



Original : English

N°: ICC-02/17  
Date: 16 August 2021

**PRE-TRIAL CHAMBER II**

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

**SITUATION IN THE ISLAMIC REPUBLIC OF AFGHANISTAN**

**Public  
With Public Annex A**

**Transmission of an “Urgent Request for Ruling on the “Motion Seeking Remedies  
for Information and Effective Outreach (ICC-02/17-143-Anx1)””**

**Source: Registry**

**The Office of the Prosecutor**

Mr Karim A. A. Khan QC

Mr Manoj Sachdeva

**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 Peter Lewis

**Counsel Support Section****Victims and Witnesses Unit****Detention Section****Victims Participation and Reparations  
Section****Other**

Ms Spojmie Ahmady Nasiri, Lead

Counsel for Petitioners

Mr Nema Milaninia

## **I. Introduction**

1. The Registry hereby transmits to Pre-Trial Chamber II (“Chamber”) in accordance with rule 13 (1) of the Rules of Procedure and Evidence, one document, entitled “Urgent Request for Ruling on the “Motion Seeking Remedies for Information and Effective Outreach (ICC-02/17-143-Anx1)”, (“Urgent Request”) as Annex A, which it received on 16 August 2021 from Mr Nema Milaninia.<sup>1</sup>

## **II. Procedural History**

2. On 20 April 2021, the Court Management Section (“CMS”) received an e-mail from Mr Nema Milaninia including submissions from Ms Spojmie Ahmady Nasiri entitled “Motion Seeking Remedies for Information and Effective Outreach”, (“First Motion”).<sup>2</sup>
3. On the same day, the CMS contacted the Chamber, seeking advice on how to register the First Motion.<sup>3</sup>
4. On 26 April 2021, CMS received an email from Mr Milaninia with one document entitled “Motion for Clarification and reclassification of “Motion Seeking Remedies for Information and Effective Outreach” (“Second Motion”).<sup>4</sup>
5. On the same day, the CMS contacted the Chamber, seeking advice on how to register this second document.<sup>5</sup>
6. On 28 April 2021, the Chamber issued a Decision by e-mail, instructing the Registry,<sup>6</sup> inter alia:

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<sup>1</sup> Email from Nema Milaninia on behalf of Ms Spojmie Ahmady Nasiri 16 August 2021, at 02:50.

<sup>2</sup> E-mail from Nema Milaninia to CMS on 20 April 2021, at 4:39.

<sup>3</sup> Email from the CMS to the Chamber’s Legal Adviser on 20 April 2021 at 11:55.

<sup>4</sup> E-mail from Nema Milaninia to CMS on 26 April 2021, at 4:29.

<sup>5</sup> Emails sent by CMS to the Legal Adviser and the Chamber on 26 April 2021 at 9:11 and 17:05.

*“a. To prepare a public transmission filing for the Second Motion, detailing any relevant elements leading to its original request for guidance;*

*b. To attach the Second Motion as a public annex to the forthcoming transmission filing;*

*c. To reclassify [the First Motion] and its annexes as public, with the sole exception of those annexes originally indicated by the author of the First Motion as confidential, which should keep that level of confidentiality;”*

7. On 16 August 2021, CMS received the Urgent Request from Mr Milaninia on behalf of Ms Nasiri.<sup>7</sup>
  
8. Indeed, while Ms Nasiri has previously been granted leave to submit observations as *Amicus curiae* pursuant to rule 103 of the Rules of Procedure and Evidence in the context of the Appeals proceedings,<sup>8</sup> the Submitter seems not to have the required legal standing to represent victims in general for the purpose of the present proceedings.
  
9. As a result, and consistent with established practice, the Registry sought the Chamber’s guidance as to whether the documents should be filed in the record of the case via a transmission filing, pending the assessment of Ms Nasiri’s standing.<sup>9</sup>

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<sup>6</sup> E-mail Decision entitled: “Decision on the submission of motions in the situation in Afghanistan and related levels of confidentiality”, dated 28 April 2021, 18:15.

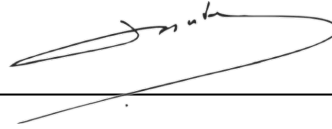
<sup>7</sup> E-mail from Nema Milaninia to CMS on 16 August 2021, at 2:50.

<sup>8</sup> See ICC-02/17-72-Corr – “Corrigendum of order scheduling a hearing before the Appeals Chamber and other related matters”, dated 27 September 2019.

<sup>9</sup> Email from the CMS to the Chamber on 16 August 2021 at 13:18.

### **III. Transmission**

10. The Registry hereby transmits the Urgent Request to the Chamber.



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

Dated this 16 August 2021

At The Hague, The Netherlands