

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/05-01/13
Date: 13 January 2016

TRIAL CHAMBER VII

Before: Judge Bertram Schmitt, Presiding Judge
Judge Marc Perrin de Brichambaut
Judge Raul Pangalangan

SITUATION IN THE CENTRAL AFRICAN REPUBLIC

*IN THE CASE OF THE PROSECUTOR v. JEAN-PIERRE BEMBA GOMBO,
AIMÉ KILOLO MUSAMBA, JEAN-JACQUES MANGENDA KABONGO, FIDÈLE
BABALA WANDU and NARCISSE ARIDO*

Public

**Registry's Observations on the "Request for Variation of Time Limit for
Disclosure of Potential Expert Report"**

ICC-01/05-01/13-1540

Source: The Registry

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

The Office of the Prosecutor

Ms Fatou Bensouda

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Ms Melinda Taylor

Counsel for Aimé Kilolo Musamba

Mr Paul Djunga Mudimbi

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Mr Christopher Gosnell

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Legal Representatives of Victims

Legal Representatives of Applicants

Unrepresented Victims

Unrepresented Applicants for Participation/Reparation

The Office of Public Counsel for Victims

The Office of Public Counsel for the Defence

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REGISTRY

Registrar

Mr Herman von Hebel

Counsel Support Section

Mr Esteban Peralta Losilla

Mr Pieter Vanaverbeke

Victims and Witnesses Unit

Detention Section

Victims Participation and Reparations Section

Other

The Registrar of the International Criminal Court (the “Court”);

NOTING the “*Request for Variation of Time Limit for Disclosure of Potential Expert Report*” submitted by Counsel for Jean-Jacques Mangenda Kabongo (the “Mangenda Defence”) on 8 January 2016 (the “Motion”);¹

NOTING the email received from Trial Chamber VII (the “Chamber”) indicating that the deadline for responses to the Motion has been shortened to Wednesday, 13 January 2016;²

NOTING Articles 43 (6) and 67 of the Rome Statute and Regulations 23*bis* and 44 of the Regulations of the Court;

RESPECTFULLY SUBMITS the Registry’s Observations on the Motion as follows:

1. The Registry will clarify the administrative processes applicable to the appointment of experts or consultants requested by Defence teams (I) and the inclusion of applicants onto the List of Experts held by the International Criminal Court (II).

I. Administrative processes applicable to appointments of experts or consultants

2. Upon receipt of a request from a Defence team, the Registry assesses the application and requests further information such as but not limited to scope of work, financial agreement, duration of the appointment..., should these be missing from the initial correspondence.

¹ ICC-01/05-01/13-1540.

² Email from the Chamber received by the Registry on 11 January 2016 at 08:57.

3. The Registry's assessment, in relation to the suitability of the possible expert or consultant, is guided by the following principles:

- a. Suitability of the expert along the requirements of the United Nations level for P4-level posts;
- b. As a basis, the suggested fees for potential experts should be compatible with the remuneration at the P4-level (6.612 €/month) under the United Nations common system's salary scale.

4. Mindful of the independence of counsel, the Registry bases its limited intervention as to the hiring and appointing of possible experts or consultants on the principles as enshrined in the Registry's single policy document on the Court's legal Aid System.³

II. Administrative processes for inclusion onto the List of Experts

5. Regulation 44 of the Regulation of the Court provides that Registrar of the International Criminal Court is to create and maintain a list of experts accessible at all times to all organs of the Court and to all participants in proceedings before the Court.

6. The application process for the inclusion in the List of Experts is public and available on the Court's web-site.⁴ It requires all candidates to fill the application form and submit the required documents to the address provided on the website.

7. Prior to any inclusion onto the List of Experts, an assessment process, by an independent expert, takes place based on the documentation provided by the applicant.

³ ICC-ASP/12/3, page 4, paragraph 9, principle 5 "*Economy*".

⁴ https://www.icc-cpi.int/en_menus/icc/structure%20of%20the%20court/registry/experts/Pages/call%20for%20experts%20before%20the%20international%20criminal%20court.aspx

8. The application process for inclusion onto the List of Experts can take place separately or in parallel with the actual appointment of a person by a Defence team as a consultant.

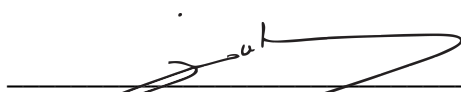
9. Inclusion onto the List of Experts is, if not a pre-requisite, at least beneficial in the event the expert/consultant is to testify before a Chamber in proceedings later on.

Conclusion

10. To date, the Registry has not received all required documentation which is necessary to make a decision on the inclusion in the List of Experts.

11. The Registry will look into the request for appointment of an expert/consultant by the Defence team for Mr Mangenda and provide its guidance at the earliest possible opportunity taking into consideration the applicable standards.

12. The Registry reiterates its willingness to provide its guidance on an expedited bases but it cannot go below the minimum applicable standards.



 Marc Dubuisson, Director, Division of Judicial Services
per delegation of
 Herman von Hebel, Registrar

Dated this 13 January 2016

At The Hague, The Netherlands