



Original: English

No.: ICC-RoR56-02/16  
Date: 30 September 2016

**THE PRESIDENCY**

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

**Public**

**With 4 confidential annexes**

**Transmission of the Application for review of the Registrar's decision to refuse  
Mr Fateh Bouchene's inclusion to the List of Experts**

**Source:** 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**

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**Registrar**

Mr. Herman von Hebel

**Counsel Support Section**

**Victims and Witnesses Unit**

**Detention Section**

**Victims Participation and Reparations  
Section**

**Other**

Mr. Fateh Bouchene, Applicant

## **I. Introduction**

1. The Registry transmits to the Presidency an application for review of the decision of the Registrar issued on 22 September 2016 denying the inclusion of Mr Fateh Bouchene (“Applicant”) to the List of Experts, pursuant to regulation 56 of the Regulations of the Registry (“RoR”) (“Application for Review”).

## **II. Classification**

2. The annexes are classified confidential pursuant to regulation 23*bis*(1) RoC in line with the protection of the right to privacy.

## **III. Procedural History**

3. On 17 April 2015, the Registry received Mr Fateh Bouchene’s application dated 24 March 2015 for inclusion to the List of Experts (“Initial Application”) created and maintained by the Registry pursuant to regulation 44(1) of the Regulations of the Court (“RoC”).
4. Upon careful review of the information provided by the Applicant, including consideration of all supporting documentation received, the Registry concluded that the Applicant’s expertise is not appropriate in the field of finance, as required by regulation 56(1) of the RoR. The Applicant does not have the required seven years of relevant experience prescribed by the project of the List of Experts. Furthermore, his expertise in audit, banking, finance and assessment methodology for projects, was found too broad to meet the current needs of the Court.

5. On 22 September 2016, the Registrar denied the Applicant's request, stating the abovementioned reasons for his refusal, informing him of the 15 day deadline to apply for review before the Presidency and notifying him accordingly, pursuant to regulation 56(2) of the RoR.
6. The Application for Review was dated 22 September 2016, and it was received by the Court on 23 September 2016, by e-mail.


### **III. Applicable law**

7. The Application is based on regulation 44(1) of the RoC and regulation 56 of the RoR.

### **IV. Submissions**

8. The Registry transmits to the Presidency the following relevant documents in 4 confidential annexes:
  - Confidential Annex 1: Mr Fateh Bouchene's Initial Application
  - Confidential Annex 2: Supporting documentation relating to the Initial Application;
  - Confidential Annex 3: Registrar's Decision issued on 22 September 2016 denying the Initial Application;
  - Confidential Annex 4: The Application for Review, dated 22 September 2016, but notified on 23 September 2016, including a document of Verification of Employment and Income, dated 4 October 2010, submitted along with the appeal letter.

9. The Registry remains at the Presidency's disposal to provide any additional information necessary to decide on the Application.



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Marc Dubuisson, Director, Division of Judicial Services

*per* delegation of

Herman von Hebel, the Registrar

Dated this 30 September 2016

At The Hague, The Netherlands