

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: English

No.: ICC-02/17  
Date: 25 April 2022

**PRE-TRIAL CHAMBER II**

**Before:** Judge Rosario Salvatore Aitala, Presiding Judge  
Judge Antoine Kesia-Mbe Mindua  
Judge Tomoko Akane

**SITUATION IN THE ISLAMIC REPUBLIC OF AFGHANISTAN**

**Public**

**With Confidential and Public Redacted Annex I and Confidential *EX PARTE*  
Annexes II and III, available only to the Registry**

**Final consolidated report on Article 18(2) Victim Representations**

**Source: Registry**

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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**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  
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**States' Representatives**

**Amicus Curiae**

**REGISTRY**

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**Registrar**

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**Counsel Support Section**

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**Detention Section**

**Victims Participation and Reparations  
Section**

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## I. Introduction

1. Pursuant to Pre-Trial Chamber II (“Chamber”)’s “Order setting the schedule for the filing of submissions in the proceedings pursuant to article 18(2) of the Rome Statute and rule 55(2) of the Rules of Procedure and Evidence”, issued on 24 February 2022 (“24 February 2022 Order”),<sup>1</sup> the Registry hereby submits its final consolidated report on Article 18(2) victim representations received in the context of the situation in the Islamic Republic of Afghanistan (“Afghanistan” and “Situation”).

## II. Procedural History

2. On 27 September 2021, the Prosecutor submitted a “Request to authorise resumption of investigation under article 18(2) of the Statute” (“Prosecutor’s Request”).<sup>2</sup>
3. On 8 November 2021, the Chamber issued a decision, in which it *inter alia* ordered the Victims Participation and Reparations Section (“VPRS”) to: (a) start collecting victims’ views and concerns in the context of the proceedings pursuant to article 18(2) of the Rome Statute (“Statute”); and (b) prepare a report including a brief assessment of whether criteria under rule 85 of the Rules of Procedure and Evidence (“Rules”) are met and of the victims’ views and concerns as to the Prosecutor’s Request (“8 November 2021 Decision”).<sup>3</sup>
4. On 25 November 2021, the Chamber issued a second decision in which it instructed the VPRS to submit a first report on the victims’ views and

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<sup>1</sup> Pre-Trial Chamber II, “Order setting the schedule for the filing of submissions in the proceedings pursuant to article 18(2) of the Rome Statute and rule 55(2) of the Rules of Procedure and Evidence”, 24 February 2022, ICC-02/17-182.

<sup>2</sup> Office of the Prosecutor, “Request to authorise resumption of investigation under article 18(2) of the Statute”, 27 September 2021, ICC-02/17-161.

<sup>3</sup> Pre-Trial Chamber II, “Decision on submissions received and order to the Registry regarding the filing of documents in the proceedings pursuant to articles 18(2) and 68(3) of the Statute”, 8 November 2021, ICC-02/17-171, para. 14 and operative paragraphs p. 9.

concerns related to the Prosecutor's Request by Friday 17 December 2021, with further deadlines to be set in due course.<sup>4</sup>

5. On 17 December 2021, 28 January and 23 February 2022 respectively, the VPRS transmitted to the Chamber the first,<sup>5</sup> second<sup>6</sup> and third<sup>7</sup> batch of Article 18 victim representations received as well as the first,<sup>8</sup> second<sup>9</sup> and third<sup>10</sup> ("Third Report") reports on victim representations.
6. On 24 February 2022, the Chamber issued an order by which it, *inter alia*, (a) set the deadline of 8 April 2022 for all victims' views and concerns on the Prosecutor's Request to be submitted to the VPRS; and (b) instructed the VPRS to submit by 25 April 2022 to the Chamber all representations received by 8 April 2022, together with a final report thereon.<sup>11</sup>

### III. Classification

7. Pursuant to regulation 23 *bis*(1) of the Regulations of the Court ("RoC"), Annex I to the present document is classified as "confidential" and Annexes II and III are classified as "confidential *ex parte*, only available to the Registry", because they contain confidential information that may lead to

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<sup>4</sup> Pre-Trial Chamber II, "Decision on the 'Registry Submission Pursuant to Decision ICC-02/17-171 in Relation to Article 18(2) Proceedings', 25 November 2021, ICC-02/17-173, paras. 13 and 14 and operative paragraphs page 6.

<sup>5</sup> Registry, "First Registry Transmission of Victims' Representations Pursuant to the Pre-Trial Chamber's Orders ICC-02/17-171 and ICC-02/17-173", 17 December 2021, ICC-02/17-174.

<sup>6</sup> Registry, "Second Registry Transmission of Victims' Representations Pursuant to the Pre-Trial Chamber's Orders ICC-02/17-171 and ICC-02/17-173", 28 January 2022, ICC-02/17-178.

<sup>7</sup> Registry, "Third Registry Transmission of Victims' Representations Pursuant to the Pre-Trial Chamber's Orders ICC-02/17-171 and ICC-02/17-173", 23 February 2022, ICC-02/17-180.

<sup>8</sup> Registry, "First Registry Report on Article 18 (2) Victims' Representations Pursuant to the Pre-Trial Chamber's Orders ICC-02/17-171 and ICC-02/17-173", 17 December 2021, ICC-02/17-175-Conf. A public redacted version was notified on 20 December 2021.

<sup>9</sup> Registry, "Second Registry Report on Article 18 (2) Victims' Representations Pursuant to the Pre-Trial Chamber's Orders ICC-02/17-171 and ICC-02/17-173", 28 January 2022, ICC-02/17-179-Conf. A public redacted version was notified on the same date.

<sup>10</sup> Registry, "Third Registry Report on Article 18(2) Victim Representations Pursuant to the Pre-Trial Chamber's Orders ICC-02/17-171 and ICC-02/17-173", 23 February 2022, ICC-02/17-181.

<sup>11</sup> Pre-Trial Chamber II, "Order setting the schedule for the filing of submissions in the proceedings pursuant to article 18(2) of the Rome Statute and rule 55(2) of the Rules of Procedure and Evidence", 24 February 2022, ICC-02/17-182.

the identification of victims. A public redacted version of Annex I will also be notified on the same day.

#### **IV. Applicable Law**

8. The Registry submits the present filing in the context of article 18(2) and in accordance with article 68(3) of the Statute, rules 16(1) and 85 of the Rules, regulation 23*bis*(1) of the RoC and the 24 February 2022 Order.

#### **V. Submissions**

9. The Registry hereby transmits its final consolidated report on Article 18(2) victim representations (Annex I), together with its assessment of the representations received since its Third Report (Annex II) and a detailed explanation of the assessment criteria applied (Annex III).



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

Dated this 25 April 2022

At The Hague, The Netherlands