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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 STATE OF PALESTINE

Public

Public Redacted Version of "Twenty-first Registry Report on Information and Outreach Activities Concerning Victims and Affected Communities in the Situation", 13 November 2023

Source: Registry

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

The Office of the Prosecutor

Karim A. A. Khan
Nazhat Shameen Khan
Abdoulaye Seye

Counsel for the Defence

Legal Representatives of Victims

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparations**

**The Office of Public Counsel for
Victims**

**The Office of Public Counsel for the
Defence**

States Representatives

Amicus Curiae

REGISTRY

Registrar

Oswaldo Zavala Giler

Counsel Support Section

Victims and Witnesses Unit

Nigel Verrill

Detention Section

**Victims Participation and Reparations
Section**

Philipp Ambach

Public Information and Outreach Section

Sonia Robla

Other

I. Introduction

1. Pursuant to Pre-Trial Chamber I's "Decision on Information and Outreach for the Victims of the Situation" issued on 13 July 2018 ("Chamber" and "Decision of 13 July 2018", respectively),¹ the Registry hereby submits its twenty-first report on the progress of its activities related to information and outreach for victims and affected communities in the situation in the State of Palestine ("Situation").

II. Procedural History

2. On 13 July 2018, the Chamber issued its decision by which it, *inter alia*, ordered the Registry to: *i)* "establish, as soon as practicable, a system of public information and outreach activities for the benefit of victims and affected communities of the situation in Palestine";² *ii)* submit an initial report on its activities "at a time deemed appropriate but no later than 14 December 2018" and inform the Chamber, every three months, about the progress of its information and outreach activities and the challenges encountered;³ and *iii)* "create an informative page on the Court's website, especially directed to the victims in the situation of Palestine".⁴
3. Since 12 November 2018, the Registry files regularly periodic reports⁵ on the progress relating to information and outreach activities for victims and affected communities in the Situation.

¹ Pre-Trial Chamber I, "Decision on Information and Outreach for the Victims of the Situation", 13 July 2018, ICC-01/18-2.

² Decision of 13 July 2018, p. 10, *lit.* a) and paras. 13-18.

³ Decision of 13 July 2018, p. 10 *lit.* b) and para. 19.

⁴ Decision of 13 July 2018, p. 10 *lit.* c) and para.18.

⁵ See last report - Registry, "Twentieth Registry Report on Information and Outreach Activities Concerning Victims and Affected Communities in the Situation" ("Registry Twentieth Report"), 11 August 2023, ICC-01/18-156-Conf. A public redacted version was filed on the same date, ICC-01/18-156-Red.

4. On 5 February 2021, the Chamber issued the “Decision on the Prosecution request pursuant to article 19(3) for a ruling on the Court’s territorial jurisdiction in Palestine”.⁶ The Chamber decided, by majority, that the Court’s territorial jurisdiction in the Situation in Palestine, a State Party to the Rome Statute, extends to the territories occupied by Israel since 1967, namely Gaza and the West Bank, including East Jerusalem.⁷
5. On 3 March 2021, the Prosecutor of the International Criminal Court (“ICC” or “Court”) confirmed the initiation of an investigation into the Situation.⁸
6. On 29 October 2023, the ICC Prosecutor issued a statement on the present situation in the State of Palestine and Israel (“Prosecutor’s Statement”).⁹

III. Classification

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

⁶ Pre-Trial Chamber I, “Decision on the ‘Prosecution request pursuant to article 19(3) for a ruling on the Court’s territorial jurisdiction in Palestine’”, 5 February 2021, ICC-01/18-143.

⁷ *Id.*, p. 60; See also “Judge Péter Kovács’ Partly Dissenting Opinion”, 5 February 2021, ICC-01/18-143-Anx1 and “Partly Separate Opinion of Judge Perrin de Brichambaut”, 5 February 2021, ICC-01/18-143-Anx2.

⁸ Statement of the former ICC Prosecutor, Ms Fatou Bensouda, regarding an investigation of the Situation in Palestine, 3 March 2021, <https://www.icc-cpi.int/Pages/item.aspx?name=210303-prosecutor-statement-investigation-palestine>.

⁹ Statement of the ICC Prosecutor, Karim A. A. Khan KC from Cairo on the situation in the State of Palestine and Israel, dated 29 October 2023 and published on the ICC website on 30 October 2023, <https://www.icc-cpi.int/news/statement-icc-prosecutor-karim-khan-kc-cairo-situation-state-palestine-and-israel>.

IV. Applicable Law

9. The Registry submits the present report pursuant to the Chamber's instruction¹⁰ as well as the applicable law recalled by the Chamber in its Decision of 13 July 2018,¹¹ and in accordance with regulations 8 and 23bis(1) of the RoC and regulation 6 of the Regulations of the Registry.

V. Submissions

A. Registry activities during the reporting period (11 August – 10 November 2023)

a. Activities conducted by the PIOS

10. During the reporting period, the Public Information and Outreach Section ("PIOS") has started preparations to hold two additional hybrid information sessions [Redacted]. However, the escalation of the conflict changed drastically the situation on the ground and these activities were no longer considered feasible or appropriate. Therefore, the PIOS is currently in the process of readjusting its activity plans to the current context.
11. Following the ICC Prosecutor's visit to Egypt on 29 October 2023, the PIOS widely disseminated his statement in relation to the situation in the State of Palestine and Israel. The PIOS posted it on the Court's website and publicised it through the ICC social media accounts and emails to the general ICC mailing list, including media based in The Hague, international media and other stakeholders.
12. The PIOS also answered questions received by email [Redacted] and put them in contact with relevant organs and sections of the Court.

¹⁰ Decision of 13 July 2018, para. 19 and Disposition, *lit. b*) on p. 10.

¹¹ Decision of 13 July 2018, para. 6.

b. Activities carried out by the VPRS and information received

13. During the reporting period, the VPRS continued to engage with interlocutors who sought information about matters relating to victim participation and relevant judicial developments in the Situation.
14. After 7 October 2023, the VPRS received a number of emails and phone calls from [Redacted] requesting information about victims' rights, assistance in filling in victim application forms, how to contact or send information to the Prosecutor's Office, etc. The Section was also in contact with a number of legal representatives of victims ("LRVs"). The interlocutors and LRVs mentioned in conversations that "at this desperate time, Palestinians do not expect the Court to resolve their situation but they do expect it to do its job". Some added that their "clients have been profoundly disappointed, even before the current crisis, at the complete absence of the Court even though they know it is supposed to be conducting investigations." Moreover, one interlocutor mentioned that "it seems unfathomable why Palestinians are not hearing the voice of the Court, even if only to explain what its role is and what they can do if they want to send information to the Court". Interlocutors underlined that the ICC's success fully depends on its credibility towards victims and that interlocutors struggle to understand the reasons why the ICC has to date not reacted in the same manner as it has done it in the Ukraine Situation, especially considering the recent escalation of the conflict and the gravity of the crimes committed. Two interlocutors said that the mandate of the Court is also to prevent future crimes from happening and not only to prosecute them. Interlocutors also reported victims' belief that the Court "will be judged for its actions today" and that "it could stop the mass killings of the civilian population by sending the message that crimes that fall under its jurisdiction are being committed and they should stop."
15. A team of legal representative of victims addressed a communication to the ICC Registrar urging the Court to work together in order to "address their

clients' pressing concerns at this very difficult time."¹² The LRVs highlighted that in the eyes of their clients, the activities and system of interaction ordered in the Decision of 13 July 2018 have not yet materialised. The LRVs reported that victims overwhelmingly articulated a wish for reassurance that the ICC investigation is progressing and an expectation to see the Court on the ground. They informed that "[t]he Registry's recently organised events targeted at civil society do not, in our view, satisfy the orders to the Registry as set out in the Decision", since relevant activities "did not specifically allow for direct engagement or outreach to victims themselves and affected communities." The LRVs state that "[t]he escalation of violence since 7 October 2023 has only increased the sentiment that the Court's presence must be felt tangibly."

16. During the reporting period, the VPRS also met twice with a team of legal representatives of victims¹³ who visited the Court. They asked for information and guidance as to how to submit information, including to the Prosecutor's Office. Some of the issues raised in the most recent meeting were: *i*) the acute need for the Court to directly disseminate information in Arabic to victims in Palestine about the role and mandate of the ICC, its jurisdiction, victims' rights before the Court, tools available for victims to exercise their rights, etc. They emphasized that it is crucial that victims receive accurate information directly from the Court; *ii*) entire families have recently been killed in Gaza with no surviving family members left behind; it is important for the Court to contemplate how these victims can be recognized before the Court (i.e. who can fill in a form on their behalf); *iii*) many victims have lost all their belongings in the last month, including their identity documents, which will have to be considered regarding the completeness of future applications for participation and/or reparations before the Court; *iv*) the acute need for people on the ground in direct contact with victims, who (i) disseminate

¹² [Redacted].

¹³ [Redacted].

information about victims' rights before the ICC, and (ii) can assist victims in filling in forms.


B. Subsequent activities

a) PIOS

17. In view of the recent developments in the Situation, the PIOS is currently devising an effective communication and outreach strategy suited to present-day requirements. . To this effect, internal consultations are being conducted to review the PIOS's plans of activities, the content and relevance of communication messages and channels that can be used to reach people in Palestine and Israel in the current situation.
18. The PIOS will continue to inform the public and provide relevant information about judicial developments in the Situation, if any. It will also carry on performing its regular activities of media monitoring, production of information materials in Arabic and Hebrew and updating its list of contacts when relevant.

b) VPRS

19. The VPRS takes note of the communications received from interlocutors on the ground, calling for an increased engagement with and in regard to victims on all sides. The Section will continue to engage with victims groups, depending on the security situation Feither directly or through interlocutors, in order to inform them about their rights before the Court and to assist them in exercising these rights.
20. The VPRS and PIOS will continue working closely together and carry out joint activities whenever possible and relevant.



Marc Dubuisson, Director, Division of Judicial Services
on behalf of Osvaldo Zavala Giler, Registrar

Dated this 13 November 2023

At The Hague, The Netherlands