

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-RoR56-01/19

Date: 31 July 2019

THE PRESIDENCY

Before: Judge Chile Eboe-Osuji, President
Judge Robert Fremr, First Vice-President
Judge Marc Pierre Perrin de Brichambaut, Second Vice-President

**Public
with 5 confidential annexes**

**Transmission of the Application for review of the Registrar's decision to refuse
Ms Andrea Romaoli Garcia'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 Peter Lewis

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

Ms Andrea Romaoli Garcia, Applicant

I. Introduction

1. The Registry hereby transmits an application for review of the decision of the Registrar issued on 05 July 2019 (“Registrar’s Decision”) denying the inclusion of Ms Andrea Romaoli Garcia (“Applicant”) in 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 20 February 2019, the Registry received Ms Andrea Romaoli Garcia’s application dated 14 February 2019 for inclusion in the List of Experts.¹
5. On 27 June 2019, 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 30 June 2019, the Registry received the assessment results of the Applicant. The independent expert considered that “Ms Garcia’s fields of expertise and the related disputes do not fall within the mandate of the ICC. She did not explain to what extend [sic] her fields of expertise are relevant in criminal

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

proceedings before an International Jurisdiction such as the ICC. Therefore, I recommend not to retain the application of Ms Andrea Romaoli Garcia.”²

7. On 05 July 2019, the Registrar notified the Applicant of his decision, which stated the reasons for the refusal pursuant to regulation 56(2) of the RoR, and informed her of the 15-day deadline to apply for review before the Presidency.
8. On 27 July 2019, the Registry received the Application for Review.

IV. Applicable law

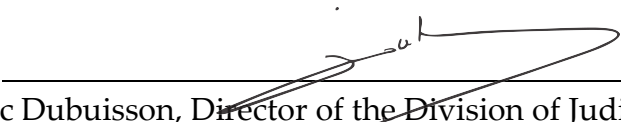
9. The present submission is based on regulation 44(1) of the RoC and regulation 56 of the RoR.

V. Submissions

10. The Registry hereby transmits the following relevant documents in annexes:
 - Annex 1 : Ms Andrea Romaoli Garcia’s application for the inclusion in the List of Experts;
 - Annex 2: Supporting documentation relating to the application for the inclusion in the List of Experts;
 - Annex 3 : The independent expert’s assessment results;
 - Annex 4 : The Registrar’s Decision;
 - Annex 5: The Application for Review.
11. Following consultations with the independent expert, the Registry transmits to the Presidency the additional information below, pursuant to regulation 56(10) of the RoR, concerning the Application for Review.

² Independent Expert’s Assessment Result, 30 June 2019, Annex 3.

12. In order to comply with the criteria set out for inclusion in the List of Experts, a candidate must have expertise relevant to the Court's proceedings. The fields of expertise sought by the Court are listed on the ICC website.³ In its Application, the Applicant has demonstrated that she has experience in tax law, digital economy, financial services, brand protection and internet governance, none of which are part of that list.
13. If the candidate's expertise does not fall into one of the fields sought by the Court, an expert must be able to demonstrate that he or she has expertise relevant to the Court's proceedings. The Applicant failed to demonstrate how her 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
 Peter Lewis, the Registrar

Dated this 31 July 2019
 At The Hague, The Netherlands

³ <https://www.icc-cpi.int/get-involved/Pages/Experts.aspx>. The Registry notes that for some specific fields of expertise, the Court may publish an "ad hoc" call for the expression of interest.