

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: RoC72

Date: 8 February 2018

THE PRESIDENCY

Before: Judge Silvia Fernández de Gurmendi, President

**Public with 5 public annexes
Request for Review of the decision by the Registry concerning Ms. Ana Cristina
Rodríguez Pineda's Application to the List of Counsel of the International
Criminal Court**

Source: Ana Cristina Rodríguez Pineda

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

The Office of the Prosecutor

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REGISTRY

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Counsel Support Section

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**Victims Participation and Reparations
Section**

Other

REQUEST FOR REVIEW OF THE DECISION BY THE REGISTRY CONCERNING MS. ANA CRISTINA RODRÍGUEZ PINEDA'S APPLICATION TO THE LIST OF COUNSEL OF THE INTERNATIONAL CRIMINAL COURT

I. INTRODUCTION

1. On 24 January 2018, I received a letter dated 23 January 2018, from the Chief of the Counsel Support Section (“CSS”),¹ informing me that my application to the List of Counsel of the International Criminal Court (“ICC”) had been rejected. This notification came some 15 months after I had submitted my application on 14 October 2016, which was completed on 17 October 2016, following a request for additional information from the Counsel Support Section in the Registry.²

2. The Registry’s Decision is based on the statement that I have not demonstrated that I have *“minimum 10 years of relevant and necessary experience in criminal proceedings, as a judge, prosecutor, advocate, or similar capacity.”*³ And, that according to my *curriculum vitae*, I only have 3 years and 9 months of relevant experience and that diplomatic activity, such as my *“position at the Permanent Mission of Guatemala to the United Nations, cannot be considered as relevant experience in criminal proceedings for the purposes of the List of Counsel.”*⁴

3. I consider that in reaching its Decision, the Registry incorrectly applied Rule 22 of the Rules of Procedure and Evidence (“RoPE”) by: (i) taking too narrow a view of “experience in criminal proceedings”; (ii) erred in not taking into account my experience at the Permanent Mission of Guatemala to the United Nations as work relevant to criminal proceedings; and (iii) arbitrarily discriminated my application, consequently reaching an incorrect conclusion.

II. RELEVANT LEGAL AND FACTUAL ISSUES

4. This request for review is brought pursuant to Regulation 72 of the Regulations of the Court (“RoC”) under which an application may be made to the Presidency to review *“(a) A decision under regulation 70, sub-regulation 2, refusing to include a person in the list of counsel”*.⁵

¹ Annex I, Rejection Letter from the Counsel Support Section of 23 January 2018 (“Registry’s Decision”).

² Annex II, Email communication from the Counsel Support Section of 17 October 2016.

³ Annex I, Registry’s Decision.

⁴ *Idem*.

⁵ I understand that the request for review is subject to the conditions enumerated in Regulation 23 of the RoC, and that it must be filed with the Court Administration Section of the Registry (judoc@icc-cpi.int) within fifteen calendar days from the date of the notification of the present decision, in accordance with Regulation 72(2) of the RoC. While the Registry Decision is dated 23 January 2018, I only received the notification via email on 24 January 2018, and accordingly 15 days from that notification is 8 February 2018.

5. This request turns on whether my vast amount of legal experience in the field of international law, including criminal law and procedure, amounts to the necessary 10-year relevant experience for counsel as described in Rule 22 of the RoPE. I firmly assert that it does, as I will explain in detail below for the Presidency's consideration and determination.

III. ARGUMENTS

a. The Registry incorrectly applied Rule 22 of the RoPE

6. After submitting my application on 14 October 2017, I assumed that my most recent position at the International Criminal Tribunal for the former Yugoslavia ("ICTY" and "Tribunal", interchangeably), as *Chef de Cabinet* to the President, would demonstrate in itself my eligibility for admission to the list of Counsel.⁶ At the Tribunal I held a United Nations Professional Category 5 rank ("P-5"), entitled Senior Legal Officer. In the United Nations System the only way to become a Senior Legal Officer is by demonstrating that you have a minimum of 10 years of progressively responsible professional experience at the international level in the field of international law. However, for the position of *Chef de Cabinet* this experience must also be in organizations or institutions dealing with international criminal law matters, and further requires having extensive knowledge and practical experience in international criminal law and international relations. Certainly, the ICC is familiar with these requirements since it is a position that also exists at the Court. My entering level within the United Nations system was at the P-5 level, which I could only have acquired by fulfilling the criteria for the position of *Chef de Cabinet* and Senior Legal Officer.

7. The same can be said for my work at the Permanent Mission of Guatemala to the United Nations where my function was that of a Legal Adviser. In this position I acquired substantial experience in the field of international criminal law and criminal proceedings. My diplomatic rank did not exclude or undermine my legal title or experience. At the United Nations every diplomatic representation has a legal adviser, who may or may not belong to the Diplomatic Service of the country's representation. In my case, as a member of the Diplomatic Service of the Guatemalan Ministry of Foreign Affairs, I carried out legal work at the United Nations in the field of international law, focusing on international criminal law and criminal proceedings (including specifically the legal work related to the ICC) taking into account my country's

⁶ On 14 October 2016 after acknowledging good receipt to my application I was requested to submit an additional information form to introduce information about my experience and competence in a summarised form and a copy of my professional insurance policy. My application was completed on 17 October 2016.

priorities and involvement in transitional justice, accountability and rule of law activities. The Guatemalan Ministry of Foreign Affairs has addressed a letter to the President of the Court in support of these facts.⁷ At the time I joined the Permanent Mission in October 2004, I was not the Principal Legal Adviser, despite undertaking legal tasks, in particular relating to the review of the Internal United Nations system of Administration of Justice. In 2006, I officially assumed that position following the departure of my predecessor until my own departure in 2015 to join the ICTY. This in itself amounts to some nine years of relevant international legal experience related to criminal proceedings.

8. Rule 22 of the RoPE states that “A counsel for the defence shall have established competence in international or criminal law and procedure, as well as the necessary relevant experience, whether as judge, prosecutor, advocate or in other similar capacity, in criminal proceedings.” It follows that Regulation 67(1) of the RoC makes reference to this criteria and requires that the “necessary relevant experience for counsel as described in Rule 22 shall be at least ten years.” I am now being presented with the argument that I do not possess the minimum 10 years of relevant and necessary experience in criminal proceedings, as a judge, prosecutor, advocate, or similar capacity.⁸

9. The reformulation used by the CSS of the requirements provided for in Rule 22 of the RoPE is a narrow interpretation and application of the first sentence of paragraph (1), which appears to be a broad two-prong provision that must be read as a whole. First, to have established competence in international “or” criminal law and procedure. And, second, to have as well, the necessary relevant experience, “whether” as judge, prosecutor, advocate “or” in “other similar capacity”, in criminal proceedings. The careful reading of this provision is important because contrary to the explanation I have been provided with, this Rule does not say ‘relevant and necessary’, rather it is the “relevant necessary” experience, in criminal proceedings in any of the following capacities: judge, prosecutor, advocate or in other similar capacity. Therefore the basis lies in “in other similar capacity” from Rule 22 of the RoPE and this is the category that my experience at the Permanent Mission of Guatemala to the United Nations would fall into. Unfortunately, in the situation at hand, the Registry took too narrow a view of “experience in criminal proceedings”.

⁷ Annex III, letter from the Guatemalan Ministry of Foreign Affairs in relation to Ana Cristina Rodríguez Pineda’s legal work at the Permanent Mission of Guatemala to the United Nations.

⁸ Annex I, Registry’s Decision.

10. The Registry Decision further failed to provide a clear understanding of the criterion and methodology used to establish who possesses the experience “in other similar capacity”. Moreover, the Registry Decision failed to even address this category. It defies logic that a Legal Adviser from a United Nations Member State, and State Party to the Rome Statute, tasked with the substantive discussions, negotiations and adoption of multilateral legal instruments, documents, policies and guidelines in the fields of international law, criminal law and procedure, administrative law and accountability, would be excluded from consideration and inclusion in the ICC List of Counsel on the basis that this experience is not relevant to international criminal law and proceedings. Accordingly, I possess the necessary relevant experience working on criminal proceedings “in other similar capacity” related to international and/or criminal law through my work in the General Assembly, the Security Council, the Assembly of States Parties, and my advisory role to the Guatemalan Government. I would have never applied if I did not think I had the required qualifications, as I will explain in detail below.

b. The Registry erred in not taking into account my relevant professional experience

11. In my application, I had provided a brief overview of my experience on the assumption that it clearly spoke for itself that the legal work at the Permanent Mission of Guatemala from 2006 until 2015 would be considered as "*relevant experience in criminal proceedings*". Bearing in mind that the Registry failed to explain on what basis my experience does not satisfy this requirement, for the sake of this review, I felt it prudent to provide further explanation of my specific work in international criminal law and criminal proceedings undertaken as Legal Adviser for Guatemala to the United Nations so it is clearly evident that it is irrefutable that this experience falls within "*relevant experience in criminal proceedings*" and "*in other similar capacity*".

12. During my time as Legal Adviser at the Permanent Mission I performed work that was so specific and related to criminal law, both at the national and international level that the Registry Decision erred in not considering this as relevant experience. Detailed below is a description of the nature and scope of some of my work that clearly indicates that it is "*relevant experience in criminal proceedings*":

- i) Chair of the Security Council’s Informal Working Group on International Tribunals (2012-2013):

- a. Preparation of the draft Rules of Procedure and Evidence of the International Residual Mechanism for Criminal Tribunals (“MICT”) was entrusted to the Secretary-General who consulted with the Members of the Working Group under my leadership as Chair. From February until April 2012, the Working Group considered the draft rules, discussed amendments and consented to the final text prior to submitting it to the MICT judges, which was then adopted at an Extraordinary Plenary on 8 June 2012.
 - b. In relation to cooperation, the Working Group was seized with solving the situation of accused persons that had either been acquitted or served their ICTR sentence and were not in a position to return home. Over two years, several exchanges and discussions took place to explore legal options to relocate these persons, including discussions with the Office of the High Commissioner for Refugees in relation to some of the Convention’s provisions and limitations for convicted persons of crimes against humanity and war crimes.
- ii) Focal Point in the Security Council of the ICC Group of Friends (2013):
- a. I coordinated and led all discussions relating to the ICC in the Security Council. Concerning the ongoing ICC proceedings in 2013 relating to Kenya, this Government submitted several requests, including a deferral request to the United Nations Security Council. Between April and November 2013 numerous closed meetings took place with representatives from Kenya, the African Union and among Security Council Members to consider the request. These discussions were of a legal nature thoroughly examining the application of Article 16 of the Rome Statute and whether the situation triggered this provision.
 - b. Under Articles 87(5) and 87(7) of the Rome Statute, the Security Council is to be seized of decisions on non-cooperation from the Court related to situations referred by the Council. During my time in the Security Council (2012-2013) and as Focal Point the Security Council considered seven decisions of non-compliance with the Court’s cooperation requests for the arrest and surrender concerning Security Council resolution 1593 (2005) that referred the situation in Darfur to the Court. Meetings and discussions were held to ensure that the Council followed up on this issue and addressed these communications.⁹

⁹ See Prosecutor v. Ahmed Harun and Ali Kushayb, Decision informing the United Nations Security Council about the lack of cooperation by the Republic of Sudan ICC-02/05-01/07-57 of 25 May 2010 and S/2010/265 of 1 June 2010; Prosecutor v. Omar Al Bashir, Decision informing the United Nations Security Council and the Assembly of the States Parties to the Rome

iii) Assembly of States Parties of the International Criminal Court (2005-2014) and its Working Groups in New York and The Hague:¹⁰

- a. Rome Statute Amendments: From 2005 I represented Guatemala in ICC's Special Working Group on the Crime of Aggression until 2009 when it concluded its efforts to draft the 'provision' called for in Article 5(2) of the Rome Statute 'defining the crime of aggression and setting out the conditions under which the Court shall exercise jurisdiction with respect to this crime'. Later I was the Head of Delegation at the Kampala Review Conference of the Rome Statute where the amendment was adopted, along with other amendments. These exchanges were lengthy, complex, of both a substantive and procedural nature, involving drafting, deliberations, consultations and research, particularly in relation to the conditions to exercise jurisdiction.
- b. Rules of Procedure Amendments: Relevant to criminal proceedings is the work of the Assembly of States Parties to consider amendments to the RoPE. In 2013 the Assembly adopted three amendments to the RoPE, namely Rule 68 dealing with the issue of prior recorded evidence, Rule 100 that was replaced by a new rule to allow change of venue for the trial and Rule 134 allowing the accused to be away from trial and represented by their lawyers. While I was involved in the discussion of all the amendments, this last one was agreed on the basis of a Guatemalan-Greek proposal, for which a special drafting group was established to conclude the amendment. In 2014 I also took part in the proposed amendments concerning Rules 76, 104, 144, and a proposed new Rule *140 bis* which would have allowed a Trial Chamber to continue to sit during the temporary absence of a judge for exceptional reasons in order to

Statute about Omar Al-Bashir's recent visit to the Republic of Chad ICC-02/05-01/09-109 of 27 August 2010 and S/2010/456 (31 August 2010); Prosecutor v. Omar Al Bashir, Decision informing the United Nations Security Council and the Assembly of the States Parties to the Rome Statute about Omar Al-Bashir's presence in the territory of the Republic of Kenya ICC-02/05-01/09-107 of 27 August 2010 and S/2010/456 of 31 August 2010; Prosecutor v. Omar Al Bashir, Decision informing the United Nations Security Council and the Assembly of the States Parties to the Rome Statute about Omar Al-Bashir's recent visit to Djibouti ICC-02/05-01/09-129 of 12 May 2011 and S/2011/318 of 19 May 2011; Prosecutor v. Omar Al Bashir, Decision Pursuant to Article 87(7) of the Rome Statute on the Failure by the Republic of Malawi to Comply with the Cooperation Requests Issued by the Court with Respect to the Arrest and Surrender of Omar Hassan Ahmad Al Bashir ICC-02/05-01/09-139-Corr of 13 December 2011 and S/2012/9 of 9 January 2012; Prosecutor v. Omar Al Bashir, Decision pursuant to article 87(7) of the Rome Statute on the refusal of the Republic of Chad to comply with the cooperation requests issued by the Court with respect to the arrest and surrender of Omar Hassan Ahmad Al Bashir ICC-02/05-01/09-140-tENG of 13 December 2011 and S/2012/8 of 9 January 2012 and Prosecutor v. Omar Al Bashir, Decision on the Non-compliance of the Republic of Chad with the Cooperation Requests Issued by the Court Regarding the Arrest and Surrender of Omar Hassan Ahmad Al-Bashir ICC-02/05-01/09-151 of 26 March 2013 and S/2013/229 of 15 April 2013.

¹⁰ Guatemala became a State Party in April of 2012, however prior to joining it attended meetings of the Assembly of States Parties starting in 2005. In addition Guatemala took part in every session of the Special Working Group on the Crime of Aggression where State Parties and non-Parties discussed, drafted and negotiated on equal footing. Throughout this process I represented Guatemala acting as Legal Adviser.

complete a “specific matter which has already commenced within a short timeframe.”

iv) Sanctions Committees work (2006-2015):

- a. As a General Assembly and Security Council Member, Guatemala was subject to perform duties stemming from the counter-terrorism regimes which applied individual sanctions through travel bans, the freezing of assets and enhancing cooperation with local enforcement authorities. This work also required taking measures to ensure the full respect for due process rights and fundamental freedoms of those affected by these sanctions regimes. Of equal importance was the careful examination of de-listing requests and working closely with the United Nations Ombudsperson, including at the bilateral level through the exchange of information and requests to local judges, prosecutors, border control and other justice officers. In 2012 and 2013 Guatemala was a member of the Al-Qaeda Sanctions Committee and the Counter-Terrorism Committee, which were part of my assigned responsibilities as Legal Adviser. I also coordinated other sanctions committees covered by colleagues at the Guatemalan Permanent Mission.

v) Member of the Ad Hoc Committee on Terrorism (2008-2015):

- a. As a Bureau member of the United Nations General Assembly's Ad Hoc Committee established by Resolution 51/210 of 17 December 1996 on Terrorism I was closely involved with the drafting and negotiations of the Comprehensive Convention on International Terrorism. The proposed treaty is a criminal law instrument, which intends to criminalize all forms of international terrorism and deny terrorists, their financiers and supporters access to funds, arms, and safe havens. It also covers cooperation and judicial assistance matters. The negotiations for this proposed treaty have been deadlocked for almost two decades. Notwithstanding, during my time this process involved extensive legal discussions, proposals, consultations, meetings, retreats and briefings.

vi) Sixth Committee Delegate and Bureau Member (2006-2015): Relevant Sixth Committee agenda items concerning criminal law and proceedings.

- a. Criminal accountability of United Nations officials and experts on mission aimed at eliminating jurisdictional gaps and enhancing international cooperation among States, and between States and the United Nations, to ensure accountability for criminal acts committed by United Nations officials

and experts while on mission. Measures recommended for adoption and future discussions included: drafting an international convention, drafting model legislation, enhancing cooperation, improving reporting mechanisms of criminal acts, establishing jurisdictional capacity at the domestic level to ensure accountability and increasing referrals by the United Nations of cases of alleged criminal conduct to the State of nationality of the official or expert on mission concerned, for investigation and possible prosecution, while urging States to report back to the Organization with full details of the measures undertaken.

- b. The scope and application of the principle of universal jurisdiction in which Sixth Committee delegates thoroughly examined relevant applicable international treaties and their national legal rules and judicial practice. The agenda item was set up to produce, within the respective Working Group, guidelines or conditions for the application of universal jurisdiction. Other relevant areas of negotiations and proposals were delineating universal jurisdiction and international criminal judicial mechanisms, the principle of *aut dedere aut judicare*, differences with extraterritorial jurisdiction and the question of immunity of state officials. Moreover, the issue of whether final treatment of the topic could be referred to the International Law Commission to consider additional aspects of the topic continued under review.
- c. Report of the International Law Commission, particularly through two relevant topics. The first is the Immunity of State officials from foreign criminal jurisdiction. The debate covered key legal questions to be considered when defining the scope of the topic, including the officials to be covered, the nature of acts to be covered and the question of possible exceptions. Deliberations were based on the drafts produced by the International Law Commission, as well as exchanges with the Special Rapporteur. Second, the draft articles on responsibility of States for internationally wrongful acts and the possibility of convening an international conference of plenipotentiaries to concluding a convention on the topic. Discussions were complemented with a compilation of decisions of international courts, tribunals and other bodies referring to the articles, and information submitted by Governments on their practice in that regard. I organized three dedicated panels to try to advance and garner support for the adoption of a future convention given the seminal nature and central importance of the draft articles to public international law.

- vii) Member of the Ad Hoc Working Group mandated to consider the United Nations report entitled ‘A Comprehensive Strategy to Eliminate Future Sexual Exploitation and Abuse in United Nations Peacekeeping Operations’ (2005-2009): The Working Group focused on United Nations rules on standards of conduct; the investigative process; organizational, managerial and command responsibility; and individual disciplinary, financial and criminal accountability. I was actively involved in all these discussions. Furthermore I negotiated on behalf of the Non-Aligned Movement the following two important documents.
- a. Revised draft model Memorandum of Understanding incorporating an investigative process to deal with misconduct, serious misconduct and criminal acts, including sexual exploitation and abuse committed by peacekeepers.¹¹
 - b. United Nations Strategy on Assistance and Support to Victims of Sexual Exploitation and Abuse by the United Nations Staff and related personnel.¹²
- viii) Participated in and negotiated the redesign and establishment of the new internal United Nations system of Administration of Justice (2005-20015): The new system handles internal disputes and disciplinary matters in the United Nations.
- a. Worked on the draft Statute of the United Nations Dispute Tribunal and the United Nations Appeals Tribunal, as well as the rules of procedures of both Tribunals, code of ethics for judges, among others.¹³
 - b. Subsequently worked on the review and follow-up processes in the Sixth and Fifth Committees.
- ix) Provided legal advice and participated in the establishment, operationalization, follow-up and renewal of the International Commission against Impunity in Guatemala (“CICIG”) (2006-2015): The Commission was set up through a bilateral agreement between the United Nations and the Government of Guatemala. It functions as an independent, international body designed to support the Guatemalan Public Prosecutor's Office, the National Civil Police and other State institutions in the investigation of crimes committed by members of illegal security forces and clandestine security structures and, in a more general sense, help to disband such groups. To do so, CICIG assists with investigations and criminal prosecutions in a small number of complex cases, as well as

¹¹ Revised draft model Memorandum of Understanding contained in chapter 9 of the “Manual on Policies and Procedures Concerning the Reimbursement and Control of Contingent-Owned Equipment of Troop/Police Contributors Participating in Peacekeeping Missions (COE Manual)”. General Assembly resolution 61/291, as read with document A/61/19, annex.

¹² General Assembly resolution 62/214.

¹³ Respectively for each Tribunal, in General Assembly resolution 63/253 and resolution 63/253. Rules of Procedure approved by the General Assembly in resolution 64/119 and in resolution 64/119.

implementing steps—in accordance with its mandate—aimed at strengthening the institutions of the justice system so that they can continue to tackle these illegal groups in the future.

13. As described above, I possess the minimum 10 years of experience in legal work that during my time at the Permanent Mission of Guatemala to the United Nations was related to the substance of criminal law and procedure through discussions, deliberations, drafting, research, taking measures and negotiations falling within the "other similar capacity" category.

c. The Registry Decision was arbitrary, unfair and discriminated against my application

14. It is undeniable that the procedural requirements to be included in the list of counsel of the ICC are stricter than at any other international court or tribunal. Not to mention they require presenting higher credentials than what is needed to run as a Judge or Principal at the Court. Like with Judges, for example, academic and practical experience is taken into account, so the same should apply for counsel.¹⁴

15. The process is quite burdensome, not to mention lengthy after waiting for 15 months for a response from CSS. To then apply a narrow interpretation of Rule 22 of the RoPE reduces even more the chances for someone like me, a woman from a Group of Latin American and Caribbean ("GRULAC") nationality to be included. I have noticed that of the 733 counsel on the ICC list, as of 30 January 2018, only 12 are from GRULAC nationalities.¹⁵ There are no women among these 12. While there are women on the list from other regions, it is disproportionate to the level of men with 185 (F) /548 (M).

16. It was for this reason, that is, the underrepresentation of women and nationals from GRULAC, that I was encouraged and asked to apply for the list of counsel of the ICC after seeing how many English and French speakers mainly from Western Europe and other States (WEOG) nationalities there were, but that GRULAC members, particularly Spanish speakers

¹⁴ Article 36 (3) (b) (i) of the Rome Statute. Qualifications of Judges: "Every candidate for election to the Court shall: (i) Have established competence in criminal law and procedure, and the necessary relevant experience, whether as judge, prosecutor, advocate or in other similar capacity, in criminal proceedings; or necessary relevant experience, whether as judge, prosecutor, advocate or in other similar capacity, in criminal proceedings; or".

¹⁵ Chile 1, Argentina 1, Brazil 2, and Mexico 1. The following are dual nationals: Bolivia/Spain 1, Argentina/Italy 2, Spain/Argentina 1, Belgium/Colombia 1, United States of America/Jamaica and Trinidad and Tobago/United States 1.

were so few.¹⁶ The International Criminal Court Bar Association (ICCBA) has also identified this gap and on 9 August 2017, I was appointed ICCBA Regional Focal Point for Latin America. My mandate consists, *inter alia*, of explaining the role of the ICCBA-ABCPI to list of counsel from countries within my region and to encourage counsel from the region to sign up as members of the ICCBA; to explain the work and jurisdiction of the ICC to counsel, legal assistants and eligible support staff from countries within my region; to act as a conduit between list of counsel/ICCBA members within my region in order to convey suggestions, concerns or recommendations regarding the work of the ICCBA.¹⁷ Unfortunately, my mandate is undermined if I am tasked with promoting the merits of joining a list of counsel but I myself cannot manage to be included and have found the process lengthy, cumbersome, and unfair. The 15-month application process, which resulted in a negative response, has also prevented me from standing for the ICCBA's Executive Committee or any other committee of the ICCBA since I am not on the list of counsel.

17. To illustrate why I believe my application could have been treated differently I share a LinkedIn publication posted by a male from the WEOG region who was recently included in the list of counsel.¹⁸ When I read the notification and went on to check this person's profile I could perhaps, see there were 10 years of experience, but not necessarily all of a legal nature. That is, unless this person's policy adviser position working on public relations for a Mayoral Campaign was somehow taken into account.¹⁹

18. Of course it may well be that this person submitted an application with a detailed *curriculum vitae* where the necessary relevant experience is substantiated and complements what is publicly available which is less than 10 years. However, once again, it is evident that the Registry Decision failed to provide a clear understanding and methodology used to establish who fulfills the criterion of experience "in other similar capacity", resulting in an unfair decision.

¹⁶ Spanish speaking counsel on the list from WEOG countries are mainly from Spain, with a number of 20 if we include the dual nationals from Bolivia/Spain, Argentina/Italy, Spain/Argentina and Belgium/Colombia.

¹⁷ Annex IV, letter of appointment from the ICCBA President of 9 August 2017.

¹⁸ Annex V, <https://www.linkedin.com/pulse/thom-admitted-international-criminal-courts-list-counsel-thom-dyke/>

¹⁹ Annex V, <https://www.linkedin.com/in/thomdyke/>

IV. RELIEF SOUGHT

(i) Respectfully ask that the Presidency overturn the Registry Decision and admit me to the ICC List of Counsel, effective immediately;

(ii) Should the Presidency not overturn the Registry Decision, instruct the Registry to provide a clear overview of what constitutes “in other similar capacity”, so that I may be able to resubmit my application to the ICC List of Counsel.

Respectfully submitted by

Ana Cristina Rodríguez Pineda (signed electronically)

Ms. Ana Cristina Rodríguez Pineda

Dated this 8 February 2018 ²⁰

At Guatemala City, Guatemala

²⁰ This document was resubmitted on 9 February 2018 at the request of the Registry on this template.