Cour
Pénale
Internationale

International
Criminal
Court

Original: English

No. ICC-02/17 OA6
Date: 10 November 2026

THE APPEALS CHAMBER

Before: **Judge Luz del Carmen Ibáñez Carranza, Presiding**
Judge Solomy Balungi Bossa
Judge Gocha Lordkipanidze
Judge Erdenebalsuren Damdin
Judge Iulia Antoanella Motoc

SITUATION IN THE ISLAMIC REPUBLIC OF AFGHANISTAN

Public document

Order on reclassification and filing of public versions of documents

Order 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**

The Appeals Chamber of the International Criminal Court,

In the appeal of the Prosecutor against Pre-Trial Chamber II's "Decision in relation to the investigation in the situation in the Islamic Republic of Afghanistan" of 15 July 2026 (ICC-02/17-238) and its "Order to comply with the 'Decision in relation to the investigation in the situation in the Islamic Republic of Afghanistan'" of 3 September 2026 (ICC-02/17-241),

Having before it the "Prosecution notice of appeal of 'Decision in relation to the investigation in the situation in the Islamic Republic of Afghanistan' (ICC-02/17-238-US-Exp) and 'Order to comply with the "Decision in relation to the investigation in the situation in the Islamic Republic of Afghanistan"' (ICC-02/17-241-US-Exp)" of 9 September 2026 (ICC-02/17-242-US-Exp),

Having before it the "Prosecution request for an extension of page limit for the Prosecution appeal of 'Decision in relation to the investigation in the situation in the Islamic Republic of Afghanistan' (ICC-02/17-238-US-Exp) and 'Order to comply with the "Decision in relation to the investigation in the situation in the Islamic Republic of Afghanistan"' (ICC-02/17-241-US-Exp)" of 23 September 2026 (ICC-02/17-243-US-Exp),

Having before it the "Prosecution Appeal Brief against 'Decision in relation to the investigation in the situation in the Islamic Republic of Afghanistan' (ICC-02/17-238-US-Exp) and 'Order to comply with the "Decision in relation to the investigation in the situation in the Islamic Republic of Afghanistan"' (ICC-02/17-241-US-Exp)" of 25 September 2026 (ICC-02/17-244-US-Exp),

Having before it the "Request for expedited directions on publicity of proceedings" of 23 October 2026 (ICC-02/17-247-US-Exp),

Pursuant to regulation 23*bis*(3) of the Regulations of the Court,

Issues the following

ORDER

1. The Registrar is directed to reclassify as public filings ICC-02/17-242-US-Exp, ICC-02/17-244-US-Exp, ICC-02/17-248-US-Exp.

2. The Prosecutor is directed to file a public redacted version of filings ICC-02/17-243-US-Exp, ICC-02/17-244-US-Exp-AnxA and ICC-02/17-247-US-Exp or indicate the appropriate level of classification for each filing by 17 November 2026.

REASONS

1. Regulation 23*bis*(3) of the Regulations of the Court provides that a chamber may reclassify a document when the basis for the classification no longer exists.

2. The Appeals Chamber notes that on 5 October 2026, the "Decision in relation to the investigation in the situation in the Islamic Republic of Afghanistan" (ICC-02/17-238) and the "Order to comply with the 'Decision in relation to the investigation in the situation in the Islamic Republic of Afghanistan'" (ICC-02/17-241) were reclassified as public. It further notes the request of the Acting Prosecutor (hereinafter: "Prosecutor") that the Appeals Chamber "[o]rder the immediate reclassification" as public of filings ICC-02/17-242-US-Exp and ICC-02/17-244-US-Exp,[1] and "take such further steps as may be required to provide appropriate publicity" with respect to filings ICC-02/17-243-US-Exp, ICC-02/17-244-US-Exp-AnxA and ICC-02/17-247-US-Exp.[2]

3. In light of the foregoing, the Appeals Chamber finds that no reason exists for documents ICC-02/17-242-US-Exp, ICC-02/17-244-US-Exp and ICC-02/17-248-US-Exp to remain under seal and directs that these documents be reclassified as public. Concerning documents ICC-02/17-243-US-Exp, ICC-02/17-244-US-Exp-AnxA and ICC-02/17-247-US-Exp, the Prosecutor is directed to file a public redacted version of or indicate the appropriate level of classification for each filing.

[1] Request for expedited directions on publicity of proceedings, 23 October 2026, ICC-02/17-247-US-Exp (hereinafter: "Request"), para. 6-a.
[2] Request, para. 6-b.

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



Judge Luz del Carmen Ibáñez Carranza
Presiding

Dated this 10th day of November 2026

At The Hague, The Netherlands