

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-02/17
Date: 25 April 2022

PRE-TRIAL CHAMBER II

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

SITUATION IN THE ISLAMIC REPUBLIC OF AFGHANISTAN

Public
With two Confidential Annexes

Registry's Report pursuant to Pre-Trial Chamber II's Order
ICC-02/17-187 of 7 April 2022

Source: The Registry

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

The Office of the Prosecutor

Mr Karim A. A. Khan QC
Ms Nazhat Shameen Khan
Mr Anton Steynberg

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

Islamic Republic of Afghanistan

Amicus Curiae

REGISTRY

Registrar

Mr Peter Lewis

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Mr Philipp Ambach

Other

United Nations
United Nations Assistance Mission in
Afghanistan

I. Transmission

1. Pursuant to Pre-Trial Chamber II's ("Chamber") "Order seeking the assistance of the United Nations and the United Nations Assistance Mission in Afghanistan"¹ ("Order of 7 April 2022"), the Registry hereby submits its report on the transmission of the said Order and the "Order setting the schedule for the filing of submissions in the proceedings pursuant to article 18(2) of the Rome Statute and rule 55(2) of the Rules of Procedure and Evidence"² ("Order of 24 February 2022") to: the Secretary-General of the United Nations; the Special Representative of the Secretary-General for Afghanistan and Head of the United Nations Assistance Mission in Afghanistan ("UNAMA"); and the Embassy of the Islamic Republic of Afghanistan ("Afghanistan") in the Kingdom of the Netherlands ("Embassy").

II. Procedural History

2. On 24 February 2022, the Chamber issued the Order of 24 February 2022, in which the authorities of Afghanistan were invited to provide observations on the Prosecutor's "Request to authorise resumption of investigation under article 18(2) of the Statute" ("Prosecutor's Application"),³ no later than Friday 25 March 2022.⁴
3. On 7 April 2022, the Chamber issued the Order of 7 April 2022, in which the Secretary-General of the United Nations and the Special Representative for

¹ Pre-Trial Chamber II, "Order seeking the assistance of the United Nations and the United Nations Assistance Mission in Afghanistan", 7 April 2022, ICC-02/17-187.

² Pre-Trial Chamber II, "Order setting the schedule for the filing of submissions in the proceedings pursuant to article 18(2) of the Rome Statute and rule 55(2) of the Rules of Procedure and Evidence", 24 February 2022, ICC-02/17-182.

³ Office of the Prosecutor, "Request to authorise resumption of investigation under article 18(2) of the Statute", 27 September 2021, ICC-02/17-161.

⁴ Pre-Trial Chamber II, "Order setting the schedule for the filing of submissions in the proceedings pursuant to article 18(2) of the Rome Statute and rule 55(2) of the Rules of Procedure and Evidence", 24 February 2022, ICC-02/17-182, p. 9.

Afghanistan and Head of UNAMA were requested to transmit the Orders of 24 February 2022 and 7 April 2022 respectively to the “authorities currently representing the Islamic Republic of Afghanistan”⁵, and to submit a report on this transmission no later than 13 May 2022. The Chamber also ordered the Registry to submit a report by 25 April 2022, on the transmission of the said two Orders to the Secretary-General of the United Nations and the Special Representative for Afghanistan and Head of UNAMA.⁶

4. Also in the Order of 7 April 2022, the Chamber invited Afghanistan to provide observations on the Prosecutor’s Application, no later than one month after communication of the Orders of 24 February 2022 and 7 April 2022.⁷

III. Classification

5. Pursuant to regulation 23 *bis*(1) of the Regulations of the Court (“RoC”), annexes I and II of the present report are classified as confidential, as they relate to communications of the Registry with State authorities and the United Nations, and contain names and contact details of officials.

IV. Applicable Law

6. The following provisions and legal texts are of particular relevance to the present submissions: article 87(1) and (6) of the Rome Statute (“Statute”); rules 13(1) and 176(2) of the Rules of Procedure and Evidence and article 15(1) of the Relationship Agreement between the International Criminal Court and the United Nations.

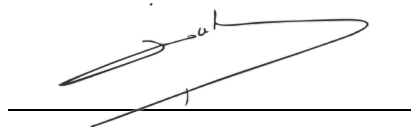
⁵ Pre-Trial Chamber II, “Order seeking the assistance of the United Nations and the United Nations Assistance Mission in Afghanistan”, 7 April 2022, ICC-02/17-187, p. 4.

⁶ *Idem.*, p. 4.

⁷ *Idem.*, p.4-5.

V. Submissions

7. On 8 April 2022, the Registry transmitted the Orders of 24 February 2022 and of 7 April 2022, by way of letter,⁸ to the Secretary-General of the United Nations. The United Nations confirmed receipt of this transmission on the same day. The Registry kindly requested, in the said letter, that the two abovementioned Orders be also communicated to the Special Representative for Afghanistan and Head of UNAMA.
8. On the same day, 8 April 2022, the Registry transmitted, by way of *note verbale*, the Orders of 24 February 2022 and of 7 April 2022 to the Embassy of Afghanistan, which confirmed receipt thereof, on 11 April 2022.⁹ As previously reported,¹⁰ in accordance with article 87(1) of the Statute, the Registry communicates all requests addressed to the Afghan authorities through the diplomatic channel, as the authorities did not designate any other appropriate channel upon ratification of the Statute.



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

Dated this 25 April 2022

At The Hague, the Netherlands

⁸ Annex I to the present report.

⁹ Annex II to the present report.

¹⁰ Registry, "Public Redacted Version of "Transmission of [REDACTED] pursuant to Pre-Trial Chamber II's Decision ICC-02/17-182 of 24 February 2022", 25 March 2022, ICC-02/17-185-Conf", 7 April 2022, ICC-02/17-185-Red, para. 4, p. 3.