



Original: French

No.: **RoC72**

Date: **30 October 2024**

THE PRESIDENCY

Before: Judge Tomoko Akane, Presiding Judge
Judge Rosario Salvatore Aitala, First Vice-President
Judge Reine Alapini-Gansou, Second Vice-President

Public Document

Application for Review

**Appeal against the Decision of 15 October 2024 Refusing Inclusion in the List of
Assistants to Counsel**

Source: Andrea Margarita Maria Duque Uribe

Lawyer

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

REGISTRY

Registrar

Osvaldo Zavala Giler

Counsel Support Section

Dear President,

By decision of 15 October 2024, Mr Juan A. Escudero, Chef de Cabinet of the Registry, rejected my application to be included in the list of assistants to counsel. I hereby wish to contest that decision.

In response to an outreach campaign calling on Latin American lawyers to join the list of assistants to counsel, I applied on 17 December 2022 to be included in the list.

As I received no response, I enquired about the progress of my application five times by email. On 13 March and 7 June 2024, the department requested additional documents which I sent shortly afterwards. The processing of my application took **almost two years**.

Article 124 of the Regulations of the Registry provides:

Persons who assist counsel in the presentation of the case before a Chamber, as referred to in regulation 68 of the Regulations of the Court, shall have[:]
 [-] either five years of relevant experience in criminal proceedings
 [-] **or specific competence in international or criminal law and procedure.**
 The names of these persons are on the list of assistants to counsel created and maintained by the Registry.

Two alternative conditions are therefore at issue, and **I believe I meet the conditions of the second criterion in that I have “specific competence in international or criminal law and procedure”**.

I have a number of instances of work experience relating to international criminal justice and criminal justice under domestic law. Yet the Registry disregarded them and accorded significance only to my experience at the Truth, Reconciliation and National Unity Commission of Seychelles.

However, the wording of article 124 of the Regulations, which requires either specific competence in international law or in criminal law and procedure, means that **said work experience must also be taken into consideration**.

Hence there is no obstacle to taking my national criminal law experience into account, especially as it has enabled me to acquire the specific competence that may be of value in cases before the ICC.

Furthermore, my comprehensive and varied academic background has equipped me with essential knowledge of criminal law, and international criminal law in particular, a factor which should be taken into account.

I took an undergraduate law degree in France and Colombia. My degree in Colombia included specific courses on procedure before the International Criminal Court.

I also hold a *maîtrise* [one-year postgraduate degree] and two *Masters*:

- a *maîtrise* in *Carrières judiciaires et sciences criminelles* [preparation for the legal professions and criminal studies], which dealt with criminal law;
- a *Master* in Diplomacy and International Relations, dealing with international law, with Ms Concepción Escobar Hernández, a member of the United Nations International Law Commission who specializes in the topic of immunity before criminal courts; and
- a *Master 2* in International Criminal Justice, during which I took courses entirely dedicated to international criminal justice with professors such as Mr Julian Fernandez and Ms Muriel Ubeda-Saillard, authorities in the field.

As regards my practice of law at the bar, I have had the opportunity to work in a variety of firms which handle both national and international criminal law matters. They include:

- | | |
|---|-------------------|
| • Firm of Garcia Rincon (Colombia) | Criminal law |
| • Firm of LFMA | Criminal law |
| • Firm of Duque Uribe | Criminal law |
| • Firm of Alexis Guedj / firm of Emmanuel Altit | International law |

I did so also as a trainee:

- | | |
|---|-------------------|
| • Firm of Mabilille-Sauvade, France | International law |
| • Franco-Spanish firm of Béryl Brown, France | Criminal law |
| • Firm of Asselineau, France | International law |
| • Truth, Reconciliation and National Unity Commission of Seychelles | International law |
| • Victims Assistance Centre, Public Prosecution Service, Colombia | Criminal law |
| • Coordinator of the public law unit at the Pio XII Legal Clinic | Criminal law |

Since members of the bar in France practise independently, this experience has afforded me the opportunity to take on my own clients and thus handle cases on an independent basis. Since March 2024, I have been a sole practitioner.

France has seen only eight universal jurisdiction trials for genocide. I have been fortunate enough to work on two of them:

First, the Laurent Bucyibaruta case with Jean-Marie Biju-Duval (Co-counsel for Mr Thomas Lubanga) since 2006, and subsequently the case of Philippe Hategekimana.

I am Co-counsel for the defence of Mr Hategekimana in his case on charges of genocide / crimes against humanity before the Paris *Cour d'assises*. The trial was held from May to June 2023, and we will soon be commencing the appeal hearings. This experience, alongside Alexis Guedj and Emmanuel Altit (counsel for Mr Gbagbo), has catapulted me into the role of litigator in one of the rare cases of genocide to come before the French courts.

It should also be noted that, although I have been involved in only two trials of international crimes in the French courts, I have had the opportunity to work on similar cases at the judicial investigation stage.

I am also working pro bono with Judge Bruno Cotte of the International Criminal Court; Catherine Mabile, counsel for Mr Thomas Lubanga; and François Roux, counsel at the STL, ICTR and the Extraordinary Chambers of Cambodia, on a project to amend the Rome Statute.

Although I have not had the opportunity to work in an international court, I have found alternative ways to specialize in the field. I now believe that I have considerable and significant experience which meets the requirements of article 124(3) of the Regulations of the Registry. By way of further support for your decision, I take the liberty of sending you several letters from my former employers to enable you to rule on my case.

Yours sincerely,

[signed]

Andrea Margarita Maria Duque Uribe
Lawyer

Dated this 30 October 2023 (sent)

Dated this 7 November 2024 (formatted)

At Paris, France