Pursuant to Pre-Trial Chamber II's order, ICC-02/17-249, this document is transferred from the situation record ICC-02/17 into the situation record ICC-02/26.

Cour Pénale Internationale

International Criminal Court

Original: English

No. **ICC-02/17**
Date: **5 October 2026**

PRE-TRIAL CHAMBER II

Before: **Judge Rosario Salvatore Aitala, Presiding**
Judge Sergio Gerardo Ugalde Godínez
Judge Haykel Ben Mahfoudh

SITUATION IN THE ISLAMIC REPUBLIC OF AFGHANISTAN

Public

Public redacted version of 'Decision unsealing four warrants of arrest', 5 October 2026

Pursuant to Pre-Trial Chamber II's order, ICC-02/17-249, this document is transferred from the situation record ICC-02/17 into the situation record ICC-02/26.

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

☒ **The Office of the Prosecutor**

☐ **Counsel for the Defence**

☐ **Legal Representatives of the Victims**

☐ **Legal Representatives of the Applicants**

☐ **Unrepresented Victims**

☐ **Unrepresented Applicants (Participation/Reparation)**

☐ **The Office of Public Counsel for Victims**

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

☐ **States' Representatives**

☐ **Amicus Curiae**

REGISTRY

Registrar
Mr Osvaldo Zavala Giler

☐ **Counsel Support Section**

☒ **Victims and Witnesses Unit**

☐ **Detention Section**

☐ **Victims Participation and Reparations Section**

☒ **Other**
Judicial Cooperation Support Section

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PRE-TRIAL CHAMBER II of the International Criminal Court (the 'Chamber') issues this 'Decision unsealing four warrants of arrest'.

I. PROCEDURAL HISTORY

1. On 8 July 2025, upon requests submitted by the Prosecution under article 58 of the Statute,[1] the Chamber issued under seal warrants of arrest against Haibatullah Akhundzada[2] and Abdul Hakim Haqqani[3] ('Mr Akhundzada' and 'Mr Haqqani'). The Chamber authorised the Registry to publicly disclose the existence of the warrants, the name of the suspect, the crime and the mode of liability for which the warrants were issued.[4]

2. On 9 September 2025, upon requests submitted by the Prosecution under article 58 of the Statute,[5] the Chamber issued two additional under seal warrants of arrest against Habibullah Agha[6] and Neda Mohammad Nadim[7] ('Mr Agha' and 'Mr Nadim', all warrants together, the 'Warrants of Arrest').

[1] Prosecution's application under article 58 for a warrant of arrest against Haibatullah AKHUNDZADA, 23 January 2025, ICC-02/17-224-Conf-Exp (public redacted version filed on the same day, ICC-02/17-224-Red); Prosecution's application under article 58 for a warrant of arrest against Abdul Hakim HAQQANI, 23 January 2025, ICC-02/17-225-Conf-Exp (public redacted version filed on the same day, ICC-02/17-225-Red).
[2] Warrant of arrest for Haibatullah Akhundzada, ICC-02/17-232-US-Exp, under seal, *ex parte*, only available to the Prosecution (the 'Warrant of Arrest for Akhundzada').
[3] Warrant of arrest for Abdul Hakim Haqqani, ICC-02/17-233-US-Exp, under seal, *ex parte*, only available to the Prosecution (the 'Warrant of Arrest for Haqqani').
[4] Warrant of Arrest for Akhundzada, para. 50; Warrant of Arrest for Haqqani, para. 49. *See also* ICC Press Release, Situation in Afghanistan: ICC Pre-Trial Chamber II issues arrest warrants for Haibatullah Akhundzada and Abdul Hakim Haqqani, 8 July 2025.
[5] Prosecution's application under article 58 for a warrant of arrest against Habibullah AGHA, 6 March 2025, ICC-02/17-230-US-Exp; Prosecution's application under article 58 for a warrant of arrest against Neda Mohammad NADIM, 6 March 2025, ICC-02/17-231-US-Exp.
[6] Warrant of arrest for Habibullah Agha, ICC-02/17-234-US-Exp, under seal, *ex parte*, only available to the Prosecution.
[7] Warrant of arrest for Neda Mohammad Nadim, ICC-02/17-235-US-Exp, under seal, *ex parte*, only available to the Prosecution.

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3. On 3 July 2026, following a Chamber's order,[8] the Prosecution[9] and the Registry[10] provided their observations on the unsealing of the Warrants of Arrest, [REDACTED] (the 'Prosecution's and Registry's Observations').

II. DETERMINATION

4. The Chamber recalls that, pursuant to article 68(1) of the Statute, it 'shall take appropriate measures to protect the safety, physical and psychological well-being, dignity and privacy of victims and witnesses' and that '[t]hese measures shall not be prejudicial to or inconsistent with the rights of the accused and a fair and impartial trial'.

5. Regarding the warrants of arrest issued against Mr Akhundzada and Mr Haqqani, the Chamber observes that their existence, the name of the suspect, the crime and mode of liability for which the warrants were issued are publicly known. As such, and in view of the Prosecution's and Registry's observations in this regard, the Chamber considers that these warrants of arrest may be made public without undue impact on the Prosecution's ongoing investigations and the security of the witnesses and victims.

6. Regarding the Warrants of Arrest for Mr Agha and Mr Nadim, the Chamber, having taken note of the Prosecution's and Registry's Observations, is of view that [REDACTED]. The Chamber also considers that unsealing the Warrants of Arrest serves to: (i) prevent the commission of further crimes by the suspects; (ii) inform the victims and general public on the status of the proceedings in this Situation; and (iii) promote cooperation by the international community in relation to the Situation in the Islamic Republic of Afghanistan.

7. The Chamber further considers that any potential risk that unsealing the Warrants of Arrest may pose to the witnesses and victims is being addressed through appropriate mitigating measures, [REDACTED].

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[8] Email from the Chamber to the Prosecution and the Registry, [ICC-02/17 – Under seal] – Order to provide observations on the unsealing of ICC-02/17-232-US-Exp, ICC-02/17-233-US-Exp, ICC-02/17-234-US-Exp and ICC-02/17-235-US-Exp, 22 June 2026, at 16:17.
[9] The Prosecution's observations on the unsealing of arrest warrants, ICC-02/17-236-US-Exp (the 'Prosecution's Observations').
[10] Registry Observations to Pre-Trial Chamber II's "Order to provide observations on the unsealing of ICC-02/17-232-US-Exp, ICC-02/17-233-US-Exp, ICC-02/17-234-US Exp and ICC-02/17-235-US-Exp", ICC-02/17-237-US.

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8. [REDACTED].[11]

9. Accordingly, the Chamber decides to unseal the Warrants of Arrest, with redactions.

III. ANCILLARY MATTERS

10. The Chamber notes that some filings in the present Situation remain currently under seal as a result of the classification of the article 58 proceedings. In light of the Chamber's above determination, the Registry is instructed to reclassify the following documents as public:

- ICC-02/17-220-US-Exp;
- ICC-02/17-229-US-Exp;
- ICC-02/17-238-US-Exp; and
- ICC-02/17-241-US-Exp.

11. Moreover, the Prosecution shall file a public redacted version, or request for the reclassification as public, of the following filings, by no later than 12 October 2026:

- ICC-02/17-219-US-Exp;
- ICC-02/17-223-US-Exp;
- ICC-02/17-230-US-Exp;
- ICC-02/17-231-US-Exp; and
- ICC-02/17-239-US-Exp.

[11] Prosecution's Observations, para. 9.

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FOR THESE REASONS, THE CHAMBER HEREBY

DECIDES to unseal the Warrants of Arrest, with redactions;

ORDERS the Registry to reclassify ICC-02/17-220-US-Exp, ICC-02/17-229-US-Exp, ICC-02/17-238-US-Exp, and ICC-02/17-241-US-Exp as public; and

ORDERS the Prosecution to file a public redacted version, or request for the reclassification as public, of ICC-02/17-219-US-Exp, ICC-02/17-223-US-Exp, ICC-02/17-230-US-Exp, ICC-02/17-231-US-Exp, and ICC-02/17-239-US-Exp by no later than 12 October 2026;

Done in English. A French translation will follow. The English version remains authoritative.

Judge Rosario Salvatore Aitala

Presiding

Judge Sergio Gerardo Ugalde Godínez

Judge Haykel Ben Mahfoudh

Dated this Monday, 5 October 2026.

At The Hague, The Netherlands.