



Original: **English**

No.: ICC-02/17 OA OA2 OA3 OA4

Date: **1 December 2019**

THE APPEALS CHAMBER

Before: Judge Piotr Hofmański, Presiding Judge
Judge Howard Morrison
Judge Luz del Carmen Ibáñez Carranza
Judge Solomy Balungi Bossa
Judge Kimberly Prost

SITUATION IN THE ISLAMIC REPUBLIC OF AFGHANISTAN

Public

Urgent Request Regarding Conduct of Proceedings

Source: Afghanistan Human Rights Organizations

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

The Office of the Prosecutor

Ms Fatou Bensouda, Prosecutor

Mr James Stewart, Deputy Prosecutor

Ms Helen Brady

Counsel for the Defence

Legal Representatives of the Victims

Mr Fergal Gaynor *et al.*

Ms Katherine Gallagher *et al.*

Mr Steven Powles *et al.*

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

**The Office of Public Counsel for
Victims**

Ms Paolina Massidda

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

Mr Xavier-Jean Keita

States Representatives

Amicus Curiae

Ms Spojmie Nasiri

REGISTRY

Registrar

Mr Peter Lewis, Registrar

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

1. The Afghanistan Human Rights Organizations (“Organizations”) request an addition of 10 minutes on Wednesday to make oral submissions in relation to the Group A questions. Currently, the Appeals Chamber (“Chamber”) has allocated the Organizations 15 minutes on Thursday to make submissions and only in relation to the Group C questions.¹ However, as indicated in the Organizations’ request seeking leave to appear and in their table of authorities, our intended submissions also relate to questions that fall under the Group A.²

2. In Group A, the Chamber has asked *inter alia* whether the right enjoyed by victims under article 15(3) entitles victims to appeal an article 53 decision.³ The Organizations intend to argue that any standing victims enjoy is coextensive with the right itself. Because article 15(3) limits the rights of victims to making representations, standing is equally limited to vindicating violations of that right. The Organizations will argue that in this case, Pre-Trial Chamber II violated the rights victims enjoyed under article 15(3) by failing to effectively enable victims to make such representations, particularly members of vulnerable groups, including women and children.

3. The addition of 10 minutes on Wednesday will: (1) enable the Organizations to share and fully explain this position with the Court and other participants, (2) enable a more efficient process as it allows the Chamber and participants to hear and respond to the same issues during one session; and (3) ensure parity in the time allocated to *amicus* parties who have sought to make submissions on multiple issues.

4. The Organizations file this request as a matter of urgency given that the Chamber is currently deliberating upon a revised conduct of proceedings for this week’s oral submissions.

¹ See ICC-02/17-118, p. 8.

² See ICC-02/17-55, para. 7; ICC-02/17-122-AnxA, pp. 2-14.

³ See ICC-02/17-118, p. 5.



Spojmie Nasiri

Lead Counsel for the Afghanistan Human Rights Organizations

Dated this 1st day of December 2019

At San Francisco, USA