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No.: ICC-01/19

Date: 18 December 2020

**PRE-TRIAL CHAMBER III**

**Before: Judge Olga Herrera Carbuccion, Presiding Judge  
Judge Robert Fremr  
Judge Geoffrey Henderson**

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

**Public**

**Public redacted version of "Registry's Second Report on Information and  
Outreach Activities", 18 December 2020, ICC-01/19-39**

**Source: Registry**

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

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**Legal Representatives of Victims**

**Victims' Representatives**

**States Representatives**

**Amicus Curiae**

**REGISTRY**

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

<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.

4. On 4 August 2020, three teams of legal representatives of victims submitted a request to the Chamber to “direct the Registry to prepare an assessment of potential venues for the holding of proceedings in a State other than the host State within reasonable physical proximity of the affected population” (“LRV Request”).<sup>6</sup>
5. On 27 October 2020, after receiving observations on the LRV Request from the OTP<sup>7</sup> and the Registry,<sup>8</sup> the Chamber dismissed the LRV Request (“Decision of 27 October”).<sup>9</sup>

### III. Classification

6. Pursuant to regulation 23bis(1) of the Regulations of the Court (“RoC”), the present report is classified as “confidential”, since it contains sensitive information about victims and interlocutors on the ground, as well as details of the Registry’s *modus operandi*. The Registry will file shortly a public redacted version of the present report.

### IV. Applicable Law

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

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<sup>6</sup> Legal Representatives of Victims, “Victims’ joint request concerning hearings outside the host State”, ICC-01/19-34, 4 August 2020.

<sup>7</sup> OTP, “Prosecution’s Response to the Victims’ joint request concerning hearings outside the host State”, ICC-01/19-35, 17 August 2020.

<sup>8</sup> Registry, “Registry’s Observations on the Victims’ Joint Request Concerning Hearings outside the host State (ICC-01/19-34)”, ICC-01/19-37, 21 September 2020.

<sup>9</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)”, ICC-01/19-38-Corr, 27 October 2020.

## V. Submissions

### A. Registry's activities during the reporting period (7 July – 17 December 2020)

8. During the reporting period, the activities of the Public Information and Outreach Section ("PIOS") and the Victims Participation and Reparations Section ("VPRS") were limited by the travel and other restrictions imposed as a result of the COVID-19 pandemic.

#### a. Activities conducted by PIOS

9. During the reporting period, a number of factors have forced PIOS to put on hold plans to conduct outreach activities in relation to the Situation in the field. Restrictions on travel imposed by the Dutch Government as well as restrictive measures in the camps in Cox's Bazar introduced by the Government of Bangladesh to contain the spread of the COVID-19 virus, have hindered the plans for missions to Bangladesh. However, PIOS continued consultations with [Redacted], coordination with relevant Registry sections and the OTP, preparation of messages and the production of information tools, as well as monitoring and analysing the situation in the field.
10. [Redacted].
11. [Redacted].
12. In December 2020, the process of hiring a consultant for a mapping report in the Situation ("Mapping Report") and for elements of a Public Information and Outreach Strategy ("Strategy") was finalized. [Redacted].

The focus of the Mapping Report will be on the Rohingya people living in the camps in Bangladesh; in particular, it will contain information on: *i)* the political context and general information on the situation of Rohingya people; *ii)* the common perceptions, expectations and misunderstandings about the Court; *iii)* [Redacted]. The Strategy will contain indications on how best to reach out to the Rohingya population in Bangladesh, as well as to the Rohingya diaspora. It will in particular focus on how messages should be tailored to this effect, which communication tools should be produced and which channels of communication should be used.

13. During the reporting period, PIOS continued consultations with [Redacted] especially regarding: *i)* [Redacted] to disseminate information about the Court; *ii)* the format of the messages; and *iii)* possible outreach activities considering the current situation on the ground.
14. PIOS also prepared messages about the Decision of 27 October [Redacted].
15. PIOS's work on the production of audio files and digital tools [Redacted] in Rohingya, Burmese and Bengali language is currently on-going. The information package will include basic information about the Court, such as: *i)* what is the ICC and what are the differences between ICC and the International Court of Justice; *ii)* what are the crimes against the Rohingya the Court will look into; *iii)* what can the Court do for the Rohingya people and what it cannot; *iv)* how is an investigation conducted and how long investigations can take; *v)* what are the next steps in the Situation and who has to execute the warrants of arrest; *vi)* victim participation in the proceedings and potential reparations if cases were to evolve from the Situation and be brought to the conviction of one or more accused; *vii)* what are the roles of VPRS and PIOS. [Redacted].

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

16. VPRS maintained close contact with various interlocutors via different electronic communication tools and platforms; it also replied to communications and queries from interlocutors who sought information about victim-related matters and relevant judicial developments in the Situation.

17. In July and August 2020, VPRS was also in contact with two LRV teams to whom it provided technical assistance for the submission of powers of attorney on behalf of their clients.<sup>10</sup> As previously reported, at the present stage of proceedings, VPRS is not actively pursuing the completion of application forms for participation in future proceedings before the Chamber and/or reparations should a case emerge and lead to the conviction of one or more accused individuals. Therefore, VPRS does not presently encourage its interlocutors to submit application forms for participation of victims in court proceedings; instead, it maintains relevant connections and networks in order to be able to reach out quickly to relevant interlocutors in case of any pertinent 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.

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<sup>10</sup> This included, upon the LRV' request, provision of a secure link for powers of attorney to be transferred to the Registry.

19. [Redacted].

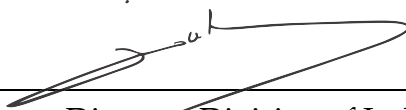
20. PIOS will also advance the production of tools in English, Rohingya, Burmese and Bengali, such as infographics, animations, video and audio files, photos and slide shows.

**b. VPRS**

21. VPRS will remain in close touch 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 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 December 2020

At The Hague, The Netherlands