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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-second Registry Report on Information and Outreach Activities Concerning Victims and Affected Communities in the Situation", 12 February 2024

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 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-second 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, "Twenty-first Registry Report on Information and Outreach Activities Concerning Victims and Affected Communities in the Situation" ("Registry Twenty-first Report"), 13 November 2023, ICC-01/18-157-Conf. A public redacted version was filed on the same date, ICC-01/18-157-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.⁹
7. On 17 November 2023, the ICC Prosecutor issued a statement in relation to a referral of the Situation from five State Parties to the Rome Statute, namely South Africa, Bangladesh, Bolivia (Plurinational State of), Comoros and Djibouti (“17 November Statement”).¹⁰ The Prosecutor confirmed that his Office “is presently conducting an investigation into the Situation in the State of Palestine. This investigation, commenced on 3 March 2021, encompasses conduct that may amount to Rome Statute crimes committed since 13 June 2014 in Gaza and the West Bank, including East Jerusalem. It is ongoing and

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>.

¹⁰ Statement of the Prosecutor of the International Criminal Court, Karim A.A. Khan KC, on the Situation in the State of Palestine: receipt of a referral from five States Parties, 17 November 2023, <https://www.icc-cpi.int/news/statement-prosecutor-international-criminal-court-karim-aa-khan-kc-situation-state-palestine>.

extends to the escalation of hostilities and violence since the attacks that took place on 7 October 2023.” He added that in accordance with the Rome Statute, his Office “has jurisdiction over crimes committed on the territory of a State Party and with respect to the nationals of States Parties.”¹¹

8. On 2 December 2023, the ICC Prosecutor issued a statement from Ramallah on the situation in the State of Palestine and Israel (“2 December Statement”).¹²

III. Classification

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

IV. Applicable Law

11. The Registry submits the present report pursuant to the Chamber’s instruction,¹³ as well as the applicable law recalled by the Chamber in its Decision of 13 July 2018,¹⁴ 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 November 2023 – 9 February 2024)

¹¹ *Id.*

¹² Statement of ICC Prosecutor Karim A. A. Khan KC from Ramallah on the situation in the State of Palestine and Israel, dated 2 December 2023 and published on the ICC website on 6 December 2023, <https://www.icc-cpi.int/news/statement-icc-prosecutor-karim-khan-kc-ramallah-situation-state-palestine-and-israel>.

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

¹⁴ Decision of 13 July 2018, para. 6.

a. Activities conducted by the Public Information and Outreach Section (“PIOS”)

12. During the reporting period, limited outreach activities were conducted in relation to the Situation. In light of the security situation and the drastic changes in the operational environment, the PIOS is reviewing its communication and information strategy with a view to ensuring that timely and accurate information will continue to be delivered, including on key aspects about the Court’s work and jurisdiction. In this perspective, internal consultations are being held to assess the PIOS’s plan of activities, messages and communication channels that can be used [REDACTED] in the current context.
13. The PIOS disseminated to the widest possible audiences the 17 November and 2 December Statements by the ICC Prosecutor. It posted them on the Court’s website and publicised them through the ICC social media accounts and via emails to the general ICC mailing list, including to media based in The Hague, international media, as well as [REDACTED].
14. The PIOS answered questions received by email [REDACTED] and either met with them in person at the seat of the Court or put them in contact with relevant ICC Organs and Sections. It also continued compiling social media and traditional (online) media reports aiming at monitoring perceptions and reactions in relation to the Situation.

b. Activities carried out by the Victims Participation and Reparations Section (“VPRS”) and information received

15. During the reporting period, the VPRS continued to respond to correspondence received from victims and other interlocutors who sought information about matters relating to victim participation and relevant judicial developments in the Situation.

16. The Section was in contact with a number of legal representatives of victims (“LRVs”) with whom it met, during the reporting period, at the seat of the Court, as well as remotely. LRVs reported the desperate and rapidly deteriorating situation Palestinians have been facing since 7 October 2023. They emphasized that it is crucial for victims and their communities to receive correct and complete information about their rights before the ICC and how to exercise these rights. Such information should be received either directly from Court staff (i.e. by holding meetings in [REDACTED] where the security situation allows it or through remote video meetings) or in other forms of direct communication from the Court.
17. Some LRVs reiterated, [REDACTED], that in the eyes of their clients, the activities and system of interaction ordered in the Decision of 13 July 2018 have not yet satisfactorily materialised, as the public information and outreach activities reported by the Registry “do not appear so far to have reached any of [their] clients in Palestine”.¹⁵ They also cautioned that narratives about the Court’s absence and alleged double standards with regards to different Situations are gaining ground among the victims’ communities in Palestine. In their words, now, more than ever, victims are “looking for the Court to make itself known, felt and present in Palestine where faith in international justice and the ICC is rapidly dwindling; [...] justice must be both done and seen to be done.”¹⁶ Direct information from the Court is seen as crucial to help “manage expectations and address misinformation in a context where there is either a vacuum of information or active efforts by some to promote inaccurate information.”¹⁷
18. Furthermore, in January 2024, the VPRS attended [REDACTED]. The event was organized around the public hearings on the request for the indication of provisional measures submitted before the International Court of Justice

¹⁵ [REDACTED].

¹⁶ *Id.*

¹⁷ *Id.*

("ICJ") by South Africa against Israel. [REDACTED]. According to them and other interlocutors the VPRS was in contact with during the reporting period, the case brought by South Africa before the ICJ is considered a major milestone in the victims' quest for justice. According to some VPRS interlocutors, the 26 January 2024 ICJ Order for provisional measures is seen as historic and victims urge the ICC Prosecutor to intensify its investigation in the Situation and issue warrants of arrest without delay.

B. Subsequent activities

a) PIOS

19. In light of the ongoing conflict on the ground, the PIOS will continue to refine its strategy in order to pursue its public information and outreach activities. The Section will also continue to inform the public and provide relevant information about judicial developments in the Situation, if any. It will carry on performing its regular activities of media monitoring, production of information materials in Arabic and Hebrew and updating the website as well as its list of contacts when relevant.

b) VPRS

20. The VPRS takes note of the numerous requests 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 either directly or through interlocutors, in order to inform them about their rights before the Court and assist them in exercising these rights. [REDACTED].

21. 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 12 February 2024

At The Hague, The Netherlands