

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-02/17

Date: 21 December 2017

PRE-TRIAL CHAMBER III

**Before: Judge Antoine Kesia-Mbe Mindua, Presiding Judge
Judge Chang-ho Chung
Judge Raul C. Pangalangan**

SITUATION IN THE ISLAMIC REPUBLIC OF AFGHANISTAN

Public

With one Confidential *EX PARTE* Annex, only available to the Registry

**Public redacted version of "Second Registry Report on Victims'
Representations Pursuant to the Pre-Trial Chamber's Order ICC-02/17-6 of 9
November 2017", 21 December 2017, ICC-02/17-16-Conf**

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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 Mr James Stewart, Deputy Prosecutor
 Mr Benjamin Gumpert

Counsel for the Defence

Legal Representatives of Victims

Victims' Representatives

States Representatives

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Registrar
 Mr Herman von Hebel

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Victims and Witnesses Unit
 Mr Nigel Verrill

Detention Section

**Victims Participation and Reparations
 Section**
 Mr Philipp Ambach

Other

I. Introduction

1. Pursuant to Pre-Trial Chamber III's "Order to the Victims Participation and Reparation Section Concerning Victims' Representations" issued on 9 November 2017 ("Chamber" and "Order of 9 November 2017"),¹ the Registry submits the present report on victim representations, together with its assessment of these representations ("Annex").

II. Procedural History

2. In its Order of 9 November 2017, the Chamber ordered the Victims Participation and Reparations Section ("VPRS") to: "(i) identify, to the extent possible, the community leaders of the affected groups to act on behalf of those victims who may wish to make representations; (ii) receive and collect victims' representations, be it collective or individual; (iii) conduct a preliminary assessment on whether the conditions set out in rule 85 have been met; and (iv) transmit incoming representations on a rolling basis, possibly every two weeks, together with a brief preliminary assessment".²
3. On 7 December 2017, the Registry transmitted to the Chamber the first batch of victim representation forms received and its first report on victims' representations ("First Report on Representations").³
4. On 21 December 2017, the Registry transmitted to the Chamber the second batch of representations received.⁴

¹ Pre-Trial Chamber III, "Order to the Victims Participation and Reparation Section Concerning Victims' Representations", 9 November 2017, ICC-02/17-6, para. 16.

² Order of 9 November 2017, para. 16 and page 8.

³ Registry, "First Transmission to the Pre-Trial Chamber of Victims' Representations Received Pursuant to Article 15(3) of the Rome Statute", 7 December 2017, ICC-02/17-10, and "First Registry Report on Victims' Representations Pursuant to the Pre-Trial Chamber's Order ICC-02/17-6 of 9 November 2017", 7 December 2017, ICC-02/17-11-Conf and ICC-02/17-11-Red.

⁴ Registry, "Second Registry Transmission of Victims' Representations Pursuant to the Pre-Trial Chamber's Order ICC-02/17-6 of 9 November 2017", 21 December 2017, ICC-02/17-15.

III. Classification

5. Pursuant to regulation 23*bis*(1) of the RoC, this document is classified as “confidential”, since it contains sensitive information linked to security issues pertaining to the Situation in Afghanistan. Moreover, the annex to the present document is classified as “confidential *ex parte*, only available to the Registry”, because it contains confidential information that may lead to the identification of potential victims.

IV. Applicable Law

6. The Registry submits the present report in accordance with articles 15(3) and 68(1) of the Statute, rules 16(1) and 85 of the Rules, regulation 23*bis*(1) of the RoC and regulation 102 of the Regulations of the Registry.

V. Submissions

A. Activities carried out by the Registry to reach out to victims concerned by the Situation in Afghanistan

7. During the reporting period, the VPRS has carried out a number of activities with a view to identifying community leaders of the affected groups and reaching out to persons in touch with victims and/or victim communities that may wish to make representations. [Redacted]
8. [Redacted]⁵
9. The VPRS continues to organise similar activities in an attempt to reach out to as many victim groups as possible.

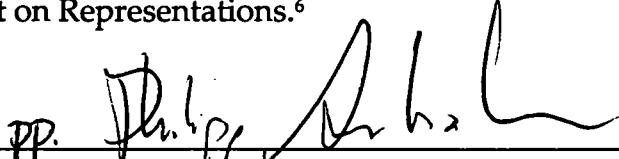
⁵ [Redacted]

B. Victim representation forms received

10. Between 2 and 18 December 2017, the VPRS received nine victim representation forms. Of these, two representations, submitted in Dari or Pashto, have been sent for translation and will be transmitted to the Chamber together with the Registry's third report on victim representations.
11. The present report is therefore based on seven victim representation forms submitted on behalf of a total of 1,031 victims. Six out of the seven victim representations forms have been submitted online and one was sent by email. Four of the seven representation forms are collective. Six forms were submitted in English and one in Arabic.
12. All victims are in favour of the Prosecution's Request and no concerns related to the investigation were expressed. This information is outlined in more detail in the Annex.

C. Rule 85 Preliminary Legal Assessment by the Registry

13. In accordance with the Order of 9 November 2017, the VPRS conducted a preliminary legal assessment of each representation form in order to assess whether the individual or group making the representation falls within the definition of victim under rule 85 of the Rules. The detailed explanation of the assessment criteria applied by the Registry has been submitted together with the First Report on Representations.⁶


pp. Philip Dubuisson
Marc Dubuisson, Director, Division of Judicial Services

per delegation of

Herman von Hebel, Registrar

Dated this 21 December 2017

At The Hague, The Netherlands

⁶ Registry, Confidential *ex parte* Annex II to "First Registry Report on Victims' Representations Pursuant to the Pre-Trial Chamber's Order ICC-02/17-6 of 9 November 2017", 7 December 2017, ICC-02/17-11-Conf-Exp-AnxII.