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No.: ICC-01/19

Date: 18 June 2021

**PRE-TRIAL CHAMBER I**

**Before:** Judge Péter Kovács, Presiding Judge  
Judge Reine Adélaïde Sophie Alapini-Gansou  
Judge María del Socorro Flores Liera

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

**Public**

**Public redacted version of "Third Registry Report on Information and  
Outreach Activities", 18 June 2021, ICC-01/19-45-Conf**

**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 Asad Ahmad Khan  
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

**Public Information Section**  
Ms Sonia Robla

## **I. Introduction**

1. Pursuant to Pre-Trial Chamber III's "Order on Information and Outreach for the Victims of the Situation" issued on 20 January 2020 ("Chamber" and "Order of 20 January 2020", respectively),<sup>1</sup> the Registry submits its third report on the progress of its activities related to information and outreach activities in the situation of the People's Republic of Bangladesh/ Republic of the Union of Myanmar ("Situation").

## **II. Procedural History**

2. On 20 January 2020, the Chamber ordered the Registry to: *i*) establish, as soon as practical, and in consultation and collaboration with the Prosecutor ("OTP"), a system of public information and outreach activities with the affected communities and particularly with the victims of the Situation;<sup>2</sup> *ii*) submit an initial report on its activities by 6 July 2020 and inform the Chamber about the progress of and challenges to its outreach and information activities in the Situation at least every six months;<sup>3</sup> and *iii*) seize the Chamber immediately if there is any development that requires judicial determination, particularly to provide for the protection and privacy of victims and potential witnesses pursuant to Article 57(3)(c) of the Rome Statute.<sup>4</sup>

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<sup>1</sup> Pre-Trial Chamber III, "Order on Information and Outreach for the Victims of the Situation", 20 January 2020, ICC-01/19-28.

<sup>2</sup> Order of 20 January 2020, para. 9 and page 7.

<sup>3</sup> Order of 20 January 2020, para. 12 page 7.

<sup>4</sup> Order of 20 January 2020, para. 12.

3. On 6 July and 18 December 2020, the Registry filed its first<sup>5</sup> and second<sup>6</sup> periodic reports on the progress of its activities related to information and outreach activities in the Situation.

### **III. Classification**

4. Pursuant to regulation 23*bis*(1) of the Regulations of the Court (“RoC”), the present report is classified as “confidential”, [Redacted]. The Registry will file shortly a public redacted version of the present report.

### **IV. Applicable Law**

5. The Registry submits the present report pursuant to the Order of 20 January 2020.

### **V. Submissions**

#### **A. Registry activities during the reporting period (18 December 2020 – 17 June 2021)**

6. During the reporting period, the activities of the Public Information and Outreach Section (“PIOS”) and the Victims Participation and Reparations Section (“VPRS”) continued to be impacted by the restrictions imposed as a result of the COVID-19 pandemic.

##### **a. Activities conducted by PIOS**

7. During the reporting period, a number of factors continued to limit PIOS’ ability to conduct outreach activities in relation to the Situation. Due to the

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<sup>5</sup> Registry, “Registry’s First Report on Information and Outreach Activities”, ICC-01/19-33-Conf, 6 July 2020. A public redacted version was notified on 7 July 2020, ICC-01/19-33-Red.

<sup>6</sup> Registry, “Registry’s Second Report on Information and Outreach Activities”, ICC-01/19-39-Conf, 18 December 2020. A public redacted version was notified on the same day, ICC-01/19-39-Red.

various restrictions imposed by the Dutch and Bangladeshi Governments to contain the spread of the COVID-19 virus, PIOS was not able to conduct missions on the ground. However, PIOS continued consultations with [Redacted], coordination with relevant Registry sections and the OTP, preparation of messages and the production of information tools.

8. During the previous reporting period, PIOS had finalized the process of selection and hiring of a consultant to produce (a) a mapping report for the Situation ("Mapping Report"); and (b) draft elements of a Public Information and Outreach Strategy ("Strategy"). [Redacted] may lead to a delay in the delivery of the Mapping Report and Strategy. PIOS is currently assessing various options in order to ensure their finalization as soon as possible.
  
9. In order to provide relevant information about the International Criminal Court ("Court" and "ICC") and manage expectations, PIOS focused its efforts on developing ICC messages and tools [Redacted]. To that effect, PIOS provided a comprehensive interview addressing the main concerns and misunderstandings as determined through gathering perceptions from the on line media [Redacted], particularly focusing on the mandate and the limitations of the ICC. On the basis of the interview and in close coordination with PIOS, [Redacted] in Rohingya language, covering the following topics: 1) the crimes under the jurisdiction of the Court, the scope of the investigation in relation to Bangladesh/Myanmar, the principles of complementarity and individual criminal responsibility; 2) execution of arrest warrants, the purpose of the Confirmation of Charges Hearing and the Chamber's decision of 27 October 2020 regarding hearings outside the Host State;<sup>7</sup> 3) the roles of parties and participants in the proceedings; 4) the

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<sup>7</sup> Pre-Trial Chamber III, "Corrected version of 'Decision on Victims' joint request concerning hearings outside the host State' (26 October 2020, ICC-01/19-38)", 27 October 2020, ICC-01/19-38-Corr.

main phases of the legal process before the Court, what the Court can/cannot do for the Rohingya people and a brief mention of the Trust Fund for Victims; 5) the definition of witnesses and victims before the ICC, how the Court can protect witnesses and who can call a witness to testify.

10. PIOS also coordinated [Redacted] and the OTP the production of a program focusing on the work of the OTP. [Redacted].
11. PIOS also liaised with [Redacted] in order to exchange information on their respective activities, explore possible avenues of cooperation and harmonize language especially when referring to the respective mandates and powers.
12. PIOS continued engaging [Redacted] to update each other on the main activities and the current concerns of Rohingya people in the camps in relation to justice and the ICC.
13. Finally, PIOS has also started assessing the feasibility to hold an online training for members of the Office of the Refugee Relief and Repatriation Commissioner ("RRRC"), which coordinates the Bangladeshi response to the Rohingya crisis in Cox's Bazar, and the Camps in Charge officials (CiCs), who have camp management responsibilities. [Redacted].

#### **b. Activities conducted by VPRS**

14. For reasons set out above,<sup>8</sup> the VPRS was not in a position to carry out any physical mission activity. The Section maintained close contact with various interlocutors via different electronic communication tools and platforms; it also replied to communications and queries from interlocutors who sought

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<sup>8</sup> See *supra*, para. 7.

information about victim-related matters and relevant judicial developments in the Situation.<sup>9</sup>

15. During the reporting period, the VPRS had a series of virtual meetings with legal representatives of victims (“LRVs”), in order to exchange information about the respective activities and the situation of their clients.
16. On 16 June 2021, the VPRS received a written communication signed by two LRV teams containing information about various developments and incidents within the camps in Cox’s Bazar, that are of concern to their clients. Some of the issues raised are: (i) the situation of their clients which remains extremely precarious almost five years after their arrival in Bangladesh - in addition to a lack of infrastructure for education, extremely limited healthcare, and poor access to water, there are consistent reports that crime and insecurity in the camp is on the rise; (ii) the fires that became a prominent night-time fixture in the camp in the early months of this year, with *Save the Children* estimating that 84 fires occurred between January and April 2021; (iii) relocation to Basham Char which continues to be a cause of great concern more generally among some of their clients, who are fearful of being moved to a location about which they know very little, and believe that they would never be able to leave; (iv) the fencing which continues to be built around the camps and that exacerbates the challenges that already exist in the camps; (v) the lack of information or engagement from the ICC.
17. As previously reported, at the present stage of proceedings, the VPRS is not actively pursuing or encouraging the completion of application forms for participation in a potential future case before the Chamber, not least since

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<sup>9</sup> The content of relevant messages is coordinated between VPRS and PIOS.

the confines of any potential future case are presently unknown.<sup>10</sup> Instead, the Section maintains relevant connections and networks in order to be able to reach out quickly to relevant interlocutors in case of any pertinent judicial developments.

## **B. Subsequent activities**

### **a. PIOS**

18. In the coming months, PIOS will continue adjusting its plans in line with the situation on the ground and the various Covid-19 related restrictions still in place.
19. PIOS will continue preparations to hold the training with the RRRC and CiCs and, if possible, will also organise an online training for members of [Redacted].
20. PIOS will also advance the production of tools in English, Rohingya, Burmese and Bengali, such as infographics, animations, video and audio files, photos and slide shows.

### **b. VPRS**

21. VPRS will remain in close contact with its interlocutors and will continue to map out other potential interlocutors. The Section will continue to perform its functions remotely (e.g. respond to requests for information, provide trainings and application forms for participation and/or reparations upon

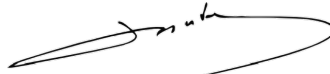
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<sup>10</sup> If and where specific requests to submit victim applications at the present situation stage are transmitted, the VPRS engages with relevant interlocutors so that any victims who *do* submit forms at this stage are properly appraised of the stage of proceedings, and importantly that their expectations are managed.

request through IT means of communication) to the extent possible, and continue exploring further avenues to this end.

22. The Registry will continue to closely monitor the developments related to the Covid-19 pandemic as well as assess and plan potential missions to Cox's Bazar as soon as feasible considering all circumstances. The safety and security of victims, interlocutors and staff members, and the duty of care will be at the core of planning of any and all Registry activities, including any potential missions.

23. PIOS and VPRS will continue to work closely together and carry out joint activities whenever possible and relevant.



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Marc Dubuisson, Director, Division of Judicial Services

On behalf of

Peter Lewis, Registrar

Dated this 18 June 2021

At The Hague, The Netherlands