

ANNEX A
PUBLIC

**Cour
Pénale
Internationale**



**International
Criminal
Court**

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

Victims' Request for Leave to Submit Observations

Source: Legal Representative of Victims

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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I. INTRODUCTION

1. The Legal Representative for Afghan Victims (“LRV1”) hereby respectfully requests leave to submit observations before Pre-Trial Chamber II on:

- a. the Prosecution’s “Request to authorise resumption of investigation under article 18(2) of the Statute” (“Prosecution Request”);¹
- b. the Prosecutor’s decision to focus “investigations in Afghanistan on crimes allegedly committed by the Taliban and the Islamic State – Khorasan Province (“IS-K”) and to deprioritise other aspects of this investigation” (“Prosecutor’s Deprioritisation Decision”).²

2. The Prosecution has decided, in effect, to terminate the investigation authorised by the Appeals Chamber into crimes of great brutality allegedly committed by former Afghan government forces, other groups opposing the former Afghan government including Al Qaeda and the Haqqani Network,³ and international forces, across Afghanistan over nearly two decades. The Prosecution did not mention this highly significant decision in the Prosecution Request, nor did it identify a legal basis in the Statute for that decision.

3. The victims represented by LRV1 are Afghan victims of alleged crimes committed by the Taliban and other groups hostile to the former Afghan government, former Afghan government forces, and international forces (“Victims”). LRV1 requests leave to present the Victims’ views and concerns on the Prosecution’s Request and the Prosecutor’s Deprioritisation Decision, and the legal consequences that flow from them. If granted leave, the legal submissions will be to the effect that:

¹ Prosecution, “Request to authorise resumption of investigation under article 18(2) of the Statute”, ICC-02/17, 27 September 2021 (“Prosecution Request”).

² Prosecution, “[Statement of the Prosecutor of the International Criminal Court, Karim A. A. Khan QC following the application for an expedited order under article 18\(2\) seeking authorisation to resume investigations in the Situation in Afghanistan](#)”, 27 September 2021 (“Prosecutor’s Deprioritisation Decision”).

³ The Prosecution explained in its request for authorisation to initiate the investigation that the “three largest anti-government armed groups operating in Afghanistan have historically been the Taliban, the Haqqani Network, and Hezb-e-Islami Gulbuddin”. It also described Al Qaeda as a much smaller organisation “but has nonetheless played a prominent role in the armed conflict”. See ICC, Prosecution, “Public redacted version of “Request for authorisation of an investigation pursuant to article 15”, 20 November 2017, ICC-02/17-7-Conf-Exp”, ICC-02/17, 20 November 2017, paras. 19, 61, and 133.

- a. the Prosecutor's Deprioritisation Decision has no legal basis under the Statute and is unlawful;
- b. alternatively, the Prosecutor's Deprioritisation Decision amounts to an Article 53(1) decision not to proceed with an investigation because, "taking into account the gravity of the crime and the interests of victims, there are nonetheless substantial reasons to believe that an investigation would not serve the interests of justice";
- c. the Pre-Trial Chamber has discretion under Article 53(3)(b) to review that decision, and should review it;
- d. the Prosecutor's Deprioritisation Decision constitutes an effort by the Prosecution to avoid review by the Pre-Trial Chamber, as envisaged by Article 53(3)(b);
- e. the Prosecution cannot avoid an Article 53(3)(b) review by the Pre-Trial Chamber by claiming to be investigating when it has ceased active investigation;
- f. the Prosecution cannot cease active investigation as it has not reconsidered its decision to initiate investigation under Article 53(4);
- g. The Prosecution has expressed an unambiguous intent not to comply with its strict obligation under Article 54(1)(a) to "establish the truth" and Article 54(1)(b) to "[t]ake appropriate measures to ensure the effective investigation and prosecution of crimes within the jurisdiction of the Court". In doing so, it will not respect the interests and personal circumstances of the victims;
- h. the Prosecution has failed to properly inform and consult the Victims prior to taking the Deprioritisation Decision. In so doing, the Prosecution has violated the Court's Statute and Rules and its own internal policy documents. The Victims relied on the Prosecution's promise and adherence to its duties to investigate crimes committed against them. The Prosecution is therefore barred now from ceasing investigations due to the doctrine of legitimate expectation; and
- i. the Pre-Trial Chamber has inherent jurisdiction to inquire into any unlawful action by the Prosecution.

II. SUBMISSIONS

A. Victims may present and have considered their views and concerns in relation to judicial proceedings affecting investigations where their personal interests are affected

4. Article 68(3) of the Statute provides for the presentation and consideration of the views and concerns of the victims where their personal interests are affected at “stages of the proceedings determined to be appropriate by the Court”. Rule 86 of the Rules of Procedure and Evidence provides that both the Prosecution and the Chamber “in performing their functions under the Statute or the Rules, *shall take into account the needs of all victims [...] in particular [...] victims of sexual or gender violence*”.⁴

5. LRV1 seeks to present the views and concerns of Afghan victims who recently learned of the Prosecution Request and the Prosecutor’s Deprioritisation Decision.

6. The Appeals Chamber has confirmed that victims may participate in judicial proceedings affecting investigations:

victims are not precluded from seeking participation in any judicial proceedings, including proceedings affecting investigations, provided their personal interests are affected by the issues arising for resolution.⁵

7. The Victims communicated their views to Pre-Trial Chamber II at the pre-investigation stage through the Registry. Pre-Trial Chamber II recognised the harm that the Victims suffered, and their participatory rights at the Article 15 stage, in the “Decision Pursuant to Article 15 of the Rome Statute on the Authorisation of an Investigation into the situation in the Islamic Republic of Afghanistan”.⁶

A.1. The Appeals Chamber has recognised the participation of the Victims in judicial proceedings affecting investigations in Afghanistan

⁴ Rule 86. Emphasis added.

⁵ ICC, Appeals Chamber, “Judgment on victim participation in the investigation stage of the proceedings in the appeal of the OPCD against the decision of Pre-Trial Chamber I of 7 December 2007 and in the appeals of the OPCD and the Prosecutor against the decision of Pre-Trial Chamber I of 24 December 2007”, ICC-01/04-556, 19 December 2008, para. 56.

⁶ ICC, Pre-Trial Chamber II, “Decision Pursuant to Article 15 of the Rome Statute on the Authorisation of an Investigation into the Situation in the Islamic Republic of Afghanistan”, ICC-02/17-33, 12 April 2019, paras. 80-86.

8. The Victims were permitted by the Appeals Chamber to participate in judicial proceedings concerning the authorisation of investigation in Afghanistan. The Appeals Chamber heard oral arguments by LRV1 over two days regarding the views and concerns of the victims that it represents on the question of commencement of investigation. It also permitted LRV1 to make numerous written submissions in the appeal of the decision by the Pre-Trial Chamber not to authorize an investigation by the Prosecutor.

9. The arguments that underpinned the Victims' participation in the Article 15 proceedings, and in the subsequent appeal proceedings concerning the authorisation of investigation in Afghanistan, also justify their participation in the litigation currently before the Pre-Trial Chamber. Once again, the Victims are confronted with the question of whether the Prosecution will fulfil its Rome Statute obligations to fully, promptly, and effectively investigate, with impartiality and independence, the crimes committed against them, and to prosecute those most responsible.

10. The Victims now seek to present their views and concerns on the Prosecution Request, and the Prosecutor's Deprioritisation Decision. These have potentially extremely serious consequences, and will determine whether the victims will be able to enjoy their rights to truth, justice and reparation. These rights have been recognised as legitimate aims for victim participation in international criminal proceedings.⁷ Of all the decisions a Prosecutor can take, there is no greater threat to the rights of a victim than a decision not to investigate the crimes committed against the victim.

11. The Prosecution's decision not to investigate crimes by former Afghan government forces, other groups opposing the former Afghan government including Al Qaeda and the Haqqani Network, and international forces, represents a concrete and actual threat to the interests of victims of those crimes. Individuals criminally responsible for crimes committed by those entities will not be prosecuted nor tried in court unless there are active investigations. Furthermore, the Court will make no declaration of truth at the conclusion of any trial and reparations cannot take place in the absence of conviction. It is only through an effective,

⁷ See for example, ICC, Pre-Trial Chamber I, "Decision on the Set of Procedural Rights Attached to Procedural Status of Victim at the Pre-Trial Stage of the Case", ICC-01/04-01/07, 13 May 2008, paras. 31-44; STL, Pre-Trial Judge, "[Decision relating to victims' participation in proceedings and their legal representation](#)", STL-18-10/PT/PTJ, para. 52.

prompt, independent, and impartial investigation by the Prosecution that there will be a realistic prospect of trial and subsequent reparations.

12. The Prosecutor’s Deprioritisation Decision raises the question of whether the Prosecution has taken, following the authorisation of the investigation, appropriate measures to comply with its strict obligation under Article 54(1)(b) to “ensure the effective investigation and prosecution of crimes within the jurisdiction of the Court, and in doing so, respect the interests and personal circumstances of the victims”. The Victims should be granted leave to make submissions on this question and on the legal consequences which flow from the Prosecutor’s Deprioritisation Decision, including Article 53 review by the Pre-Trial Chamber.

13. Granting the present request would be consistent with Article 68(3), the centrality of victims in the Rome Statute, the recognition by the Appeals Chamber of the general right of victims to participate in judicial proceedings affecting an investigation, and the Appeal Chamber’s recognition that the Victims have been affected by proceedings concerning the commencement (and, logically, the non-commencement) of investigation by the Prosecution in the *Situation in Afghanistan*.

A.2. The presentation and consideration of the Victims’ views and concerns is not prejudicial to or inconsistent with the rights of the accused and a fair trial

14. At this stage of the proceedings, there is no accused person. Granting the present request therefore is not prejudicial to or inconsistent with the rights of any accused person.

15. As the Appeals Chamber has implicitly recognised, victim participation in judicial proceedings affecting an investigation stage is not inconsistent with or prejudicial to a fair trial. To the contrary, international human rights courts have encouraged and facilitated meaningful, effective, and active victim participation during the investigation stage.⁸

⁸ See for example, IACHR, *Case of the “Street Children” (Villagrán Morales et al) v Guatemala*, Case (The “Street Children” Case) v. Guatemala, Reparations, “[Judgment](#)”, Merits, 19 November 1999, para.227. The court established that “[m]oreover, it is evident from Article 8 of the Convention that the victims of human rights violations or their next of kin should have substantial possibilities of being heard and acting in the respective proceedings, both in order to clarify the facts and punish those responsible, and to seek due reparation”. See also ECtHR, *Case of Hugh Jordan v. The United Kingdom*, “[Judgment](#)”, 4 May 2001, para. 109. The court underlined that “For the same reasons, there must be a sufficient element of public scrutiny of the investigation or its results to secure accountability in practice as well as in theory. The degree of public scrutiny required may well vary from case to case. In all cases, however, the next-of-kin of the victim must be involved in the procedure to the extent necessary to safeguard his or her legitimate interest”. See also, ECtHR, *Case of Güleç v Turkey*, “[Judgment](#)”, 27 July 1998, para. 82.

B. The views and concerns that the Victims seek to submit

16. The Victims seek leave to submit their views and concerns about the Prosecution Request and the Prosecutor's Deprioritisation Decision. LRV1 has recently been informed of views and concerns expressed by some of the Victims. The current security environment does not permit LRV1 to undertake a comprehensive survey of the views and concerns of all the victims she represents.

17. However, it is clear that victims of Taliban crimes welcome the decision to resume an investigation into crimes committed by the Taliban. These crimes are, as the Prosecution explained, grave, large-scale and of a continuing nature. LRV1 encourages prompt and thorough investigations into crimes by the Taliban and IS-K. Furthermore, LRV1 urges Pre-Trial Chamber II to expeditiously grant the Prosecution's Request because it is essential to remove any further delay in the effective investigation of crimes by the Taliban and IS-K.

18. Victims of crimes committed by other actors, such as international forces, and former Afghan government forces, are angry with the Prosecution for "deprioritising" crimes committed against them. The United Nations Assistance Mission in Afghanistan has attributed responsibility for the majority of civilian casualties in Afghanistan this year to the Taliban, but it has attributed responsibility to international forces for the majority of Afghan civilian casualties between 2016 and 2020. Remarkably, hundreds of those killed by international forces are children.⁹ Crimes by these actors are far from negligible and warrant also an effective investigation. The dissolution of the Afghan government forces and the departure of international forces from Afghanistan does not absolve the Prosecution of its duty to investigate and prosecute members of those forces for their individual criminal responsibility in relation to war crimes and crimes against humanity.

19. Victims are deeply disappointed by, and furious at, the Prosecution's selective and exclusionary approach to the investigation in the *Situation in Afghanistan*. There is already a palpable rift in the victim community because of the Prosecutor's Deprioritisation Decision. One victim that lost family members has eloquently encapsulated the arbitrariness of the Prosecution's strategy. The words communicated to LRV1 were as follows:

⁹ United Nations Assistance Mission in Afghanistan, "[Civilian casualties set to hit unprecedented highs in 2021 unless urgent action to stem violence – UN report](#)", 26 July 2021; United Nations Assistance Mission in Afghanistan, "[40% of all civilian casualties from airstrikes in Afghanistan – almost 1,600 – in the last five years were children](#)", 6 May 2021.

It doesn't matter to us who committed the crimes against us. Why does it matter to them? This is against human rights!

20. If granted leave to submit observations, LRV1 will argue that the Prosecution has acted at variance with Article 54(1)(a) of the Statute which requires the Prosecution to “extend the investigation to cover all facts and evidence relevant to an assessment of whether there is criminal responsibility”. The word *shall* in Article 54(1) does not allow the Prosecution choice in the entities that it will investigate when the jurisdictional and admissibility thresholds are met.

21. The Prosecution must act independently and impartially.¹⁰ It may exercise prosecutorial discretion, but this must be done within the limits of the law including Article 54(1), and with the Court's purpose to end impunity in mind. Article 54(1) imposes an obligation on the Prosecution to proceed with an investigation, even in uncondusive environments.

22. The Prosecution failed to provide a detailed explanation of its decision to “deprioritise” significant components of the *Situation in Afghanistan*, merely stating:

In relation to those aspects of the investigation that have not been prioritised, my Office will remain alive to its evidence preservation responsibilities, to the extent they arise, and promote accountability efforts within the framework of the principle of complementarity.¹¹

23. No reasonable interpretation can reconcile the Prosecution's intent to “remain alive to its evidence *preservation* responsibilities”¹² and its legal duty to take appropriate measures to ensure an *effective* investigation under Article 54(1)(b) of the Statute.¹³

24. International human rights law requires that to be *effective*, an investigation and prosecution must be adequate, prompt, and thorough. The European Court of Human Rights has clarified that to be adequate, “the authorities must take whatever reasonable steps they can

¹⁰ Rome Statute, Article 42.

¹¹ Prosecutor's Deprioritisation Decision.

¹² Prosecutor's Deprioritisation Decision. Emphasis added.

¹³ Rome Statute, Article 54(1)(b). Emphasis added.

to secure the evidence concerning the incident”.¹⁴ In the respectful view of LRV1, to secure the evidence is to actively pursue all relevant evidence from all those who hold it, including all relevant States Parties.¹⁵ The European Court of Human Rights also ruled that an investigation must be “capable of leading to a determination of whether the force used in such cases was or was not justified in the circumstances and to the identification and punishment of those responsible”.¹⁶

25. The Prosecution has not specified the legal basis for its decision to “deprioritise” certain components of the Afghanistan situation. Notably, there is no legal basis in the Statute for cessation of the already initiated investigation in the *Situation in Afghanistan*. Article 16 permits the Security Council to defer an investigation for 12 months. It has not done so.

26. Article 18(2) requires the Prosecutor to “defer to the State's investigation” where a State is investigating or has investigated its nationals with respect to criminal acts which may constitute crimes under the Statute. The Prosecutor asserts in the Prosecution Request that the authorities and entities currently in control of Afghanistan are not able to genuinely investigate and prosecute alleged crimes. The Prosecution has not claimed that any other State is asserting jurisdiction in accordance with Article 18.¹⁷

27. Under Article 54(4), “the Prosecutor may, at any time, reconsider a decision whether to initiate an investigation or prosecution based on new facts or information”. The Prosecutor has not invoked this provision. Neither has it referred to new developments to suggest that any State is investigating crimes committed by former Afghan government forces, other groups that were against the former Afghan government, and international forces.

28. Articles 16, 18(2) and 54, read in conjunction, leave no doubt that the Prosecution is not permitted to limit an investigation to certain facts and evidence for vague reasons of “prioritisation” including the argument that resources are scarce.

29. The only potentially arguable basis for the Prosecutor’s Deprioritisation Decision is that he has determined that “there is no reasonable basis to proceed” with investigation or prosecution because, “taking into account the gravity of the crime and the interests of victims, there are nonetheless substantial reasons to believe that an investigation would not serve the

¹⁴ ECtHR, *Case of Amani Da Silva v. United Kingdom*, “[Judgment](#)”, 30 March 2016, para. 233.

¹⁵ *Ibid.* See reference to the authorities did “seek out relevant witnesses or relevant information”.

¹⁶ *Ibid.*, paras. 233, 239, and 260.

¹⁷ Prosecution Request, para. 19 and 22

interests of justice.” Importantly, however, this option is open to the Prosecution under Article 53 of the Statute “[i]n deciding whether to initiate an investigation”¹⁸ and a decision on that basis is subject to judicial review. The Prosecution cannot be allowed to evade judicial review by (a) deliberately omitting such a significant development from its formal request to the Pre-Trial Chamber while sharing it in a public statement on the Court’s website; and (b) pretending that it is investigating when it is not.

30. If granted leave to submit observations, the Victims will argue that, if the Prosecution is indeed lawfully permitted to cease active investigation into crimes by former Afghan government forces, international forces, and other groups opposing the former Afghan government such as the Haqqani network or Al Qaeda, the Pre-Trial Chamber should exercise its discretion to review the Prosecution’s decision. Pre-Trial Chamber II can, on its own initiative, review the Prosecution’s decision to cease investigation pursuant to Article 53(3)(b). One reason to consider in deciding whether to review the Prosecutor’s decision not to proceed is the Victims’ right to remedy.

31. Where a fundamental right is violated, international human rights law requires that there be an effective remedy. The Victims’ fundamental rights to truth, justice and reparation have been violated by the Prosecution’s decision not to proceed with the investigation. Article 54(1)’s imperative that the Prosecution shall establish the truth and effectively investigate must be viewed in the light of the Victims’ fundamental rights.

32. The Pre-Trial Chamber identified in the *Situation on the Registered Vessels of the Union of the Comoros* case the standard for Article 53 review when it said that:

Upon review, the Chamber must request the Prosecutor to reconsider her decision not to investigate if it concludes that the validity of the decision is materially affected by an error, whether it is an error of procedure, an error of law, or an error of fact.¹⁹

33. The circumstances of the present case favour the exercise of the Chamber’s discretion to review. All factors explicitly or implicitly contained in the Statute (personal, territorial,

¹⁸ Rome Statute, Article 53(1)(c).

¹⁹ ICC, Pre-Trial Chamber I, “Decision on the request of the Union of the Comoros to review the Prosecutor’s decision not to initiate and investigation”, ICC-01/13-34, 16 July 2015, para 12.

subject-matter and temporal jurisdiction; gravity; the requirement that the State is unable or unwilling genuinely to prosecute; the interest of the victims; the existence of evidence against identified persons; deterrence of crimes against humanity; deterrence of state obstruction of justice; ending impunity for the powerful for horrific crimes against the powerless) weigh heavily in favour of continued, active and effective investigation.

34. Prosecutorial discretion under the Statute is not absolute. The Court's legal texts do not envisage that the Prosecution will abandon an investigation into serious crimes before it has even begun. Rather, the Statute envisages that the Prosecution may only cease to actively collect evidence in an initiated investigation where: (1) it has collected all relevant evidence under Article 54(1) and a case is trial-ready but the accused is at large; (2) the Security Council or the concerned State has suspended the investigation or prosecution pursuant to Articles 16 and 18; (3) the Prosecution has invoked its Article 53(4) power to reconsider a decision whether to initiate an investigation or prosecution. None of these applies in the present situation.

35. As noted, the extraordinary decision by the Prosecution to cease a major investigation of crimes by a multitude of armed forces and groups, committed over a period of nearly two decades over vast territory in Afghanistan, was not communicated to the Chamber in a filing, but in a press release. Neither were the Victims given prior notification or consulted. If granted leave, LRV1 will elaborate in detail on the Prosecution's duty to inform and consult victims. This is the largest group of victims to have been represented in the *Situation in Afghanistan* and the Prosecution gave them no attention whatsoever prior to taking a decision of tremendous consequence to their interests and rights.

36. The Prosecution was aware of the Victims' previous participation and had been informed of their interest in the investigation and deferral process. The Prosecution had the opportunity to engage with and inform LRV1 directly of the transformative decision to resume investigations and prioritise crimes by the Taliban and IS-K. Nevertheless, the Prosecution inexcusably decided not to provide the Victims with any prior notification of its decisions to request a resumption of investigation and to deprioritise components of the investigation. The Prosecution did therefore not hear nor consider the views of the Victims beforehand.

37. In deliberately ignoring the Victims, the Prosecution fell far short of its obligations under the Statute and Rules of the Court. It also failed the constituency that it is meant to serve. Article 54(1)(b) sets out that the Prosecution shall "respect the interests and personal

circumstances of victims and witnesses [...]”. Rule 92(2) further emphasises that victims must be promptly informed of a Prosecutor’s decision not to investigate or prosecute, and the reasons for that decision.²⁰

38. The Prosecution also failed to comply with its own policy documents. For example, the Prosecution’s policy paper on victim participation states that “[t]he Office promotes direct interaction with victims and victims’ associations at all stage of its activities and on an ongoing basis from the preliminary examination, investigation, pre-trial, trial to reparation stages”.²¹

39. In addition, Regulation 16 of the Regulations of the Prosecution provides that “[t]he Office shall, in coordination with the Victims Participation and Reparations Section (VPRS) of the Registry, as appropriate, seek and receive the views of the victims at all stages [...]”.²²

40. The Prosecution’s policy paper on victim participation proudly recalls the Prosecution’s position that the Statute:

empowers victims as an actor in the international criminal justice system, with a right to express their views and concerns independently in proceedings where their personal interests are affected. [...] It is part of a consistent pattern of evolution of international law, including but not limited to international criminal law, which recognizes victims as actors and not only passive subjects of the law [...].²³

41. Hence, “consistent with article 53(1)(c) and the Prosecutorial Strategy, the Office welcomes direct interaction with victims and victims associations starting at the earliest stages of its work in order to take their interests into account when it defines the focus of its investigative activity”.²⁴

²⁰ Rule 92(2) requires the Court to notify victims participating in the proceedings concerning the Prosecutor’s decision not to investigate or prosecute pursuant to Article 53. Rules 105(3), 105(5) and 106(2) contain obligations on the Prosecutor to give reasons for its decisions not to investigate or prosecute. Rule 105(2), by reference to Rule 49, provides for notification to those who have submitted information to the Prosecutor regarding a decision not to seek an authorization under Article 15. The provision clearly contemplates that those who provided information might then have an opportunity to provide further information. Together, these reflect that (a) the victims have a right to know the reasons why the Prosecutor has taken a decision not to actively investigate a case; and (b) the Prosecutor in any event should be transparent about the reasons for its decisions not to investigate or not to prosecute.

²¹ Prosecution, “[Policy Paper on Victims’ Participation](#)”, April 2010, page 1.

²² *Ibid.*, page. 4.

²³ *Ibid.*, page 5.

²⁴ *Ibid.*, page. 8.

42. Moreover, the Prosecution broke its own commitment towards victims as formulated in its Strategic Plan 2019-2021. That strategic plan promises that the Prosecution will engage in an “honest reflection and dialogue [...] to address areas of contention and misunderstanding, such as the inherent limitation of the Office’s mandate and victims’ legitimate expectations of justice for the harms they have suffered”.²⁵ The Prosecution also committed to strengthen its communications with victims and their communities, including at the investigation stage.²⁶ Regrettably, these eloquent policies and commitments ring hollow in the current circumstance.

III. RELIEF SOUGHT

43. For these reasons, LRV1 respectfully requests Pre-Trial Chamber II to grant her leave to submit the views and concerns of the victims regarding the Prosecution Request and the Prosecutor’s Deprioritisation Decision, and the legal consequences that flow from them.

Respectfully submitted on the 12th of October 2021 at The Hague,



Nada Kiswanson van Hooydonk

²⁵ Prosecution, “[Strategic Plan 2019-2021](#)”, para. 33.

²⁶ *Ibid.*, para. 34.