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No.: ICC-01/19

Date: 30 September 2019

**PRE-TRIAL CHAMBER III**

**Before:** Judge Olga Herrera Carbuccion, Presiding Judge  
Judge Robert Fremr  
Judge Geoffrey Henderson

**SITUATION IN THE PEOPLE'S REPUBLIC OF BANGLADESH/REPUBLIC  
OF THE UNION OF MYANMAR**

**Public**

**Public redacted version of "Third Registry Report on Victim Representations  
Pursuant to the Pre-Trial Chamber's Decision ICC-01/19-6 of 28 June 2019",  
27 September 2019, ICC-01/19-12-Conf**

**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 James Stewart

**Counsel for the Defence**

**Legal Representatives of Victims**

**Victims' Representatives**

**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**

## **I. Introduction**

1. The Registry submits the present report, pursuant to Pre-Trial Chamber III's "Decision on the 'Registry's Request for Extension of Notice Period and Submissions on the Article 15(3) Process'" issued on 28 June 2019 ("Chamber" and "Decision of 28 June 2019", respectively),<sup>1</sup> on victim representations.

## **II. Procedural History**

2. On 12 June 2019, the Prosecutor informed the Presidency of her intention to request judicial authorisation to commence an investigation into "crimes within the jurisdiction of the International Criminal Court in which at least one element occurred on the territory of the People's Republic of Bangladesh – a State Party to the Rome Statute – and within the context of two waves of violence in Rakhine State on the territory of the Republic of the Union of Myanmar, as well as any other crimes which are sufficiently linked to these events" pursuant to article 15(3) of the Rome Statute ("Statute").<sup>2</sup>
3. On 25 June 2019, the Presidency rendered its decision assigning the Situation in the People's Republic of Bangladesh/Republic of the Union of Myanmar ("Situation") to the Chamber.<sup>3</sup>
4. On 26 June 2019, the Registry requested an extension of time for victims to make representations under article 15(3) of the Statute and rule 50(3) of the

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<sup>1</sup> Pre-Trial Chamber III, "Decision on the 'Registry's Request for Extension of Notice Period and Submissions on the Article 15(3) Process'", 28 June 2019, ICC-01/19-6.

<sup>2</sup> Office of the Prosecutor, "Notice pursuant to regulation 45 of the Regulations of the Court" of 12 June 2019, filed as ICC-01/19-1-Anx on 26 June 2019 (see fn. 3).

<sup>3</sup> Presidency, "Decision on the constitution of Pre-Trial Chamber III and on the assignment of the situation in the People's Republic of Bangladesh/Republic of the Union of Myanmar", dated 25 June 2019 and notified on 26 June 2019, ICC-01/19-1.

Rules of Procedure and Evidence (“Rules”) and submitted, for the Chamber’s approval, a draft victim representation form.<sup>4</sup>

5. In its Decision of 28 June 2019, the Chamber extended the time limit for victims to submit their representations to 28 October 2019, authorized the use of the draft representation form previously submitted by the Registry subject to one amendment<sup>5</sup> and ordered the Registry to submit: i) victims’ representations to the Chamber on a rolling basis on 30 August 2019, 13 and 27 September 2019 and 11 and 31 October 2019, together with a brief preliminary assessment; and ii) a final consolidated report by 31 October 2019.<sup>6</sup>
6. On 4 July 2019, the Office of the Prosecutor (“Prosecution”) submitted its request for authorization of an investigation pursuant to article 15 of the Statute<sup>7</sup> and notified victims and their representatives of this request (“Prosecution’s Notice to Victims”).<sup>8</sup>
7. On 30 August and 13 September, the Registry submitted its first and second report on victims’ representations, respectively.<sup>9</sup>

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<sup>4</sup> Registry, “Registry’s Request for Extension of Notice Period and Submissions on the Article 15(3) Process”, 26 June 2019, ICC-01/19-3-Conf. A public redacted version of the document was notified on the same date, ICC-01/19-3-Red.

<sup>5</sup> Decision of 28 June 2019, para. 17.

<sup>6</sup> Decision of 28 June 2019, paras. 15 and 19 and page 8.

<sup>7</sup> Office of the Prosecutor, “Request for authorisation of an investigation pursuant to article 15”, 4 July 2019, ICC-01/19-7.

<sup>8</sup> Office of the Prosecutor, “Public Notice of the ICC Prosecutor: Victims who have been allegedly forcibly displaced from Myanmar to Bangladesh since at least 9 October 2016 have until 28 October 2019 to send their views to the ICC in the Hague on the opening of an investigation”, 4 July 2019, <https://www.icc-cpi.int/itemsDocuments/2019-07-04-otp-public-notice-bangladesh-myanmar-eng.pdf> (accessed on 30 August 2019).

<sup>9</sup> Registry, “First Registry Report on Victims’ Representations Pursuant to the Pre-Trial Chamber’s Decision ICC-01/19-6 of 28 June 2019”, 30 August 2019, ICC-01/19-10-Conf. A public redacted version of the document was notified on 3 September 2019, ICC-01/19-10-Red; Registry, “Second Registry Report on Victim Representations Pursuant to the Pre-Trial Chamber’s Decision ICC-01/19-6 of 28

### III. Classification

8. Pursuant to regulation 23*bis*(1) of the Regulations of the Court (“RoC”), this document is classified as “confidential”, since it contains sensitive information [Redacted]. The Registry will file shortly a public redacted version of the present document.

### IV. Applicable Law

9. The Registry submits the present document in accordance with articles 15(3) and 68(1) of the Statute, rules 16(1) and 85 of the Rules, regulation 23*bis*(1) of the RoC and regulation 102 of the Regulations of the Registry.

### V. Submissions

#### A. Registry activities to reach out to victims concerned by the Situation

10. [Redacted],<sup>10</sup> [Redacted].

11. [Redacted],<sup>11</sup> [Redacted].

12. [Redacted].

13. [Redacted].

14. [Redacted].

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June 2019”, 13 September 2019, ICC-01/19-11-Conf (“Second Report”). A public redacted version of the document was notified on the same date, ICC-01/19-11-Red.

<sup>10</sup> [Redacted].

<sup>11</sup> [Redacted].

15. [Redacted].

16. [Redacted], are very eager to support and participate in the Article 15(3) process. The latter report that they feel it is their duty to further their community's quest for justice and human rights, both for their own sake and that of future generations. [Redacted] emphasized how important justice is to them, as in their consideration only justice can ensure that atrocities will not be committed again and that the Rohingya can go back to their homeland, Myanmar, in a dignified manner and with full citizenship rights.<sup>12</sup>

17. The Registry has also reached out to an organization working closely with Rohingya refugees residing in [Redacted]<sup>13</sup> who offered to support the Registry's activities by identifying Rohingya individuals who were deported from Myanmar to Bangladesh at the relevant time and who are currently living in [Redacted]. [Redacted].<sup>14</sup>

## **B. Victim representation forms**

18. [Redacted], five collective representations on behalf of more than 17,000 victims and received another three collective representations in English on behalf of around 70 victims; the Section also collected 10 individual representation forms in Burmese.<sup>15</sup> [Redacted]. All victims represented in the forms collected to date expressed their support for a potential ICC investigation into the Situation and emphasized how important justice is to them and how many view the ICC is their only avenue to justice.

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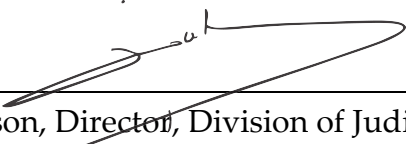
<sup>12</sup> It is noted in this regard that in an effort to manage expectations VPRS staff on the ground continues to clarify and repeat the ICC's – limited – mandate, both at the present art. 15(3) stage and in the case of a potential investigation, as regards the Rohingya people's ability to return to their homes and/or the provision of any citizenship rights.

<sup>13</sup> [Redacted].

<sup>14</sup> [Redacted].

<sup>15</sup> [Redacted].

19. All the above-mentioned victim representations and a report thereon will be transmitted to the Chamber together with the Registry's fourth report on victim representations.

  
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Marc Dubuisson, Director, Division of Judicial Services

On behalf of  
Peter Lewis, Registrar

Dated this 30 September 2019

At The Hague, The Netherlands