



Original: English

No.: ICC-01/19

Date: 31 October 2019

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
With Confidential Annex I, Confidential *EX PARTE* Annex II only available to
the Registry
and Confidential Annex III

Final Consolidated Registry Report on Victims' Representations Pursuant to
the Pre-Trial Chamber's Decision ICC-01/19-6 of 28 June 2019

Source: Registry

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

The Office of the Prosecutor

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Victims' Representatives

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I. Introduction

1. The Registry submits its final consolidated report on victims' representations pursuant to Pre-Trial Chamber III's "Decision on the 'Registry's Request for Extension of Notice Period and Submissions on the Article 15(3) Process'", issued on 28 June 2019 ("Chamber" and "Decision of 28 June 2019", respectively).¹

II. Procedural History

2. On 12 June 2019, the Prosecutor informed the Presidency of her intention to request judicial authorisation to commence an investigation into "crimes within the jurisdiction of the International Criminal Court in which at least one element occurred on the territory of the People's Republic of Bangladesh – a State Party to the Rome Statute – and within the context of two waves of violence in Rakhine State on the territory of the Republic of the Union of Myanmar, as well as any other crimes which are sufficiently linked to these events" pursuant to article 15(3) of the Rome Statute ("Statute").²
3. On 25 June 2019, the Presidency rendered its decision assigning the Situation in the People's Republic of Bangladesh/Republic of the Union of Myanmar ("Situation") to the Chamber.³
4. On 26 June 2019, the Registry requested an extension of time for victims to make representations under article 15(3) of the Statute and rule 50(3) of the

¹ Pre-Trial Chamber III, "Decision on the 'Registry's Request for Extension of Notice Period and Submissions on the Article 15(3) Process'", 28 June 2019, ICC-01/19-6.

² Office of the Prosecutor, "Notice pursuant to regulation 45 of the Regulations of the Court" of 12 June 2019, filed as ICC-01/19-1-Anx on 26 June 2019 (see fn. 3).

³ Presidency, "Decision on the constitution of Pre-Trial Chamber III and on the assignment of the situation in the People's Republic of Bangladesh/Republic of the Union of Myanmar", dated 25 June 2019 and notified on 26 June 2019, ICC-01/19-1.

Rules of Procedure and Evidence (“Rules”) and submitted, for the Chamber’s approval, a draft victim representation form.⁴

5. In its Decision of 28 June 2019, the Chamber extended the time limit for victims to submit their representations to 28 October 2019, authorized the use of the draft representation form previously submitted by the Registry subject to one amendment⁵ and ordered the Registry to submit: i) victims’ representations to the Chamber on a rolling basis on 30 August 2019, 13 and 27 September 2019 and 11 and 31 October 2019, together with a brief preliminary assessment; and ii) a final consolidated report by 31 October 2019 into which the victims’ representations received should be integrated “to the extent possible, in light of the deadline established in [the] decision.”⁶
6. On 4 July 2019, the Office of the Prosecutor (“Prosecution”) submitted its request for authorization of an investigation pursuant to article 15 of the Statute⁷ and notified victims and their representatives of this request (“Prosecution’s Request” and “Prosecution’s Notice to Victims”).⁸

⁴ Registry, “Registry’s Request for Extension of Notice Period and Submissions on the Article 15(3) Process”, 26 June 2019, ICC-01/19-3-Conf. A public redacted version of the document was notified on the same date, ICC-01/19-3-Red.

⁵ Decision of 28 June 2019, para. 17.

⁶ Decision of 28 June 2019, para. 15 and page 8.

⁷ Office of the Prosecutor, “Request for authorisation of an investigation pursuant to article 15”, 4 July 2019, ICC-01/19-7.

⁸ Office of the Prosecutor, “Public Notice of the ICC Prosecutor: Victims who have been allegedly forcibly displaced from Myanmar to Bangladesh since at least 9 October 2016 have until 28 October 2019 to send their views to the ICC in the Hague on the opening of an investigation”, 4 July 2019, <https://www.icc-cpi.int/itemsDocuments/2019-07-04-otp-public-notice-bangladesh-myanmar-eng.pdf> (accessed on 30 October 2019).

7. On 30 August, 13 and 27 September and 11 October 2019, the Registry submitted its first, second, third and fourth reports on victims' representations, respectively.⁹
8. On 11 and 31 October 2019, the Registry transmitted to the Chamber the first and second batches of victim representations received.¹⁰
9. On 18 October 2019, the Prosecution submitted supplementary information for its Request, relevant to the issue of admissibility under the complementarity criterion.¹¹
10. On 23 October 2019, the legal representatives of 86 victims from Tula Toli village submitted representations for these victims directly with the Chamber.¹²

III. Classification

⁹ Registry, "First Registry Report on Victims' Representations Pursuant to the Pre-Trial Chamber's Decision ICC-01/19-6 of 28 June 2019", 30 August 2019, ICC-01/19-10-Conf. A public redacted version of the document was notified on 3 September 2019, ICC-01/19-10-Red; Registry, "Second Registry Report on Victim Representations Pursuant to the Pre-Trial Chamber's Decision ICC-01/19-6 of 28 June 2019", 13 September 2019, ICC-01/19-11-Conf. A public redacted version of the document was notified on the same date, ICC-01/19-11-Red; Registry, "Third Registry Report on Victim Representations Pursuant to the Pre-Trial Chamber's Decision ICC-01/19-6 of 28 June 2019", 27 September 2019, ICC-01/19-12-Conf. A public redacted version of the document was notified on 30 September 2019, ICC-01/19-12-Red; Registry, "Fourth Registry Report on Victim Representations Pursuant to the Pre-Trial Chamber's Decision ICC-01/19-6 of 28 June 2019", 11 October 2019, ICC-01/19-15-Conf. A public redacted version of the document was notified on 17 October 2019, ICC-01/19-15-Red.

¹⁰ Registry, "First Registry Transmission of Victims' Representations Pursuant to the Pre-Trial Chamber's Decision ICC-01/19-6 of 28 June 2019", 11 October 2019, ICC-01/19-14; Registry, "Second Registry Transmission of Victims' Representations Pursuant to the Pre-Trial Chamber's Decision ICC-01/19-6 of 28 June 2019", 31 October 2019, ICC-01/19-21.

¹¹ Office of the Prosecutor, "Supplementary Information for Request for authorisation of an investigation pursuant to article 15", dated 18 October 2019 and notified on 21 October 2019, ICC-01/19-17.

¹² Legal Representatives of Victims, "Representations of victims from Tula Toli", 23 October 2019, ICC-01/19-19. By email of 23 October 2019, the said legal representatives sent the same document to the Registry and requested that its content be considered and reflected in the Registry's final consolidated report.

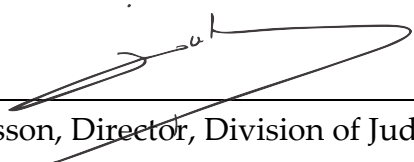
11. Pursuant to regulation 23*bis*(1) of the Regulations of the Court (“RoC”), Annexes I and III to the present document are classified as “confidential”, since they contain sensitive information on the Registry’s *modus operandi*. The Registry will file shortly a public redacted version of its final consolidated report (Annex I). Moreover, Annex II to the present document is classified as “confidential *ex parte*, only available to the Registry”, because it contains confidential information that may lead to the identification of potential victims concerned by the Situation.

IV. Applicable Law

12. The Registry submits the present document in accordance with articles 15(3) and 68(1) of the Statute, rules 16(1) and 85 of the Rules, regulation 23*bis*(1) of the RoC and regulation 102 of the Regulations of the Registry.

V. Submissions

13. The Registry hereby transmits its final consolidated report on victim representations (Annex I), its assessment of the representations transmitted in the present second transmission of victims’ representations (Annex II), and a detailed explanation of the criteria applied when conducting the legal assessment of each representation under rule 85 of the Rules (Annex III).



Marc Dubuisson, Director, Division of Judicial Services

On behalf of
Peter Lewis, Registrar

Dated this 31 October 2019

At The Hague, The Netherlands