



Original: English

No.: ICC-01/19

Date: 14 June 2024

PRE-TRIAL CHAMBER I

**Before: Judge Iulia Motoc, Presiding Judge
Judge Reine 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 "Ninth Registry Report on Information and
Outreach Activities", 14 June 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 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 ninth 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 and page 7.

⁴ Order of 20 January 2020, para. 12.

3. Between 6 July 2020 and 18 December 2023, the Registry filed eight periodic reports⁵ on the progress of its activities related to information and outreach activities in the Situation.
4. On 12 March 2024, the Presidency of the International Criminal Court (“ICC”) issued a decision assigning judges to divisions and recomposing Chambers.⁶
5. On 20 March 2024, Judge Iulia Motoc was elected as the Presiding Judge of Pre-Trial Chamber I.⁷

III. Classification

6. 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” as it contains [Redacted]. Public redacted versions of the present report and its Annex are filed concomitantly.

IV. Applicable Law

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

V. Submissions

⁵ See last, Registry, “Eighth Registry Report on Information and Outreach Activities”, ICC-01/19-59-Conf, 18 December 2023 (“Eighth Report”), containing references to the previous reports. A public redacted version was notified on the same day (ICC-01/19-59-Red).

⁶ Presidency, “Decision assigning judges to divisions and recomposing Chambers”, dated 12 March 2024 and notified on 13 March 2024, ICC-01/19-60.

⁷ Pre-Trial Chamber I, “Decision on the election of the Presiding Judge”, 20 March 2024, ICC-01/18-61.

A. Registry activities during the reporting period (16 December 2023 – 13 June 2024)

a. Activities conducted by PIOS

8. During the reporting period, the Public Information and Outreach Section (“PIOS”) continued participating in the project of interactive Questions and Answers (Q&A) videos⁸ that allows the voices of ICC representatives from relevant organs/sections to be heard directly [Redacted]. Since the end of 2022, [Redacted] ICC-related questions on various subjects and an official of the Court is filmed whilst providing answers to these questions. [Redacted] A number of new videos are in the process of being produced, in cooperation with the OTP, addressing questions and concerns raised [Redacted], particularly on the scope of the ongoing investigation and the next procedural steps. This project gives the Court the opportunity to respond directly to the precise questions raised, and provide information and clarifications on a number of issues, including the length of the investigations and the different stages of the ICC proceedings, thus contributing to keeping the expectations of the victim communities realistic and addressing potential frustrations.
9. PIOS also continued engaging [Redacted] to share information on activities and common projects, discuss questions and concerns from the affected communities, and explore possible ways to address them.

b. Activities conducted by VPRS

10. During the reporting period, the Victims Participation and Reparations Section (“VPRS”) continued to maintain relevant connections with victims,

⁸ Eighth Report, para. 6.

representatives of community based organizations and key human rights organizations and responded to their queries about the ICC's processes and victims' rights before the Court.⁹

11. VPRS also remained in contact with LRVs, in order to, *inter alia*, exchange information about their respective activities. During the reporting period, VPRS met in person with representatives of two LRV teams and had a number of written exchanges with them regarding various issues, including their missions to Cox's Bazaar, the situation of their clients, the ever-deteriorating security situation in the Rohingya camps, their lists of clients, and powers of attorney.

12. On 12 June 2024, VPRS received from one team of LRVs a written communication containing an update from their clients.¹⁰ According to the LRVs, their clients' "enthusiasm for the ICC's investigation appears to be at an all-time low" with their focus having shifted "almost entirely to their day-to-day survival in Bangladesh, and their overwhelming concerns arising from the ongoing conflict in Rakhine State, and its impact on the Rohingya in the camps." The LRVs reported on outreach activities they conducted "not only to provide concrete information from the justice mechanisms to the Rohingya community in the camps, but to try to sustain confidence and collaboration on the part of Rohingya with those seeking justice on their behalf." The LRVs further listed the ongoing concerns of their clients, namely: *i*) the continued deterioration of the security situation in Bangladesh and Rakhine State; *ii*) the surge in cases of sexual and gender based violence in the camps in Bangladesh, with "polyamorous marriages

⁹ 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 Email from [Redacted] to VPRS received on 12 June 2024 at 14:17. The written communication is reproduced in full in the Annex to the present report.

becoming increasingly prevalent, perpetuating a cycle of harassment and abuse” – these marriages are considered to be “yet another consequence of the growing desperation of Rohingya in the camps for access to adequate food, shelter and resources”; and *iii*) the health care crisis created by the current spread of viruses, fever, and disease, which is particularly affecting vulnerable populations like women, and the humanitarian aid shortage.

B. Subsequent activities

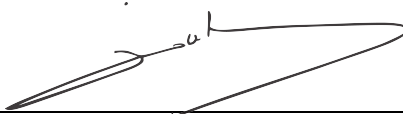
a. PIOS

13. The organization of online hybrid information sessions for [Redacted]¹¹ has been postponed, awaiting more clarity and stability regarding [Redacted]. The objective of this activity remains to foster cooperation and gain support for the ICC outreach activities [Redacted]. These sessions will be a follow up to the preliminary sessions held online in November 2022 with [Redacted], in coordination between the Registry and the OTP.
14. When 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, including in the Rohingya camps.
15. 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].
16. Finally, PIOS will use the opportunity [Redacted] to meet bilaterally with NGOs working on the Situation, discuss current concerns, address questions from affected communities, and identify possible common projects.

¹¹ Seventh Report, para. 6.

b. VPRS

17. VPRS will continue to engage with victims, their representatives and other relevant actors, in order to inform them about victims' rights before the Court and assist them in exercising these rights. VPRS will also continue to explore the possibility, within the confines of its human and financial resources, of conducting a mission to Cox's Bazar.
18. 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 14 June 2024

At The Hague, The Netherlands