

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-02/17
Date: 5 May 2021

PRE-TRIAL CHAMBER II

Before: Judge Rosario Salvatore Aitala, Presiding Judge
Judge Tomoko Akane
Judge Antoine Kesia-Mbe Mindua

SITUATION IN THE ISLAMIC REPUBLIC OF AFGHANISTAN

Public
With one Public Annex

Transmission of a “Victims’ response to the Prosecutor’s “Notification on status of the Islamic Republic of Afghanistan’s article 18(2) deferral request” and request for compliance with Part 5 of the Statute”

Source: Registry

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

The Office of the Prosecutor

Ms Fatou Bensouda

Mr Manoj Sachdeva

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 Peter Lewis

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

Ms Katherine Gallagher, Ms Megan Hirst
and Ms Margaret L. Sathertwaite

I. Introduction

1. The Registry hereby transmits to Pre-Trial Chamber II (“Chamber”) in accordance with rule 13 (1) of the Rules of Procedure and Evidence, one document, entitled “Victims’ response to the Prosecutor’s “Notification on status of the Islamic Republic of Afghanistan’s article 18(2) deferral request” and request for compliance with Part 5 of the Statute” (“Submission”), which it received on 29 April 2021 from Ms Katherine Gallagher, on behalf of the Legal Representatives for Victims Sharqawi Al Hajj and Guled Duran (Katherine Gallagher), Mohammed Abdullah Saleh al-Asad (Margaret Satterthwaite) and Ahmed Rabbani (Tim Moloney QC and Megan Hirst), (the “Submitters”).¹

II. Procedural History

2. On 29 April 2021, the Court Management Section (“CMS”) received an e-mail from Ms Katherine Gallagher on behalf of the Legal Representatives for Victims Sharqawi Al Hajj and Guled Duran (Katherine Gallagher), Mohammed Abdullah Saleh al-Asad (Margaret Satterthwaite) and Ahmed Rabbani (Tim Moloney QC and Megan Hirst), QC.²
3. On the same day, the CMS contacted the Counsel Support Section (“CSS”) to verify the legal standing of the Submitters.³
4. The CSS informed the CMS that the Submitters have never been formally appointed by a Chamber.
5. While the Appeals Chamber granted the Submitter the right to submit observations as Amicus Curiae⁴, it is the Registry’s understanding that this does not automatically authorise the Submitter to participate at later stages in the proceedings.

¹ E-mail received from Ms Gallagher by the CMS on 29 April 2021, at 15:58.

² *Ibid.*

³ E-mails sent by the CMS to the CSS on 29 April 2021 at 17:35 and 18:50.

⁴ Decision ICC-02/17-97.

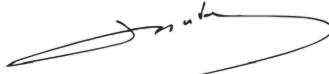
6. The Registry therefore submits that the Submitter does not have legal standing to make representations on behalf of the victims at the current stage of the proceedings.

III. Classification

7. The present submission and its annex are filed as public.

IV. Transmission

8. The Registry hereby transmits the Submission, as received by the CMS, for the attention of the Chamber.



Marc Dubuisson, Director, Division of Judicial Services
on behalf of Peter Lewis, Registrar

Dated this 5 May 2021

At The Hague, The Netherlands