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No.: ICC-02/17

Date: 25 January 2018

PRE-TRIAL CHAMBER III

Before: Judge Antoine Kesia-Mbe Mindua, Presiding Judge
Judge Chang-ho Chung
Judge Raul C. Pangalangan

SITUATION IN THE ISLAMIC REPUBLIC OF AFGHANISTAN

Public

With three Confidential *EX PARTE* Annexes, only available to the Registry

Public redacted version of "Fourth Registry Report on Victims'
Representations Pursuant to the Pre-Trial Chamber's Order ICC-02/17-6 of
9 November 2017", 25 January 2017, ICC-02/17-20-Conf

Source: Registry

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

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**Victims Participation and Reparations
Section**

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I. Introduction

1. Pursuant to Pre-Trial Chamber III's "Order to the Victims Participation and Reparation Section Concerning Victims' Representations" of 9 November 2017 ("Chamber" and "Order of 9 November 2017"),¹ the Registry submits the present report on victims' representations, together with its assessment of these representations ("Annex I"), a list of the major incidents reported in the representations ("Annex II") and an open letter submitted in support of victims ("Annex III").

II. Procedural History

2. In its Order of 9 November 2017, the Chamber ordered the Victims Participation and Reparations Section ("VPRS") to: "(i) identify, to the extent possible, the community leaders of the affected groups to act on behalf of those victims who may wish to make representations; (ii) receive and collect victims' representations, be it collective or individual; (iii) conduct a preliminary assessment on whether the conditions set out in rule 85 of the Rules of Procedure and Evidence ("Rules") have been met; and (iv) transmit incoming representations on a rolling basis, possibly every two weeks, together with a brief preliminary assessment".²
3. On 7 December 2017, the Registry transmitted to the Chamber the first batch of victims' representation forms received and its first report thereon ("First Report on Representations").³

¹ Pre-Trial Chamber III, "Order to the Victims Participation and Reparation Section Concerning Victims' Representations", 9 November 2017, ICC-02/17-6, para. 16.

² Order of 9 November 2017, para. 16 and page 8.

³ Registry, "First Transmission to the Pre-Trial Chamber of Victims' Representations Received Pursuant to Article 15(3) of the Rome Statute", 7 December 2017, ICC-02/17-10, and "First Registry Report on Victims' Representations Pursuant to the Pre-Trial Chamber's Order ICC-02/17-6 of 9 November 2017", 7 December 2017, ICC-02/17-11-Conf and ICC-02/17-11-Red.

4. On 21 December 2017 and 11 January 2018, the Registry transmitted to the Chamber the second and third batches of representations received and its second and third reports on victims' representations.⁴
5. On 25 January 2018, the Registry transmitted to the Chamber the fourth batch of representations received.⁵

III. Classification

6. Pursuant to regulation 23bis(1) of the Regulations of the Court ("RoC"), this document is classified as "confidential", since it contains sensitive information linked to security issues pertaining to the Situation in Afghanistan. Moreover, the annexes to the present document are classified as "confidential *ex parte*", only available to the Registry", because they contain confidential information that may lead to the identification of potential victims and other actors.

IV. Applicable Law

7. The Registry submits the present report in accordance with articles 15(3) and 68(1) of the Rome Statute, rules 16(1) and 85 of the Rules, regulation 23bis(1) of the RoC and regulation 102 of the Regulations of the Registry.

⁴ Registry, "Second Registry Transmission of Victims' Representations Pursuant to the Pre-Trial Chamber's Order ICC-02/17-6 of 9 November 2017", 21 December 2017, ICC-02/17-15 and "Second Registry Report on Victims' Representations Pursuant to the Pre-Trial Chamber's Order ICC-02/17-6 of 9 November 2017", 21 December 2017, ICC-02/17-16-Conf and ICC-02/17-16-Red; "Third Registry Transmission of Victims' Representations Pursuant to the Pre-Trial Chamber's Order ICC-02/17-6 of 9 November 2017", 11 January 2018, ICC-02/17-17 and "Third Registry Report on Victims' Representations Pursuant to the Pre-Trial Chamber's Order ICC-02/17-6 of 9 November 2017", 11 January 2018, ICC-02/17-18.

⁵ Registry, "Fourth Registry Transmission of Victims' Representations Pursuant to the Pre-Trial Chamber's Order ICC-02/17-6 of 9 November 2017", 25 January 2018, ICC-02/17-19.

V. Submissions

A. Activities carried out by the Registry to reach out to victims concerned by the situation in Afghanistan

- 8. [Redacted]
- 9. [Redacted]
- 10. [Redacted]

B. Victim representation forms received

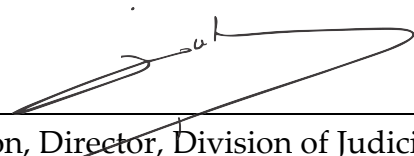
- 11. The present report is based on 47 victim representation forms submitted on behalf of approximatively 30,350 victims. Four out of the 47 victim representation forms have been submitted online and 43 were collected and sent via email interlocutors that the VPRS had previously met during its information and training sessions. 42 of the 47 representation forms are collective. Six forms were submitted in English, one in Pashto, one in Dari and 39 in Dari together with English translations.
- 12. All victims are in favour of the Prosecution's Request. This information and the concerns expressed by the victims are outlined in more detail in Annex I.

C. Rule 85 Preliminary Legal Assessment by the Registry

- 13. In accordance with the Order of 9 November 2017, the VPRS conducted a preliminary legal assessment of each representation form in order to assess whether the individual or group making the representation falls within the definition of victim under rule 85 of the Rules. A detailed explanation of the assessment criteria applied by the Registry has been submitted together with

the First Report on Representations.⁶

14. In Annex II to the present report, the VPRS prepared a list of those incidents described in the victim representation forms that have also been reported by the UNAMA in their public reports and/or by other NGOs and media outlets. Under each incident referred to in the representation forms, the VPRS compiled a short paragraph based on the sources mentioned above. In order to further facilitate the Chamber's consideration of the representations submitted, the VPRS listed all representations that refer to each of the incidents listed in Annex II, and annotated the relevant paragraph in the individual legal assessment contained in Annex I for ease of reference.



 Marc Dubuisson, Director, Division of Judicial Services
per delegation of
 Herman von Hebel, Registrar

Dated this 25 January 2018

At The Hague, The Netherlands

⁶ Registry, Confidential *ex parte* Annex II to "First Registry Report on Victims' Representations Pursuant to the Pre-Trial Chamber's Order ICC-02/17-6 of 9 November 2017", 7 December 2017, ICC-02/17-11-Conf-Exp-AnxII.