

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

No.: ICC-02/17
Date: **18 June 2019**

PRE-TRIAL CHAMBER II

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

SITUATION IN THE ISLAMIC REPUBLIC OF AFGHANISTAN

Public

Request for scheduling order under rules 91(2) and 103(2), and regulation 24

Source: Office of the Prosecutor

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

Counsel for the Defence

Legal Representatives of the Victims
Ms Katherine Gallagher *et al*
Mr Fergal Gaynor *et al*
Ms Nancy Hollander *et al*
Mr Steven Powles *et al*

Legal Representatives of the Applicants

Unrepresented Victims

Unrepresented Applicants

The Office of Public Counsel for Victims
Ms Paolina Massidda

The Office of Public Counsel for the Defence

States Representatives

Amicus Curiae
Mr Dimitris Christopoulos
Ms Spojmie Nasiri

REGISTRY

Registrar
Mr Peter Lewis

Counsel Support Section

Victims and Witnesses Unit

Detention Section

Victims Participation and Reparations Section **Other**

1. On 12 and 17 June 2019, respectively, the Pre-Trial Chamber granted two groups of non-governmental organisations leave, as *amici curiae*, to file written submissions on matters arising from the Prosecutor's application leave to appeal the Pre-Trial Chamber's decision under article 15(4) of the Statute.¹ While the Pre-Trial Chamber set 12 July 2019 as the deadline for the submissions of the *amici curiae*,² it set no deadline for the Prosecutor to exercise its right to respond under rule 103(2).
2. The Prosecutor also notes the recent submissions by some participating victims, responding to the Prosecution Application.³ Consistent with rule 91(2), and regulation 24, the Prosecution seeks leave to reply to these submissions. While the victims' participation is welcome, it was not necessarily anticipated at this stage. Nor could the Prosecution reasonably anticipate some of the matters raised,⁴ which include a request for specific relief beyond the scope of the Prosecution Application.⁵
3. The Prosecutor proposes to file the response to the *amici curiae*, and any reply authorised by the Pre-Trial Chamber, by no later than 19 July 2019, in a consolidated filing not exceeding 15 pages. It requests an order to this effect, and submits that this short deadline is consistent with a fair and expeditious resolution of the proceedings.



Fatou Bensouda, Prosecutor

Dated this 18th day of June 2019

At The Hague, The Netherlands

¹ ICC-02/17-43 ("First *Amicus* Decision"); ICC-02/17-47 ("Second *Amicus* Decision"). See further ICC-02/17-34 ("Prosecution Application"); ICC-02/17-33 ("Decision").

² First *Amicus* Decision, p. 5; Second *Amicus* Decision, p. 5.

³ See ICC-02/17-44 ("Cross-Border Victims' Response"); ICC-02/17-45. Both were filed on 13 June 2019.

⁴ See e.g. Cross-Border Victims' Response, paras. 14-15, 17, 25, 29-30, 34, 41.

⁵ Cross-Border Victims' Response, para. 41 (requesting the Pre-Trial Chamber to order the Prosecutor "to provide further information clarifying her position" on matters raised).