

# **PUBLIC ANNEX**

## Questionnaire completed by victims<sup>1</sup> and members of Afghan civil society

	<b>What expectations do you have of the International Criminal Court (ICC)?</b>	<b>On 12 April 2019, the ICC judges decided that investigations should not be carried out in Afghanistan. What do you think of this decision?</b>	<b>The judges said an investigation would not be in the interests of justice. Do you agree?</b>	<b>What does justice mean to you?</b>	<b>The judges also said that there was a low chance of the investigations resulting in trials and the convictions of perpetrators. Do you think an ICC investigation would be a positive thing? If so, explain why?</b>
1	As we know, the International Criminal Court distributed a series of forms to Afghan citizens to report their complaints about the crimes that occurred in Afghanistan. It is	Because the reason for this decision is not clear, I cannot give a precise answer, but since today's security situation is very unfavorable in Afghanistan, and every day we	I do not agree. Many crimes in Afghanistan have occurred that cannot be addressed by Afghanistan's own national courts. In a way, the offender and judge are one. Hence, we need a stronger	Fair Justice. It is that the powerful and weak are equal before the law and the offender is the real offender and not the weak person.	

<sup>1</sup>The first two responses have been completed by victims of the Afghan conflict within the temporal scope outlined by the Prosecutor in her Request for Authorisation.

	our expectation that the ICC examine the cases without bias and, after the investigation, issue a fair and just verdict.	witness suicide attacks, explosions and assassinations, it is highly necessary that ICC investigate and consider the case of Afghanistan.	institution/ mechanism for investigation of crimes. As a victim, I am optimistic about ICC.		
2	I want justice for my family and expect the ICC and other organizations to give a hand to me and other victims' families in prosecuting the criminals.	Location is not important, but our voice should be heard well.	For many cases there have been no investigations for years. The killers of my family are appearing on TV every day. This bothers me a lot.	Justice is a new life for me and a respect to my beloved ones whom we have lost.	Without an investigation, trial and prosecuting the criminals, justice will be only an empty slogan. I have seen in TV that many other countries have done a great job for justice. I believe this may be in my fortune as well.
3	My expectation is that ICC should act based on its tasks according to Rome Statute	Our view is that judges should reconsider their decision because the Afghan peoples' only hope is the International Criminal Court,	No. The provision of justice by a judicial authority depends on timely prosecution of crimes. Because, on the one hand, it is against crime and the perpetrator is	It seems that the official investigation of the International Criminal Court in the current	The official investigation of the court will be beneficial and have effective consequences. Because, on the one hand, the culture of impunity breaks out from the

		which acts as the only credible judicial institution.	prosecuted and punished, and on the other hand, there is healing of the suffering of the survivors/victims. In addition, failure to deal with crimes causes perpetrators to feel immune and continue to commit crimes. This is in contrast to the interests of justice.	situation in Afghanistan not only has positive effects, but also creates hope for the people of Afghanistan. It does not make the perpetrators feel immune. This creates the basis for peace and security and the rule of law.	Afghan society, and on the other hand, it will have a deterrent effect on potential offenders. Therefore, starting the official investigation and continuing this process will create optimism for the people of Afghanistan, especially the families of the victims.
4	Based on Rome Statute and Afghanistan's	We think ICC should reconsider its decision on the	We do not agree with this statement. It is very important that	Justice is simply the implementation of system where	We understand it is not an easy task, it has been so politicized. As a law school

	<p>membership to the ICC, we think ICC should implement its mandate in Afghanistan. It is very obvious that all kinds of violations have happened and the ICC, based on its mandate is responsible to implement it.</p>	<p>case of Afghanistan. The investigation must not stop now because there is strong need for that in Afghanistan.</p>	<p>no one should go without justice. Only a just system can guarantee a sustainable peace in the country. Afghanistan favoured peace over justice, now after 18 years we have lost both peace and justice.</p>	<p>right holders can enjoy their rights and freedoms openly. And violators of the system are accountable and must not go without punishment.</p>	<p>student I do understand that documents are available that the evidence for the crimes is easily available. The ICC selected its mandate to handle and investigate the cases where states are not willing and/or not able to handle the cases. That is why it is important that the judges rethink their decision in the case of Afghanistan.</p>
5	<p>We expect the ICC to start the investigation on past and current war crimes in Afghanistan. The ICC should put some practical steps towards prosecuting the war criminals and human rights violators. A step forward to its</p>	<p>This is a wise decision to carry out the investigation out of Afghanistan and at the ICC. This will protect the investigations from government and stop the criminals influencing the investigations.</p>	<p>In any case, there should be investigations to document the war crimes and to bring justice to the victims. This must happen in any situation. Carrying out the investigation out of Afghanistan should be based on the credible sources from inside the country</p>	<p>It is the only wish for victims' families, and the reason for their existence. It is a key for peace and stability to the country. It is an end to violence, insecurity and poverty and brings a bright future to all of us.</p>	<p>According to the history and similar cases in other countries, we believed there will be positive result.</p>

	November 2017 statement.		other than government backed organizations.		
6	In a country like Afghanistan where there is a very weak judicial system and corruption, where perpetrators of war crimes are in government or today are friends of those in power in the country, the ICC can open the door to justice in Afghanistan so that victims of the many years of violence and crime are able to be slightly hopeful for the future of the country. The serious prosecution of	The decision needs to be re-examined and revised, even if the government of Afghanistan and the world's major powers are seeking compromise and share power with the terrorists and Taliban. Victims and institutions active in the field of human rights look at this decision (refusal of continuation of investigation) as a political action. The International Criminal Court should not ignore	Never ever! Access to justice for Afghanistan's victims must start from a point. At the moment there is no hope other than the ICC for the victims. Victims welcomed the decision of the Prosecutor's office to hear the case. The interests of justice are nothing but the interests of the victims, and once the crimes are discovered by the opening of the case of Afghanistan in the court, the perpetrators of the current and future crimes will	Justice is an essential condition for peace. I think that the answer to this question is in the previous answer. Obviously, initiating court investigation in Afghanistan can play a fundamental role in accessing a just and sustainable peace in Afghanistan and also can act as deterrent to failure to comply with the law.	Yes. Please see above answers.

	<p>perpetrators in Afghanistan by the ICC is the natural demand of victims, individuals and institutions that are committed to justice and human rights. Due to the extent of the violence that has occurred in Afghanistan and the inability of victims to access justice in this country, the dignity and reputation of the court will disappear if it fails to act.</p>	<p>the rights of the victims of Afghanistan for political reasons, especially as the level of violence is still high in the country. In the past few days, there was an attack in Kabul, where the Taliban killed at least 4 people were killed and about 100 injured, most of whom were school students. The Taliban conflict in Afghanistan has been a war against the people of the country, and still more civilians are among the dead and wounded than combatants.</p>	<p>understand that their crimes will be revealed, and it can act to heal the wounds of the victims of the war in Afghanistan. An ICC investigation will solve many problems in Afghanistan, and even if this action can be an obstacle to a ceasefire, it would help Afghanistan achieve a just peace.</p>		
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7	Our expectation from ICC is to review and execute the punitive cases of crimes of war in Afghanistan, confine and detain criminals of war into the designated courts and provide justice to the victims.	The decision of ICC judges not to conduct the investigations into war crimes in Afghanistan is a blunder. This decision is motivated by political elements. We appeal to ICC to change their minds and have an immediate reconsideration in this regard.	We do not agree- because, if the international community is willing to bring justice to the victims of crimes of war, then it should be fulfilled on the ground. There is no need for further arguments on this.	A concern for justice, peace, and genuine respect for people. In other words: fair-mindedness, equity, equitableness, impartialness, lack of bias, neutrality, lack of prejudice and non-partisanship.	With no doubt, these investigations are worthwhile and effective. They will bring positive change in the mindset of the people and create hope for them that their rights will be attained. In the meantime, if war criminals realize that ICC is going to undertake these investigations, obviously they will not continue committing more crimes, which would in turn result in a significant reduction in the ratio of crimes in Afghanistan.
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8	<p>This court should not only be a tool in the hands of the superpowers and act as requested. If the court acts only by the order of United Nations Security Council or the United States: the court itself will be the first to violate the Rome Statute, which, upon request from a country that is not a member of the court (USA), closes the country's case (Afghanistan) which is a member of ICC. Second, it shows the inability and incompetence of the court that after all the preliminary investigations and</p>	<p>The victims of Afghanistan are the forgotten people of history, and the Afghan courts will not be able to prosecute the criminals soon. Victims also have no hope of dealing with their complaints at national courts, so when the ICC asked the people of Afghanistan to file their complaints, people and victims welcomed it. When the "people's voice for justice" was raised and later strangled, the victims were hoping to "conflict mapping" report by the Afghanistan</p>	<p>Never. Even only the continuation of the investigation, even without issuing a verdict/ warrant, has the function of deterrence. Afghanistan is a chaotic country, and a lack of investigation makes the perpetrators feel comfortable and free from punishment. An investigation would make the world become aware of the suffering of the people of Afghanistan and sympathize with them.</p>	<p>Yes. The continuation of ICC investigation will help us keep a part of our history alive and future generations remember their father's trial. Peace without justice is like a fruitless tree. Security has three pillars: justice, peace and development, and these are impossible without rule of law. As long as a part of society suffers from the wounds and ruins of the war, it is sick, it is humiliated, it will naturally take revenge, it will</p>	<p>To answer this question, it is better to look at the impact of other international courts. First, the continuation of this investigation forces the Afghan legal and judicial system to review its system and try to ensure justice, so that people do not refer to international tribunals. Even the possibility of a creation of a special national tribunal may be in an option.</p>
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	evaluations, simply refuses to make a decision and take the next steps.	Independent Human Right Commission, when they were disappointed with the failure to release the report, they pinned their hopes on the International Criminal Court. But after nearly two decades of lobbying and advocacy, they are reaping frustration and disappointment.		resort to custom justice, it will shelter from one warlord to the next. In this situation, first of all, security will be lost. Secondly, as the shadow of war still exists, it is not possible to develop as a country. The fear of war is always there. This investigation is at least a response to the wounds of the victims and it makes people turn away from personal retaliation and warlords and refer to law and the fair court.	
9	I expect the ICC to maintain justice for	I believe that this decision is a result	I do not agree.	Yes, the ICC investigation can	Yes, it will not be perfect but it can break the cycle of

	victims of gross atrocities and human rights violations in Afghanistan	of political pressure and threats from the US government which made the court to make this decision.		send a signal to the perpetrators that justice will be served and the ones who committed crimes can be held to account. This could break the circle of impunity for crimes that continue for decades.	impunity for war crimes and crimes against humanity
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