at para. 10.

¹⁷ See Article 67(1)(b) of the Rome Statute.

¹⁸ Application, *supra* note 11, at para. 1.

urgent reduction of the deadline for the Registry response was unwarranted.

III. MERITS

A. Impugned Decision

13. In the Impugned Decision, the Chief of the CSS stated that the Applicant had not satisfied the requirements for inclusion in the list of assistants to counsel specified in regulation 124, pursuant to which candidates must demonstrate that they possess “either five years of relevant experience in criminal proceedings or specific competence in international or criminal law and procedure”.¹⁹
14. The Impugned Decision found that the Applicant had not satisfied the requirement of five years of relevant experience in criminal proceedings, determining that her “specifically relevant” period of four years and three months at the [REDACTED] fell short of this requirement.²⁰ According to the Impugned Decision, the Applicant “had graduated from the law school in 2011” and had, by her own admission, only four and a half years of experience in criminal proceedings.²¹
15. The Impugned Decision also expressed the view that the Applicant had not satisfied the requirement of specific competence in international or criminal law and procedure.²² Having considered the Applicant’s professional training, background, employment history and her statement that she had 8 years of experience in international law, the Impugned Decision concluded that although the Applicant’s profile was impressive, she had not demonstrated specific competence in international or criminal law and procedure.²³

B. Submissions to the Presidency

1. Application

16. The Applicant requests that the Presidency overturn the Impugned Decision, declare her to have specific competence and order that she be admitted to the list of assistants

¹⁹ Impugned Decision, *supra* note 10, p. 2.

²⁰ *Id.*

²¹ *Id.*

²² *Id.*

²³ *Id.*

to counsel.²⁴ She submits that the Impugned Decision erroneously found that she lacked specific competence in international or criminal law and procedure, citing five specific errors.²⁵

17. First, the Applicant submits that the Impugned Decision contained an error of fact when it found that she graduated from law school in 2011,²⁶ not 2007.²⁷ The Applicant argues that the Registrar unreasonably disregarded an additional degree in its assessment of her specific competence in international law.²⁸

18. Second, the Applicant argues that the above error resulted in her experience in international law prior to 2011 being unreasonably disregarded.²⁹ The Applicant submits that her two and a half years of experience in international trade law and her authorship of a book on international [REDACTED] law during this period demonstrate her specific competence in international law.³⁰

19. Third, the Applicant submits that appropriate weight was not given to her specific competence in international law since [REDACTED] 2011, referring to her work experience in international criminal law at the [REDACTED].³¹ She refers also to specific competence in the form of her certification to the sexual and gender-based violence investigation roster established by Justice Rapid Response in partnership with UN Women and her experience as a lecturer in international criminal law and procedure.³²

20. Fourth, the Applicant submits that other relevant factors were “either ignored or unreasonably considered”.³³ These include her knowledge of and work in [REDACTED] and various professional experiences in the field of human rights.³⁴

21. Finally, the Applicant refers to her submission of an updated *curriculum vitae* on 16 July 2015.³⁵ While maintaining that she had specific competence at the time of the Request for Inclusion, she also refers to additional, more recent demonstrations of her

²⁴ Application, *supra* note 11, at p. 14.

²⁵ *Id.* at para. 12.

²⁶ The date on which she was awarded an LLM in public international law from the University of [REDACTED].

²⁷ The date on which she completed a Juris Doctor at the University of [REDACTED]; See Application, *supra* note 11, at paras. 12 & 14.

²⁸ *Id.* at para. 14.

²⁹ *Id.* at paras. 12 & 15.

³⁰ *Id.* at para. 15.

³¹ *Id.* at paras. 12 & 16.

³² *Id.* at paras. 18-19.

³³ *Id.* at paras. 12 & 21.

³⁴ *Id.* at para. 21.

³⁵ *Id.* at para 23.

specific competence.³⁶

2. Response

22. The Registrar submits that the review of the Impugned Decision should concern whether the Registrar, given the information before him, should have reached a decision other than that which was taken.³⁷ Accordingly, the Registrar limits himself to observations on the information in the Request for Inclusion and the accompanying *curriculum vitae*.³⁸
23. The Registrar explains that inclusion in the list of assistants to counsel requires the fulfilment of one of two alternative criteria: “five years of relevant experience in criminal proceedings or specific competence in international or criminal law and procedure”.³⁹ The Registrar submits that the alternative nature of these criteria necessitates that the qualifications of any candidate with respect to each of them are assessed on an exclusive basis.⁴⁰
24. The Registrar notes that of the two criteria, the second criterion of “specific competence” is less well defined than the first. The Registrar refers to his policy that “the required specific competence be supported by a higher degree than required for admission to practice and be in an area of direct relevance for the work of the Court”.⁴¹ The Registrar submits that the Applicant’s LLM in public international law “does not add specific competence to the level required” for inclusion in the list of assistants to counsel.⁴² According to the Registrar, “[a] doctorate in a relevant field, for example, or continuous involvement in academic activities relevant for the work of the Court might have constituted relevant factors in the assessment of the Applicant’s competence”.⁴³
25. The Registrar further submits that the Applicant’s experience in international trade law does not demonstrate specific competence in international law. The Registrar claims that the Applicant’s involvement in relation to a “potential” dispute before the [REDACTED] is undocumented in her Request for Inclusion and insufficient

³⁶ *Id.*

³⁷ Response, *supra* note 12, at para. 2.

³⁸ *Id.* at paras. 3 & 13.

³⁹ *Id.* at para. 6.

⁴⁰ *Id.* at para. 7.

⁴¹ *Id.* at para. 8.

⁴² *Id.* at para. 10.

⁴³ *Id.*

information is provided as to the duration and extent of her involvement. The Registrar further claims that the notion of a “potential” dispute is unclear. The Registrar submits further that commercial litigation before the [REDACTED] is of “limited relevance for the purpose of assessing the Applicant’s competence in relation to criminal proceedings before the Court”.⁴⁴

26. The Registrar submits that other aspects of the Applicant’s *curriculum vitae*, including her training on sexual and gender-based violence and four lectures that she has given, are insufficient to establish specific competence in international law or criminal law and procedure, pursuant to regulation 124.⁴⁵

C. Determination of the Presidency

27. The Presidency has had previous occasion to lay down the standard applicable to the judicial review of administrative decisions of the Registrar. It is concerned with the propriety of the procedure by which the Registrar reached a particular decision and the outcome of the Registrar's decision. The review involves a consideration of whether the Registrar has acted without jurisdiction, has committed an error of law, has failed to act with procedural fairness, has acted in a disproportionate manner, has taken into account irrelevant factors or failed to take into account relevant factors, or has reached a conclusion which no sensible person who has properly applied his or her mind to the issue could have reached.⁴⁶

28. The Presidency has had previous occasion to find that the Registrar must provide reasons for his decisions, so as to inform an applicant why his or her application has been unsuccessful and enable that applicant to assess whether to seek review.⁴⁷ While such reasons need not be elaborate and may be brief, “[w]hat is paramount is that the applicant should be able clearly to understand the factual and legal basis upon which the decision has been taken”.⁴⁸ Further, the Presidency has previously noted that essential reasoning should be stated in the original decision and not introduced, for the

⁴⁴ *Id.* at para. 11.

⁴⁵ *Id.* at para. 12.

⁴⁶ See Reasons for the “Decision on the ‘Application for Review of Decision of the Registrar’s Division of Victims and Counsel dated 2nd January not to Admit Prof. Dr. Sluiter to the List of Counsel’”, 10 July 2008, ICC-RoC72-01/08-10, para. 20.

⁴⁷ Decision on the Application to Review the Registrar’s Decision Denying the Admission of Mr. Ernest Midagu Bahati to the list of Counsel, 29 December 2005, ICC-RoC72-02/05, para. 18.

⁴⁸ *Id.* at para. 19.

first time, in response to an application for review.⁴⁹ The Presidency reminds the Registrar of its previous guidance on these matters and notes that the reasoning in the Impugned Decision is unclear and does not enable the Applicant to understand why she was not included in the list. Clarity in the reasons informing the Registrar's decisions is particularly essential in circumstances such as the present where the statutory criterion leaves considerable discretion to the Registrar (see para. 30 below).

1. Regulation 124

29. It is not disputed that the Applicant does not satisfy the first criterion contained in regulation 124 of “five years of relevant experience in criminal proceedings”. The Presidency's review is limited to whether the Registrar erred in assessing whether the Applicant possessed “specific competence in international or criminal law and procedure” (i.e. the second criterion).
30. The language of the second criterion permits the Registrar certain discretion in its application. Yet, it is also incumbent upon the Registrar, when applying this criterion, to assess relevant factors as a whole without being unduly doctrinaire.
31. The existence of two alternative criteria in regulation 124 indicates that although the second “specific competence” criterion may not be quantifiably measurable, the nature of the specific competence must bear an approximate equivalency to the first criterion. It would be unreasonable, absent any indication to the contrary, to understand one criterion as significantly more or less onerous. Further, both criteria must be read in view of the role of assistants to counsel, namely that they “assist counsel in the presentation of the case before a Chamber”,⁵⁰ which does not demand the same strategic oversight and experience conducting litigation independently as more senior members of a defence team. Beyond such general guidance, the Presidency acknowledges that the discretionary nature of the second criterion means that further elucidation must occur on a case-by-case basis.
32. The Registrar submits that the two alternative criteria in regulation 124 must be assessed on an exclusive basis.⁵¹ Specifically, the Registrar states that insufficient experience in criminal proceedings “cannot be invoked to justify *by itself* ... that the candidate meets the other, alternative requirement of specific competence, and cannot

⁴⁹ *Id.* at para. 25.

⁵⁰ Regulation 124.

⁵¹ Response, *supra* note 12, at para. 7.

be computed when evaluating the specific competence of a candidate” (emphasis added).⁵² The Presidency notes that, although the assessment of whether each of the criteria in regulation 124 is satisfied must occur separately, it is evident that certain experiences relevant to the fulfilment of one criterion may be equally relevant to the fulfilment of the other.

33. In his Response, the Registrar elucidates certain requirements which he has applied in assessing specific competence pursuant to regulation 124. The Presidency notes that any established and consistently applied requirements should be made immediately available to prospective candidates, for example, by publication on the website of the Court (even if the discretionary nature of the second criterion means that these can be provided by way of general guidance only).
34. The Registrar indicates that, in assessing specific competence, he has consistently demanded a higher degree than that required for admission to practice. The Presidency notes that rule 22(1) of the Rules of Procedure and Evidence provides, in relevant part, that “[c]ounsel for the defence may be assisted by other persons, including professors of law, with relevant expertise”. Regulation 124 must be assessed in view of the overall principle that what is sought is “expertise”. In this light, it appears reasonable for the Registrar to require the completion of a higher degree than that required for admission to practice.
35. The Registrar further indicates that he has consistently required that specific competence be in an area directly relevant to the work of the Court. The Presidency considers again that such a requirement is reasonable. When regulation 124 is read in light of rule 22(1), it is evident that assistants to counsel must possess “*relevant expertise*” (emphasis added). A range of areas of international law practice are, self-evidently, directly relevant to the work of the Court, such as international criminal law, international humanitarian law and international human rights law. Yet, practice in other areas of international law may also be relevant to the work of the Court depending on the nature of a candidate’s work.⁵³

2. *The assessment of the Applicant’s specific competence*

⁵² *Id.* at para. 9.

⁵³ For example, practice in other areas of international law may utilise skills and techniques relevant to proceedings before the Court, such as navigating complex procedural requirements, engaging in treaty interpretation, applying international precedents and exercising a range of generic skills related to complex legal analysis, research and drafting.

a. The Applicant's [REDACTED] experience

36. The Presidency notes that it is unclear how the Applicant's work experience at the [REDACTED] since [REDACTED] 2011 has been assessed against the criteria of specific competence. The Impugned Decision contains a brief reference to consideration of the Applicant's "employment history".⁵⁴ The Response contains oblique references to the Applicant's [REDACTED] experience⁵⁵ but offers no explanation as to how it was taken into account and what weight, if any, it was given in the assessment of specific competence.
37. The Presidency emphasises that the Applicant's experience as [REDACTED] since [REDACTED] 2011, although not amounting to five years of relevant experience in criminal proceedings, is clearly relevant to her specific competence in international law and should be significant to the assessment thereof, even if it does not evidence such competence in isolation.

b. LLM : higher degree than required for admission to practice

38. In the Applicant's case, the Registrar finds that "[a] specific degree in international law, although added to her previous degree in [REDACTED], does not add specific competence to the level required to be added to the list of assistants", before referring to the possibility that a doctorate in a relevant field or continuous involvement in relevant academic activities might have done so.⁵⁶
39. The Registrar's higher degree requirement (see para. 34 above) seems to be a prerequisite which a candidate either satisfies or does not. In this light, the Applicant's LLM in public international law evidently satisfies such requirement. The Registrar's reasoning, however, appears to conflate the issue of whether the Applicant has the prerequisite degree with the issue of whether the nature of such degree means that it should be afforded any additional weight in the assessment of her specific competence.⁵⁷ This conflation renders unclear the manner in which the higher degree requirement has been applied in the Applicant's case and what regard, if any, has been given to her LLM.

⁵⁴ Impugned Decision, *supra* note 10, p. 2.

⁵⁵ Response, *supra* note 12, at paras. 4 & 9.

⁵⁶ *Id.* at para. 10.

⁵⁷ *Id.*

c. International trade law: direct relevance for the work of the Court

40. The Presidency notes that, ordinarily, it would be incumbent on a candidate for inclusion in the list of assistants whose specific competence includes experience or expertise in a field of international law not, *prima facie*, relevant to the work of the Court to explain its relevance, if any. However, it would be unfair to require the Applicant to have provided such information in the current circumstances. First, she was unaware that specific competence in *relevant* international law was required. Second, serious shortcomings in the standard Candidate Application Form (“Standard Form”) for inclusion in the list of assistants to counsel means that the Applicant could not have known that further information was required.
41. The Standard Form does not recall, nor does it properly reflect, the criteria for inclusion in the list of assistants to counsel established by regulation 124. While the Standard Form asks candidates to provide details of their level of knowledge of “international law and procedure”⁵⁸ and “criminal law and procedure”, it does not enable candidates to include extensive detail in this regard. In the section entitled “Level of Experience”, candidates are simply required to quantify their years of experience and are not requested to provide further details.⁵⁹
42. The Presidency has noted that regulation 125(3) provides that:

“A person seeking to be included in the list shall complete the standard form and provide the following documentation:

- (a) A detailed *curriculum vitae*; and
- (b) An indication of the relevant experience or specific competence in accordance with regulation 124.”

The instructions in the Standard Form reflect the requirement in regulation 125(3)(a), but the requirement that candidates must specifically document their relevant experience or specific competence (regulation 125(3)(b)) is not included in the Standard Form.

43. In sum, the Applicant was not asked by the Standard Form to provide any further indication of her specific competence. It would not be reasonable to interpret the requirement that she provide a detailed *curriculum vitae* as encompassing an obligation for her to have specified “how much time she spent on that [international

⁵⁸ The English version of regulation 124 is ambiguous as to expertise in “international law” or “international law and procedure” is required. This is clarified in the French text which specifies that the specific competence in question must be “en droit international ou en droit et procédure pénaux”.

⁵⁹ The Standard Form also requests details of information not directly relevant to an assessment under regulation 124, such as level of knowledge of common law and civil law systems.

trade law-related] task and in which proportion”⁶⁰ in respect of a job which she held more than five years ago. In such circumstances, the Registrar should have sought further clarification from the Applicant regarding the nature and extent of her international trade law practice and its relevance, if any, to the work of the Court.

44. In this regard, the Presidency notes that the future assessment of applications for admission to the list of assistants could be greatly facilitated if the content of the Standard Form better reflected the requirements in regulation 124 and 125(3)(b).

d. Other experience

45. The Registrar has also indicated that a number of other aspects mentioned in the Applicant’s Request for Inclusion are “not sufficient to establish specific competence”, referring to the Applicant’s inclusion on a roster of experts on sexual and gender-based violence and her lectures in international law.⁶¹ Whilst such activities may not, of themselves, establish specific competence, there is no indication in the Impugned Decision or Response whether the Registrar considered if these experiences and/or qualifications amount to specific competence in international law when considered together with her work experience in international criminal law and international trade law (if relevant).
46. The Presidency finally notes that there are certain potentially relevant elements in the Applicant’s *curriculum vitae*, such as acting as a Human Rights Adviser to the former Prime Minister of [REDACTED] and as a Human Rights Consultant at the [REDACTED] University College of Law, that have not been expressly referred to in either the Impugned Decision or the Response.

e. Conclusion on the assessment of the Applicant’s specific competence

47. In conclusion, it is not apparent that the Registrar assessed whether, when considered as a coherent whole, the Applicant’s aforementioned experiences and qualifications (see paras. 37, 39, 45 and 46) amount to specific competence in international law. Further, the Applicant’s experience in the field of international trade law was disregarded as irrelevant to the work of the Court without her being afforded the opportunity to provide further information.

⁶⁰ Response, *supra* note 12, at para. 11.

⁶¹ *Id.* at para. 12.

48. The Presidency understands the difficulty of assessing the amorphous notion of “specific competence” in international law and acknowledges that it is not self-evident whether the Applicant possesses such specific competence. Yet, the Presidency is not satisfied that all relevant experiences and qualifications of the Applicant were assessed as a whole and examined through the lens of approximate equivalency to the first criterion.
49. In view of these errors, the Presidency considers it appropriate to overturn the Impugned Decision and remit the matter to the Registrar for a *de novo* determination. As the Applicant is entitled to present a new application for inclusion in the list of counsel at any time, the Presidency considers it appropriate that the Registrar also consider the relevance of the updated information which the Applicant provided on 16 July 2015, such as her recent appointment to the law faculty of the University of [REDACTED] and her involvement in a project concerning child soldiers. In the course of this new assessment, the Registrar shall seek clarification from the Applicant on any matters on which he considers there to be insufficient information.

IV. CLASSIFICATION

50. The Applicant has requested that the decision of the Presidency be classified confidential *ex parte*. In support thereof, the Applicant submits that the Application contains personal information and that there are no additional reasons in the interests of justice to make the Application or this decision public.⁶²
51. The Presidency notes that the importance of transparency and public access to information is implicitly recognised in the requirement in regulation 23*bis* of the Regulations of the Court that any departure from a public filing be justified by factual and legal reasons.⁶³ The Presidency notes that its previous decisions reviewing determinations of requests for inclusion in the lists of counsel and experts have been rendered publicly, subject to appropriate redactions to protect the confidentiality of private information of the individuals seeking such inclusion.⁶⁴ The Presidency

⁶² Application, *supra* note 11, at para. 8

⁶³ See Presidency, “Decision on the ‘Request for Review of the Registrar’s Decision of 25 August 2008 on the Application for Legal Assistance Paid by the Court’”, 25 February 2009, ICC-RoC85-01/08-4-Anx, para. 53.

⁶⁴ Decision on the application to review the decision of the Registrar denying the inclusion of Ms. Allison Turner in the list of counsel, 14 November 2011, ICC-RoC72-02/11-5; Decision on the application to review the decision of the Registrar denying the admission of X to the list of experts, 6 November 2009, ICC-RoR56-02/09-3-Red; Decision on the application to review the decision of the Registrar denying the admission of Ms Magdalena Ayoade to the list of experts, 6 August 2009, ICC-RoR56-01/09-2; Decision on the application to

considers that such transparency is extremely useful for future applicants requesting inclusion in the various lists maintained by the Registry of the Court.

52. The Presidency considers that, subject to the possible redaction of the identity of the Applicant, together with any information which may enable the Applicant to be identified or which is otherwise confidential in nature (such as the identity of the Applicant's clients), it may be possible to file a public redacted version of this decision, the Order, the Defence Application, the Application and the Response (although the annexes to these documents, which contain very detailed personal information, could maintain their current classification).
53. Accordingly, the Presidency hereby orders the Applicant, the Registrar and the defence for [REDACTED] to provide proposed redacted versions (if necessary) of the documents that each has respectively filed and to generally identify any specific information requiring redaction prior to publication. Such communications, which should address only the issue of classification, should be made by 17h00 on 21 September 2015.

THE PRESIDENCY HEREBY

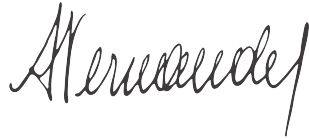
OVERTURNS the Impugned Decision.

ORDERS the Registrar to take a new decision on the application for inclusion in the list of assistants to counsel on an urgent basis.

ORDERS the Applicant, the Registrar and the defence for [REDACTED] to file their submissions on classification in accordance with paragraph 53 above.

review the Registrar's decision denying the admission of Mr. Ernest Midagu Bahati to the list of counsel, *supra* note 47.

Done in both English and French, the English version being authoritative.



Judge Silvia Fernández de Gurmendi
President

Dated this 4 September 2015

At The Hague, The Netherlands