



**Original: English**

**No. ICC-02/17 OA OA2 OA3 OA4**

**Date: 2 December 2019**

**THE APPEALS CHAMBER**

**Before:**

**Judge Piotr Hofmański, Presiding  
Judge Howard Morrison  
Judge Luz del Carmen Ibáñez Carranza  
Judge Solomy Balungi Bossa  
Judge Kimberly Prost**

**SITUATION IN THE ISLAMIC REPUBLIC OF AFGHANISTAN**

**Public document**

**Revised decision on the conduct of the hearing before the Appeals Chamber**

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

**The Office of the Prosecutor**

Ms Fatou Bensouda, Prosecutor

Ms Helen Brady

**Legal Representatives of Victims**

Mr Fergal Gaynor

Ms Nada Kiswanson van Hooydonk

Ms Katherine Gallagher

Ms Margaret Satterthwaite

Ms Nikki Reisch

Mr Tim Moloney

Ms Megan Hirst

Ms Nancy Hollander

Mr Mikołaj Pietrzak

**The Office of Public Counsel for Victims**

Ms Paolina Massidda

**Amici Curiae**

Ms Spojmie Nasiri

Mr Luke Moffett

Mr David J. Scheffer

Ms Jennifer Trahan

Ms Hannah R. Garry

Mr Göran Sluiter

Mr Kai Ambos

Mr Dimitris Christopoulos

Ms Lucy Claridge

Mr Gabor Rona

Mr Steven Kay

Mr Paweł Wiliński

Ms Nina H. B. Jørgensen

Mr Wayne Jordash

Mr Jay Alan Sekulow

**The Office of Public Counsel for the Defence**

Mr Xavier-Jean Keita

**States Representatives**

Competent authorities of the Islamic Republic of Afghanistan

---

**Registrar**

Mr Peter Lewis

The Appeals Chamber of the International Criminal Court,

In the appeals of individual victims and two organisations submitting representations on behalf of victims filed pursuant to article 82(1)(a) of the Statute and of the Prosecutor filed pursuant to article 82(1)(d) of the Statute against the decision of Pre-Trial Chamber II entitled ‘Decision Pursuant to Article 15 of the Rome Statute on the Authorisation of an Investigation into the Situation in the Islamic Republic of Afghanistan’ of 12 April 2019 (ICC-02/17-33),

Noting the ‘Corrigendum of order scheduling a hearing before the Appeals Chamber and other related matters’ of 27 September 2019 (ICC-02/17-72-Corr) and the ‘Decision on the participation of *amici curiae*, the Office of Public Counsel for the Defence and the cross-border victims’ of 24 October 2019 (ICC-02/17-97),

Noting the ‘Decision on the conduct of the hearing before the Appeals Chamber’ of 22 November 2019 (ICC-02/17-118),

Noting the ‘Application by the Government of the Islamic Republic of Afghanistan to Extend the Time Limit for Filing Submissions in the Appeal proceedings and to Make Oral Submissions at the Hearing of the Appeal’ of 25 November 2019 (ICC-02/17-120),

Noting the ‘Decision on request for extension of time’ of 26 November 2019 (ICC-02/17-121) wherein the Appeals Chamber granted the abovementioned request of the Islamic Republic of Afghanistan and indicated that as a consequence a revised decision on the conduct of the hearing would be issued,

*Issues* the following

## DECISION

The Islamic Republic of Afghanistan may attend the hearing scheduled between 4-6 December 2019 and may address the Appeals Chamber on the merits of the appeals on 5 December 2019. In making its submissions before the Appeals Chamber, the Islamic Republic of Afghanistan may be guided by the questions posed under Group C (section I) of the ‘Decision

on the conduct of the hearing before the Appeals Chamber'.<sup>1</sup> These questions are meant as a guide and need not be answered individually. A revised schedule for the hearings of 5-6 December is set out below reflecting the necessary adjustments.

#### **A. Thursday, 5 December 2019: (Group C questions)**

- a. The Prosecutor (40 minutes)
- b. The Islamic Republic of Afghanistan (40 minutes)
- c. LRV 1 (40 minutes)
- d. LRV 2 (40 minutes)
- e. LRV 3 (40 minutes)
- f. The Cross-border Victims (20 minutes)
- g. The OPCV (20 minutes)
- h. *Amici Curiae*:
  - The OPCD (15 minutes)
  - Jerusalem Institute of Justice, the International Legal Forum, My Truth, the Simon Wiesenthal Centre, the Lawfare Project, and UK Lawyers for Israel: (15 minutes)
  - European Centre for Law and Justice: (15 minutes)
- i. Additional *questions* may be put to the Participants from the bench in relation to issues arising in this session (30 minutes)

#### **B. Friday, 6 December 2019: (Group C questions)**


- a. Submissions from *Amici curiae*:
  - Afghanistan Human Rights Organisations (15 minutes)
  - Former UN Special Rapporteurs (15 minutes)
  - Global Rights Compliance (15 minutes)
  - Mr David J. Scheffer (15 minutes)

---

<sup>1</sup> 22 November 2019, [ICC-02/17-118](#).

- Mr Paweł Wiliński (15 minutes)
- b. Response from the Prosecutor (20 minutes)
- c. Response from LRV 1 (20 minutes)
- d. Response from LRV 2 (20 minutes)
- e. Response from LRV 3 (20 minutes)
- f. Additional questions may be put to the Participants from the bench in relation to issues arising in this session. (30 minutes)
- g. Final submissions from the Prosecutor (10 minutes)
- h. Final submissions from LRV 1 (10 minutes)
- i. Final submissions from LRV 2 (10 minutes)
- j. Final submissions from LRV 3 (10 minutes)

Done in both English and French, the English version being authoritative.

  
**Judge Piotr Hofmański**  
**Presiding**

Dated this 2<sup>nd</sup> day of December 2019

At The Hague, The Netherlands