

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-02/17
Date: 6 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 two Public Annexes

**Transmission of a “Cross-Border Victim’s response to the Prosecutor’s
“Notification on status of the Islamic Republic of Afghanistan’s article 18(2)
deferral request”**

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

Mr Fergal Gaynor and Ms. Nada
Kiswanson van Hooydonk,
Ms Catherine Gallagher, Ms Megan
Hirst, Ms Margaret L. Sathertwaite and
Ms. Nikki Reisch,
Ms Nancy Hollander, Mr Mikolaj
Pietrzak and Mr. Ahmad Assed,
Mr Steven Powles QC and Mr Conor
McCarthy

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 and its annex, entitled “Cross-Border Victims’ response to the Prosecutor’s “Notification on status of the Islamic Republic of Afghanistan’s article 18(2) deferral request”” (“Submission”), which it received on 29 April 2021 from Ms Erin Alcock, on behalf of Steven Powles QC (“the Submitter”).¹

II. Procedural History

2. On 29 April 2021, the Court Management Section (“CMS”) received an e-mail from Ms Erin Alcock on behalf of the Submitter.²
3. On the same day, the CMS contacted the Counsel Support Section (“CSS”) to verify the legal standing of the Submitter.³
4. The CSS informed the CMS that the Submitter has never been formally appointed by a Chamber .
5. While the Submitter was considered “participant” before the Appeals Chamber on the specific matter of whether the OTP should be authorised to investigate in Afghanistan, it is the Registry’s understanding that this does not automatically confer the same quality in the proceedings before the Pre-Trial Chamber II.

¹ E-mail received by CMS from Ms Erin Alcock on 29 April 2021, at 15:35.

² *Ibid.*

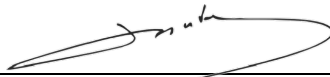
³ E-mails sent by the CMS to the CSS on 29 April 2021 at 17:35 and 18:50.

III. Classification

6. The present filing and its Annexes are filed as public.

IV. Transmission

8. The Registry hereby transmits the Submission and its Annex, 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 6 May 2021

At The Hague, the Netherlands