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No.: ICC-02/17

Date: 11 January 2018

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

Third Registry Report on Victims' Representations Pursuant to the Pre-Trial Chamber's Order ICC-02/17-6 of 9 November 2017

Source: Registry

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

The Office of the Prosecutor

Ms Fatou Bensouda, Prosecutor
Mr James Stewart, Deputy Prosecutor
Mr Benjamin Gumpert

Counsel for the Defence

Legal Representatives of Victims

Victims' Representatives

States Representatives

Amicus Curiae

REGISTRY

Registrar

Mr Herman von Hebel

Counsel Support Section

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 victims' 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 of the Rules of Procedure and Evidence ["Rules"] 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 victims' representation forms received and its first report thereon ("First Report on Representations").³
4. On 21 December 2017, the Registry transmitted to the Chamber the second batch of representations received and its second report on victims' representations.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.

5. On 11 January 2018, the Registry transmitted to the Chamber the third batch of representations received.⁵

III. Classification

6. Pursuant to regulation 23bis(1) of the Regulations of the Court ("RoC"), 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

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

8. During the reporting period, the VPRS had frequent exchanges with individuals and representatives who are in touch with victims and/or victim communities that may wish to make representations. The VPRS provided information, guidance, and assisted with various technical aspects.

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 and "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 and ICC-02/17-16-Red.

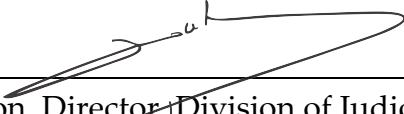
⁵ Registry, "Third Registry Transmission of Victims' Representations Pursuant to the Pre-Trial Chamber's Order ICC-02/17-6 of 9 November 2017", 11 January 2018, ICC-02/17-17.

B. Victim representation forms received

9. The present report is based on 28 victim representation forms submitted on behalf of approximately 350 victims. Seven out of the 28 victim representation forms have been submitted online and 21 were collected and sent via email by civil society representatives that the VPRS had previously met during its information and training sessions. 23 of the 28 representation forms are collective. Three forms were submitted in English, three in Pashto, one in Dari and 21 in Dari or Pashto together with English translations.
10. In one collective representation submitted on behalf of a family of 14 it is indicated that the victims do not want the ICC Prosecutor to investigate the violence associated with the conflict in Afghanistan. All other victims are in favour of the Prosecution's Request. This information is outlined in more detail in the Annex.

C. Rule 85 Preliminary Legal Assessment by the Registry

11. 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. A detailed explanation of the assessment criteria applied by the Registry has been submitted together with the First Report on Representations.⁶



Marc Dubuisson, Director, Division of Judicial Services
per delegation of
Herman von Hebel, Registrar

Dated this 11 January 2018

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.