

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-RoR56-01/23

Date: 1 February 2023

THE PRESIDENCY

Before: Judge Piotr Hofmański, Presiding Judge
Judge Luz del Carmen Ibáñez Carranza, First Vice-President
Judge Antoine Kesia-Mbe Mindua, Second Vice-President

Public
with 5 confidential annexes

**Transmission of the Application for review of the Registrar's decision to refuse
Mr Aernout Jean-Jacques's inclusion to the List of Experts**

Source: The Registry

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

The Office of the Prosecutor

Counsel for the Defence

Legal Representatives of the Victims

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

**The Office of Public Counsel for
Victims**

**The Office of Public Counsel for the
Defence**

States' Representatives

Amicus Curiae

REGISTRY

Registrar
Mr Lewis Peter

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other
Mr Aernout Jean-Jacques, the Applicant

I. Introduction

1. The Registry transmits to the Presidency an application for review of the decision of the Registrar issued on 30 January 2023 (“Registrar’s decision”) denying the inclusion of Mr Aernout Jean-Jacques (“Applicant”) to the List of Experts, pursuant to regulation 56 of the Regulations of the Registry (“RoR”) (“Application for Review”).
2. The Registry takes this opportunity to submit its response regarding the application for review of the Registrar’s decision.

II. Classification

3. The annexes to the present submission are classified as confidential pursuant to regulation 23 *bis*(1) of the Regulations of the Court (“RoC”) because they contain personal information concerning the Applicant.

III. Procedural History

4. On 9 January 2023, the Registry received Mr Aernout Jean-Jacques’s application dated 13 December 2022 for inclusion to the List of Experts.¹
5. On 19 January 2023, the Registry sent the application to the independent expert, in charge of assessing the expertise of the applicants to the List of Experts.
6. On 23 January 2023, the Registry received the assessment results of the Applicant. The independent expert considered that “his field of expertise and the related legal disputes did not fall within the mandate of the ICC. Mr Aernout mentions in his new application ‘Industrial fraud’ as his field of expertise. It seems that also this field of expertise does not fall within the mandate of the

¹ The Registry notes that the date of the application appears to be incorrect.

ICC.” Consequently, the independent expert suggested not to retain the application of Mr Aernout.

7. On 30 January 2023, the Registrar notified the Applicant of his decision stating the reasons for the refusal pursuant to regulation 56(2) of the RoR and informing him of the 15-days deadline to apply for review before the Presidency.
8. On 30 January 2023, the Court received the Application for Review.


IV. Applicable law

9. The present submission is based on regulation 44(1) of the RoC and regulation 56 of the RoR.

V. Submissions

10. The Registry transmits to the Presidency the following relevant documents in the following annexes:
 - Annex 1 : Mr Aernout Jean-Jacques’s application for the inclusion to the List of Experts;
 - Annex 2 : Supporting documentation relating to the application for the inclusion to the List of Experts;
 - Annex 3 : Independent expert’s assessment results;
 - Annex 4 : Registrar’s decision;
 - Annex 5: Application for review.
11. Following consultations with the independent expert, the Registry transmits to the Presidency the following additional information pursuant to regulation 56(10) of the RoR concerning the Application for Review.

12. The Registry notes that in order to comply with the criteria set out for inclusion on the List of Experts, a candidate must have a field of expertise relevant to the Court's proceedings. The fields of expertise sought by the Court are listed on the ICC web-site.² In its Application, the Applicant has demonstrated that he has experience in metallurgy, mechanics and industrial fraud which are not sought by the Court.
13. If the candidate's field of expertise is not listed amongst the ones sought by the Court, an expert must be able to demonstrate that he or she has a field of expertise relevant for the Court's proceedings. The Applicant failed to demonstrate how his expertise is relevant to the Court's proceedings.
14. Following its assessment the Registry considered that the Applicant's expertise was not relevant to the Court's mandate or the current judicial proceedings.
15. The Registry remains at the Presidency's disposal to provide any additional information necessary to decide on the Application for Review.



Marc Dubuisson, Director of the Division of Judicial Services
on behalf of
Lewis Peter, Registrar

Dated this 1 February 2023
At The Hague, The Netherlands

² [Experts | International Criminal Court \(icc-cpi.int\)](https://www.icc-cpi.int). The Registry notes that for some specific fields of expertise, the Court may publish an "ad hoc" call for the expression of interest.