

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

No.: **ICC-02/17**

Date: **7 April 2022**

PRE-TRIAL CHAMBER II

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

SITUATION IN THE ISLAMIC REPUBLIC OF AFGHANISTAN

Public

**Order seeking the assistance of the United Nations and the United Nations
Assistance Mission in Afghanistan**

Order to be notified, in accordance with Regulation 31 of the *Regulations of the Court*, to:

The Office of the Prosecutor

Mr Karim A. A. Khan
Mr Manoj Sachdeva

Counsel for Defence

Legal Representatives of Victims

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

The Office of Public Counsel for Victims

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

States Representatives

Islamic Republic of Afghanistan

Amicus Curiae

REGISTRY

Registrar

Mr Peter Lewis

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Mr Philipp Ambach

Other

United Nations

United Nations Assistance Mission in
Afghanistan

PRE-TRIAL CHAMBER II (the ‘Chamber’) of the International Criminal Court (the ‘Court’) issues this ‘Order seeking the assistance of United Nations and the United Nations Assistance Mission in Afghanistan’.

1. On 27 September 2021, the Chamber received the Prosecutor’s ‘Request to authorise resumption of investigation under article 18(2) of the Statute’ (the ‘Prosecutor’s Application for resumption of investigation’).¹

2. On 8 October 2021, the Chamber issued the ‘Decision setting the procedure pursuant to rule 55(1) of the Rules of Procedure and Evidence following the Prosecutor’s “Request to authorise resumption of investigation under article 18(2) of the Statute”’ (the ‘8 October 2021 Decision’).² The Chamber stated that ‘for it to be in a position to make an informed decision and hence properly establish the procedure under article 18(2) of the Statute, it need[ed] to receive reliable and updated information as to the identification of the authorities currently representing [the Islamic Republic of] Afghanistan’.³

3. On 24 February 2022, the Chamber issued the ‘Order setting the schedule for the filing of submissions in the proceedings pursuant to article 18(2) of the Rome Statute and rule 55(2) of the Rules of Procedure and Evidence’ (the ‘24 February 2022 Order’) in which it invited the Islamic Republic of Afghanistan to provide observations on the Prosecutor’s Application for resumption of the investigation.⁴

4. The Chamber needs to be satisfied that the 24 February 2022 Order has been effectively conveyed and brought to the attention of the authorities currently representing the Islamic Republic of Afghanistan.

5. The Chamber considers that, in light of the political developments in the Islamic Republic of Afghanistan, the United Nations, and in particular the Special Representative of the Secretary-General for Afghanistan of the United Nations Assistance Mission in Afghanistan, because of its institutional mandate and continued presence in the Islamic Republic of Afghanistan, is the entity suitable to assist the

¹ [ICC-02/17-161](#), with a confidential annex.

² [ICC-02/17-165](#).

³ [8 October 2021 Decision](#), para. 19.

⁴ [ICC-02/17-182](#).

Chamber pursuant to article 87(6) of the Rome Statute and the Relationship Agreement between the United Nations and the Court,⁵ by transmitting the 24 February 2022 Order and this order to the authorities currently representing the Islamic Republic of Afghanistan.

FOR THESE REASONS, THE CHAMBER

REQUESTS the Secretary-General of the United Nations and the Special Representative of the Secretary-General for Afghanistan of the United Nations Assistance Mission in Afghanistan to transmit the 24 February 2022 Order and this order to the authorities currently representing the Islamic Republic of Afghanistan;

REQUESTS the Secretary-General of the United Nations and the Special Representative of the Secretary-General for Afghanistan of the United Nations Assistance Mission in Afghanistan to submit a report on the transmission of the 24 February 2022 Order and this order to the authorities currently representing the Islamic Republic of Afghanistan, no later than Friday, 13 May 2022;

ORDERS the Registry to transmit the 24 February 2022 Order and this order to the Secretary-General of the United Nations and the Special Representative of the Secretary-General for Afghanistan of the United Nations Assistance Mission in Afghanistan;

ORDERS the Registry to submit a report on the transmission of the 24 February 2022 Order and this order to the Secretary-General of the United Nations and the Special Representative of the Secretary-General for Afghanistan of the United Nations Assistance Mission in Afghanistan, no later than Monday, 25 April 2022;

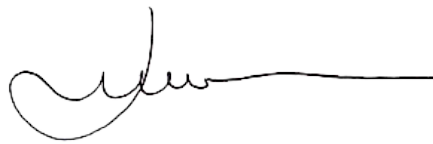
REITERATES the invitation to the Islamic Republic of Afghanistan to provide observations on the Prosecutor's Application for resumption of the investigation;

⁵ [Negotiated Relationship Agreement Between the United Nations and the International Criminal Court](#), 20 August 2004.

INVITES the Islamic Republic of Afghanistan to submit the aforementioned observations no later than one month following the communication of the 24 February 2022 Order and this order; and

INSTRUCTS the Prosecutor, should he wish so, to submit a reply to the observations of Islamic Republic of Afghanistan, no later than two weeks following the notification of the observations of the Islamic Republic of Afghanistan.

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



Judge Rosario Salvatore Aitala
Presiding Judge



Judge Antoine Kesia-Mbe Mindua



Judge Tomoko Akane

Dated this Thursday, 7 April 2022

At The Hague, The Netherlands