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No.: ICC-01/19

Date: 18 December 2023

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
With Confidential and Public Redacted Annex**

**Public redacted version of the "Eighth Registry Report on Information and
Outreach Activities", 18 December 2023**

Source: Registry

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

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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),¹ the Registry hereby submits its eighth 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 Office of the Prosecutor ("OTP"), a system of public information and outreach activities with the affected communities and particularly with the victims of the Situation;² *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 thereafter;³ 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.⁴

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

² Order of 20 January 2020, para. 9 and page 7.

³ Order of 20 January 2020, para. 12 page 7.

⁴ Order of 20 January 2020, para. 12.

3. Between 6 July 2020 and 16 June 2023, the Registry filed seven periodic reports⁵ 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]. Similarly, the annex to the Report, which consists of a communication received from a team of legal representatives (“LRVs”), is classified as “confidential” [Redacted]. Public redacted versions of the present report and its Annex are filed concomitantly.

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 (16 June – 15 December 2023)

a. Activities conducted by PIOS

6. During the reporting period, the Public Information and Outreach Section (“PIOS”) continued participating in the project of interactive Questions and Answers (Q&A) videos⁶ that allows the voices of ICC representatives from relevant organs/sections to be heard directly [Redacted] ICC-related

⁵ See last, Registry, “Seventh Registry Report on Information and Outreach Activities”, ICC-01/19-51-Conf, 16 June 2023 (a public redacted version was notified on the same day, ICC-01/19-51-Red) (“Seventh Report”), containing references to the previous reports.

⁶ Seventh Report, para. 7.

questions on various subjects and an official of the Court is filmed whilst providing answers to these questions. [Redacted]. A number of videos were filmed during the reporting period and shared with the partners, especially in cooperation with the OTP, on the scope of the current investigation, responding to questions and concerns raised [Redacted]. This project gave the Court the opportunity to respond directly to the precise questions raised but also to reiterate more general messages responding to common concerns about the Court, such as the length of the ICC proceedings, and notably to provide clarity on the different stages of the proceedings and on how investigations are conducted, thus contributing to keeping realistic the expectations of the victim communities.

7. PIOS also continued engaging [Redacted] to share information on activities and common projects and discuss questions and concerns from the affected communities, as well as possible ways to address them.

b. Activities conducted by VPRS

8. During the reporting period, the Victims Participation and Reparations Section (“VPRS”) continued to maintain relevant connections with representatives of community based organizations and key human rights organizations in order to be able to reach out quickly to victims in case of any pertinent judicial developments.⁷
9. VPRS also remained in contact with legal representatives of victims, in order to, *inter alia*, exchange information about their respective activities and the situation of their clients.

⁷ If and where specific requests to submit victim applications at the present situation stage are transmitted, 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 are thoroughly informed of what will happen with the application forms for participation and/or reparations received.

10. On 13 December 2023, VPRS received from a team of LRVs a written communication containing an update from their clients.⁸ According to the LRVs, during the reporting period, the situation of their clients has deteriorated and a new concern was raised - “the fear that the plight of the Rohingya is dropping further and further down the list of international priorities, and that the hope and enthusiasm expressed in 2019 from the various international justice mechanisms for seeking accountability for the horrific crimes against them, has now dissipated.” The LRVs reported on a number of outreach activities they conducted with their clients which were “directed towards mitigating the feelings of abandonment and disappointment being experienced within the wider Rohingya community, and taking concrete steps to encourage their continued involvement in and support for the justice being sought on their behalf.” The LRVs further listed the ongoing concerns of their clients, namely; i) the continued deterioration of the security situation with “violence and security incidents inside the Cox’s Bazar Rohingya refugee camp hav[ing] risen exponentially since the beginning of 2022” and their clients regularly reporting “feeling unsafe, and recounting extortion, threats, and harassment”; ii) restrictions on employment and livelihood which leaves their clients “extremely concerned about receiving enough food to sustain their families”; (iii) restrictions on education and their impact on their clients’ children, and future generations of Rohingya children; and (iv) coping with natural disasters, including cyclones, landslides, floods and fires.

11. On 14 December 2023, VPRS had a call with another legal representative of victims who raised the following issues: i) the massive confusion among the Rohingya between the various international justice mechanisms available, their mandates, activities and roles played by their different staff members in the camps in Cox’s Bazaar and the need for awareness raising sessions

⁸ The written communication is reproduced in full in the Annex to the present report.

and trainings; ii) the feeling of abandonment experienced by the Rohingya community as a result of the fact that the Rohingya crisis is no longer considered a priority and the funding allocated by the international community has been drastically reduced; iii) [Redacted]; and iv) the living conditions in the camps are deteriorating fast and more and more Rohingya are reporting mental health issues as a result of the extreme poverty, the uncertainty of what will happen to them, the tensions between the different groups, etc.

B. Subsequent activities

a. PIOS

12. The organization of online hybrid information sessions for [Redacted]⁹ has been postponed to next year, after the Bangladesh General elections of January 2024, in order to target the newly elected authorities. The objective of this activity remains to foster cooperation and gain support for the International Criminal Court's ("ICC" or "Court") outreach activities [Redacted]. These sessions will be a follow up to the preliminary sessions that were held online in November 2022 with [Redacted], in coordination between the Registry and the OTP, in which it was reemphasized that there is a need to hold further joint engagements [Redacted], to ensure constructive participation in future sessions with, amongst others, the [Redacted].

13. After the Bangladesh General elections of January 2024 and if conditions permit (including budgetary and security conditions), PIOS plans to conduct a mission [Redacted], in order to meet [Redacted] for the purpose of developing outreach projects and providing ICC-related trainings,

⁹ Seventh Report, para. 6.

[Redacted] in order to channel funding into awareness projects on international justice and the ICC.

14. PIOS will also continue engaging with partners on the ground in the context of the project of interactive Questions and Answers (Q&A) videos allowing the voices of ICC representatives to be heard directly [Redacted].

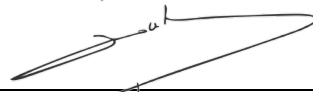
b. VPRS

15. VPRS will organize, as soon as feasible, a mission [Redacted]– either jointly with or in addition to the above-referenced PIOS efforts - in order to [Redacted].¹⁰ At this occasion, the Section intends to continue the dialogue on victims’ rights at the potential next stages of the ICC proceedings. [Redacted].¹¹
16. VPRS will continue to focus on remote communication tools and ways to perform its functions (e.g. respond to requests for information, provide trainings and application forms for participation and/or reparations upon request through IT means of communication) alongside the aforementioned physical mission engagement, and continue exploring further avenues to this end.

¹⁰ The VPRS aimed to conduct this mission in 2023 but was not in a position to do so as a result of its limited financial resources and competing priorities.

¹¹ [Redacted].

17. PIOS and VPRS will continue to work 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 18 December 2023

At The Hague, The Netherlands