

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: English

No.: ICC-RoR56-01/17

Date: 16 June 2017

THE PRESIDENCY

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

Public

With 5 confidential annexes

**Transmission of the application for review of the Registrar's decision to refuse Mr
Krzysztof Gradkowski'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 Herman von Hebel

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

Mr Krzysztof Gradkowski, Applicant

I. Introduction

1. The Registry transmits to the Presidency an application for review of the decision of the Registrar issued on 22 May 2017 (“Registrar’s Decision”) denying the inclusion of Mr Krzysztof Gradkowski (“Applicant”) to the list of experts, pursuant to regulation 56 of the Regulations of the Registry (“RoR”) (“Application for Review”).
2. Pursuant to regulation 53(6), the Registry takes this opportunity to submit its response to 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 2 November 2016, the Registry received the Applicant’s application dated 18 November 2016 for inclusion to the list of experts (“Initial Application”).¹
5. On 5 January 2017, the Registry sent the Initial Application to the independent expert in charge of assessing the expertise of the applicants to the list of experts.
6. On 9 January 2017, the Registry received the assessment results of the Applicant. The independent expert considered that “Dr Gradkowski’s field of expertise...do[es] not fall within the mandate of the ICC. In addition, he did

¹ There appears to be an error since the application is dated 18 November 2016, and the Registry received the application on 2 November 2016.

not explain to what extent his field of expertise is relevant in criminal proceedings before an International Jurisdiction such as the ICC". As a result, the independent expert suggested rejecting the Initial Application.

7. On 22 May 2017, the Applicant was notified of the Registrar's Decision which stated the reasons for the refusal pursuant to regulation 56(2) of the RoR. The Applicant was also informed of the 15-day deadline to apply for review before the Presidency.
8. On 7 June 2017, the Court received the Application for Review.

IV. Applicable law

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

V. Submissions

10. The Registry transmits to the Presidency the following relevant documents in annexes:
 - Annex 1 : Initial Application;
 - Annex 2 : Supporting documentation relating to the Initial Application;
 - Annex 3 : Independent expert's assessment results;
 - Annex 4 : Registrar's Decision; and
 - Annex 5: Application for Review.
11. The Registry transmits to the Presidency the following information pursuant to regulation 56(3) 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 its website.² In its Initial Application, the Applicant has stated that he has experience in civil engineering, design, technical direction and consulting construction, 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.
14. Following its assessment, the Registry determined that the Applicant's expertise is not relevant to the Court's mandate or to the current judicial proceedings. Moreover, the Applicant failed to demonstrate how his expertise is relevant to the Court's 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 Judicial Services
on behalf of
Herman von Hebel, Registrar

Dated this 16 June 2017

At The Hague, The Netherlands

² <https://www.icc-cpi.int/get-involved/Pages/Experts.aspx>. Depending on the need, the Court may also publish an "ad hoc" call for expressions of interest.