



Original: English

No. ICC-RoC72-02/11
Date: 8 November 2011

THE PRESIDENCY

Before: Judge Sang-Hyun Song, President
Judge Fatoumata Dembele Diarra
Judge Hans-Peter Kaul

Public

Clarifications of the Registrar in accordance with the "Order concerning the application to review the decision of the Registrar denying the inclusion of Ms. Allison Turner to the list of counsel" dated 02 November 2011

Source: Registrar

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

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REGISTRY

Registrar

Ms. Silvana Arbia

Counsel Support Section

Mr. Esteban Peralta Losilla

Deputy Registrar

Mr Didier Preira

Victims and Witnesses Unit

Detention Section

Victims Participation and Reparations Section

Other

Allison Turner, Attorney

In accordance with the “Order concerning the application to review the decision of the Registrar denying the inclusion of Ms. Allison Turner in the list of counsel” issued by the Presidency on 2nd November 2011¹, the Registrar respectfully submits the following clarifications.

THE REGISTRAR’S CLARIFICATIONS

1. The Registrar respectfully informs the Presidency that she was not aware that the Driving Under Influence (“DUI”) case constituted 5-10% of Ms. Allison Turner (“the Applicant”)’s practice prior to making her decision dated 20 September 2011 (“Impugned decision”). The Applicant in both her initial² and subsequent³ application forms submitted to be considered for inclusion to the list of counsel never informed the Registrar of this assertion. The Registrar only became aware of this information in the Application for review⁴.
2. To further amplify on this DUI case as advanced by the Applicant, the Registrar deems it necessary to provide to the Presidency the historical perspective of the information in her possession of this particular case, when rendering the Impugned decision.
3. The Registrar, in the proper discharge of her functions as stipulated in Regulation 70(1) of the Regulations of the Court, directed the Applicant to submit all additional information she deemed necessary to support her application to be included in the list of counsel as evidenced in Annexes II and III of the Registrar’ Response⁵.

¹ ICC-RoC72-02/11-3.

² The Applicant’s initial application form dated 4 April 2008.

³ The Applicant’s second application dated 6 January 2011.

⁴ ICC-RoC72-02/11-1.

⁵Response of the Registrar on the “Application for Review” (Regulation 72(1) (a) of the Regulations of the Court” dated 10 October 2011, ICC-RoC72-02/11-2.

4. In fact, in the first request for additional information dated on 28 January 2011⁶, the Applicant responded *inter alia*:

“Question: Please indicate the total number of years during which you have effectively intervened in criminal proceedings.

Response: “[...] I have ten years of practical and academic international criminal proceedings experience, and have been a lawyer for nearly 18 years.

The ICC List of Counsel application form contains two sub-sections: one for academics and one for practitioners. I consider myself both: a practitioner first and an academic second. I have effectively been intervening in international criminal proceedings as Defence Counsel/Co-Counsel at the ICTR since September 2005, and through academia (research, writing, lecturing) since January 2001. Prior to that, in 1993, I represented an accused in a DUI case in Montreal [...]”

5. The Registrar, upon a careful analysis of this response submitted by the Applicant and all information on the file, deemed it necessary to request further additional information on the Applicants experience in criminal proceedings during the period 1993-1999, which was done by email dated 15th September 2011⁷ The relevant part of the request reads:

“[...] In your Candidate Application form to the List of Counsel dated 6 January 2011, you have stated that "from 1993-1999, [you] worked in certain civil litigation files that involved matters which also gave rise to criminal investigations or proceedings." Can you please confirm if in fact you personally had carriage of the cases once they became subject to criminal investigations or proceedings, or continued to participate in the subsequent criminal proceedings in any hands-on capacity which could reasonably qualify as engaging in relevant experience in criminal proceedings? Can you also confirm if the period quoted was continuous or intermittent and specify the exact dates of your interventions? We would be grateful if you could be as

⁶ See Annex II of the Registrar's response to the Application, ICC-RoC72-02/11-2-AnxII

⁷ See Annexure II of the “Application for Review (Regulation 72(1) (a) of the Regulations of the Court)”, (ICC-RoC72-02/11-1-Anx2).

detailed as possible in your response and provide supporting documentation (e.g. court-records, citation of cases...) if possible [...]"

6. Wherein, the Applicant responded as follows⁸:

"[...] I did not have personal carriage of the criminal cases that were related to my civil cases between 1993 and 1999. I had carriage of one DUI case in 1993 (June and July, I believe) as indicated in my application form; the client's name was Salvatore Agnello [...]"⁹

7. The Registrar respectfully concludes that this response, which was taken into account in the Impugned decision, is the first and only occasion when the Applicant specifically referred to the timeframe of her experience in the DUI case before the Impugned Decision was issued.

8. The Registrar remains at the disposal of The Honourable Judges of the Presidency should further amplifications or information be required.



Silvana Arbia

Registrar

Dated this 8 November 2011

At The Hague, The Netherlands

⁸ See Annex II of the "Application for Review (Regulation 72(1)(a) of the Regulations of the Court)", (ICC-RoC72-02/11-1-Anx2).

⁹ See 2nd paragraph of page 6 of Annex II of the "Application for Review (Regulation 72(1)(a) of the Regulations of the Court)", (ICC-RoC72-02/11-1-Anx2).