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No.: ICC-02/17

Date: 20 February 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 Confidential and Public Redacted versions of Annex I, and
Confidential *EX PARTE* Annex II, only available to the Registry**

**Final Consolidated 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

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Counsel for the Defence

Legal Representatives of Victims

Victims' Representatives

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**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" of 9 November 2017 ("Chamber" and "Order of 9 November 2017"),¹ the Registry submits its final consolidated report on victims' representations. This report provides an overview of the victim representation process pursuant to article 15 of the Rome Statute ("Statute") in the Situation in the Islamic Republic of Afghanistan ("Situation in Afghanistan" and "Afghanistan", respectively), along with details and statistics on the victim representations received.² The Registry also submits a detailed explanation of the criteria applied when conducting the legal assessment of each representation under rule 85 of the Rules of Procedure and Evidence ("Rules").³

II. Procedural History

1. On 30 October 2017, the Prosecutor informed the President of the Court of her decision to request judicial authorisation to commence an investigation into the Situation in Afghanistan pursuant to regulation 45 of the Regulations of the Court ("RoC").⁴
2. On 3 November 2017, the Presidency assigned the Situation in Afghanistan to the Chamber.⁵
3. On 7 November 2017, the Registry requested an extension of time for victims to make representations under article 15(3) of the Statute and rule 50(3) of the

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 Annex I.

³ Annex II.

⁴ Office of the Prosecutor, "Notice pursuant to regulation 45 of the Regulations of the Court", 9 November 2017, ICC-02/17-1-AnxI.

⁵ Presidency, "Decision assigning the situation in the Islamic Republic of Afghanistan", 9 November 2017, ICC-02/17-1.

Rules and submitted, for the Chamber's approval, a draft victim representation form and draft guidelines on how to fill in the form ("Request").⁶

4. In its Order of 9 November 2017, the Chamber approved the draft representation form and guidelines as attached to the Request, and extended the time limit for victims to submit their representations to 31 January 2018.⁷ It also 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".⁸
5. On 7 and 21 December 2017, 11 and 25 January, and 2, 5 and 9 February 2018, the Registry transmitted to the Chamber seven batches of representations received and seven corresponding reports on victims' representations.⁹

⁶ Registry, "Public redacted version of 'Registry's Request for Extension of Notice Period and Submissions on Aspects Related to the Article 15(3) Process', 7 November 2017, ICC-02/17-3-Conf", 9 November 2017, ICC-02/17-3-Red.

⁷ Order of 9 November 2017, page 8.

⁸ *Id.*, para. 16 and page 8.

⁹ Registry, "First Registry Transmission of Victims' Representations Pursuant to the Pre-Trial Chamber's Order ICC-02/17-6 of 9 November 2017", 7 December 2017, ICC-02/17-10, and "Public redacted version of '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-02/17-10-Conf", 7 December 2017, ICC-02/17-11-Red; "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 "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", 21 December 2017, ICC-02/17-16-Red; "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 and "Third Registry Report on Victims' Representations Pursuant to the Pre-Trial Chamber's Order ICC-02/17-6 of 9 November 2017", 11 January 2018, ICC-02/17-18; "Fourth Registry Transmission of Victims' Representations Pursuant to the Pre-Trial Chamber's Order ICC-02/17-6 of 9 November 2017", 25 January 2018, ICC-02/17-19 and "Public redacted version of 'Fourth Registry Report on Victims' Representations Pursuant to the Pre-Trial Chamber's Order ICC-02/17-6

III. Classification

6. Pursuant to regulation 23bis(1) of the RoC, Annexes I and II to the present document are classified as “confidential” and “confidential *ex parte*, only available to the Registry” respectively, because they contain confidential information that may lead to the identification of potential victims, intermediaries and third parties.¹⁰

IV. Applicable Law

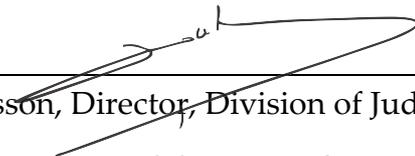
7. The Registry submits the present report in accordance with articles 15(3) and 68(1) of the Statute, rules 16(1) and 85 of the Rules, regulation 23bis(1) of the RoC and regulation 102 of the Regulations of the Registry.

of 9 November 2017’, 25 January 2017, ICC-02/17-20-Conf”, dated 25 January 2018 and registered on 26 January 2018, ICC-02/17-20-Red; “Fifth Registry Transmission of Victims’ Representations Pursuant to the Pre-Trial Chamber’s Order ICC-02/17-6 of 9 November 2017”, 2 February 2018, ICC-02/17-21 and “Public redacted version of ‘Fifth Registry Report on Victims’ Representations Pursuant to the Pre-Trial Chamber’s Order ICC-02/17-6 of 9 November 2017’, 2 February 2017, ICC-02/17-22-Conf”, 2 February 2018, ICC-02/17-22-Red; “Sixth Registry Transmission of Victims’ Representations Pursuant to the Pre-Trial Chamber’s Order ICC-02/17-6 of 9 November 2017”, dated 5 February 2018 and registered on 6 February 2018, ICC-02/17-24 and “Sixth Registry Report on Victims’ Representations Pursuant to the Pre-Trial Chamber’s Order ICC-02/17-6 of 9 November 2017”, dated 5 February 2018 and registered on 6 February 2018, ICC-02/17-25; “Seventh Registry Transmission of Victims’ Representations Pursuant to the Pre-Trial Chamber’s Order ICC-02/17-6 of 9 November 2017”, 9 February 2018, ICC-02/17-27 and “Seventh Registry Report on Victims’ Representations Pursuant to the Pre-Trial Chamber’s Order ICC-02/17-6 of 9 November 2017”, dated 9 February 2018 and registered on 12 February 2018, ICC-02/17-28.

¹⁰ A public redacted version of Annex I is also attached to the present document.

V. Submissions

8. The Registry hereby transmits, as Annex I to the present filing, its consolidated report on 699 victim representations and, as Annex II, a detailed explanation of the criteria applied when conducting the legal assessment of each representation under rule 85 of the Rules.



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

Dated this 20 February 2018

At The Hague, The Netherlands