

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-RoR56-01/20
Date: 20 November 2020

THE PRESIDENCY

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

**Public
with 6 Confidential Annexes**

**Transmission of the Application for Review of the Registrar's Decision denying
Mr Michel Cohas' Inclusion in 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

Mr Michel Cohas, the Applicant

I. Introduction

1. The Registry hereby transmits an application for review of the decision of the Registrar issued on 11 November 2020 (“Registrar’s Decision”) denying the inclusion of Mr Michel Cohas (“Applicant”) in the List of Experts (“Application for Review”), pursuant to regulation 56 of the Regulations of the Registry (“RoR”).
2. The Registry takes this opportunity to submit its response regarding the Application for Review.

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 30 September 2020, the Registry received Mr Michel Cohas’ application dated 16 September 2020 for inclusion in the List of Experts (“Application”).
5. On 21 October 2020, 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 October 2020, the Registry received the assessment results of the Applicant. The independent expert considered that “Mr Cohas had already applied in 2018. The conclusion of the present assessment is the same as in 2018: it appears that Mr Michel Cohas’ fields of expertise and the related

disputes do not fall within the mandate of the ICC. Therefore, I suggest not to retain his application”.¹

7. On 11 November 2020, 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 him of the 15-day deadline to apply for review before the Presidency, should he so wish.
8. On 16 November 2020, 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 : Mr Michel Cohas’ application for 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;
 - Annex 6: Email from the independent expert confirming his initial assessment.
11. Following consultations with the independent expert, the Registry submits to the Presidency the following additional information pursuant to regulation 56(10) of the RoR concerning the Application for Review:

¹ Independent expert’s assessment results, dated 23 October 2020, Annex 3.

12. In order to comply with the criteria set out for inclusion in the List of Experts (“List”), 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 his Application, the Applicant has demonstrated that he has experience in engineering, thermal building and renewable energies, technical direction and construction consultancy, 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 his expertise is relevant to the Court’s proceedings.
14. Furthermore, in support of his Application for review, the Applicant referred to another expert whose application was previously granted by the Registry and whom he described as “an expert in the same field of building, civil engineering and property management” and who, as a result, would have been included in the List. On the basis of this information, the Registry consulted again with the independent expert seeking his views on the aforementioned allegation.³
15. In this regard, the independent expert reiterated his initial assessment that Mr Cohas’ fields of expertise do not fall within the mandate of the ICC. As far as the other expert referred to in the Application for Review is concerned, the independent expert indicated that “he has additional expertise in the fields of historic and religious monuments, in particular in numerous African countries”. Based on this information and in light of his studies, this candidate

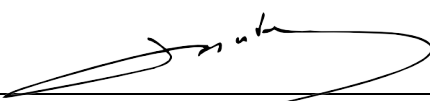
² <https://www.icc-cpi.int/get-involved/Pages/Experts.aspx>. The Registry notes that for some specific fields of expertise, the Court may publish an “ad hoc” call for expression of interest.

³ Application for Review, Annex 5.

was considered by the independent expert to be qualified for inclusion in the List.⁴

16. Accordingly, the Registry maintains its view that the Applicant's expertise is not relevant to the Court's mandate or the current judicial proceedings.

17. The Registry stands ready to provide the Presidency with any additional information it may require on the above.



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

Dated this 20 November 2020
At The Hague, The Netherlands

⁴ Email of the independent expert to the Registry, dated 17 November 2020, Annex 6.