



Original : English

N°: ICC-02/17  
Date: 04 March 2022

**THE PRESIDENCY**

**Before:** Judge Piotr Hofmański, President  
Judge Luz del Carmen Ibáñez Carranza, First Vice-President  
Judge Antoine Kesia-Mbe Mindua, Second Vice-President

**SITUATION IN THE ISLAMIC REPUBLIC OF AFGHANISTAN**

**Public**

**With Confidential Annexes 1 and 2**

**Registry Transmission of a Document submitted before the Presidency, dated  
28 January 2022**

**Source: 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

Mr. James Stewart

**Legal Representatives of the Victims****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****REGISTRY**

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**Registrar**

Mr. Peter Lewis

**Counsel Support Section****Victims and Witnesses Unit**

Mr. Nigel Verrill

**Detention Section****Victims Participation and Reparations  
Section**

Mr. Philipp Ambach

**Other**

Ms. Spojmie Ahmady Nasiri and

Mr. Nema Milaninia

Ms. Haydee Dijkstal

Ms. Katherine Gallagher

Mr. Tim Moloney QC and

Ms. Megan Hirst

Mr. Mikołaj Pietrzak,

Ms. Nancy Hollander and

Mr. Ahmad Assed

Ms. Margaret Satterthwaite

Mr. Steven Powles QC and

Mr. Conor McCarthy

## I. Introduction

1. Pursuant to rule 13(1) of Rules of Procedure and Evidence, and regulation 24(4) of the Regulations of the Court, the Registry hereby transmits as annexes 1 and 2, a “Motion Seeking Remedies for Repeated Administrative Violations,” (“Motion”).

## II. Procedural History

2. On Friday 28 January 2022, the Registry received the Motion by way of an email communication from Mr. Nema Milaninia (“the submitter”).<sup>1</sup>
3. On the same date, the Registry confirmed receipt of the email.<sup>2</sup>
4. On 31 January 2022,<sup>3</sup> the Registry informed the submitter that the documents attached to the email could not be filed in the record of the Afghanistan Situation citing non-compliance with Pre-Trial Chamber II’s “Decision on submissions received and order to the Registry regarding the filing of documents in the proceedings pursuant to articles 18(2) and 68(3) of the Statute.”<sup>4</sup>
5. On 31 January 2022, the submitter responded to the Registry requesting the onward transmission of their documents to the Presidency.<sup>5</sup>

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<sup>1</sup> Email sent to judoc@icc-cpi.int, on Friday 28 January 2022 at 13:19 containing two attachments.

<sup>2</sup> Email to Nema Milaninia dated Friday 28 January 2022 at 15:16.

<sup>3</sup> Email to Nema Milaninia dated Friday 31 January 2022 at 11:34.

<sup>4</sup> Pre-Trial Chamber II, Decision on submissions received and order to the Registry regarding the filing of documents in the proceedings pursuant to articles 18(2) and 68(3) of the Statute, ICC-02/17-171, 8 November 2021.

<sup>5</sup> Email from Nema Milaninia dated Monday 31 January 2022 at 17:42.

6. On 1 March 2022, the Presidency instructed the Registry that the Motion before the Presidency may be filed.<sup>6</sup>

### **III. Classification**

7. Pursuant to regulation 23*bis*(1) of the Regulations of the Court, the annexes to the transmission are classified as confidential pending determination by the Presidency for reclassification. Annex 2 is the same document which the submitter had requested to file before Pre-Trial Chamber II but was not filed, pursuant to the Chamber's decision.

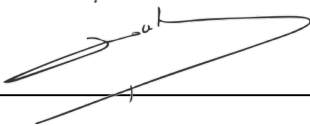
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<sup>6</sup> Email from Presidency to CMS on 1 March 2022 at 9:38.

#### IV. Submissions

8. Pursuant to the Presidency's instruction, the Registry hereby transmits the Motion to the Presidency:

- **Annex 1:** Motion Seeking Remedies for Repeated Administrative Violations; and,
- **Annex 2:** Annex A to Motion Seeking Remedies for Repeated Administrative Violations.



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Marc Dubuisson

Director, Division Judicial Services

On behalf of Peter Lewis, Registrar

Dated this 04 March 2022

At The Hague, The Netherlands