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No.: ICC-01/18

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PRE-TRIAL CHAMBER I

Before: Judge Péter Kovács, Presiding Judge
Judge Marc Perrin de Brichambaut
Judge Reine Adélaïde Sophie Alapini-Gansou

SITUATION IN THE STATE OF PALESTINE

Public

Public redacted version of “Registry’s Initial Report on Information and Outreach Activities Concerning Victims and Affected Communities in the Situation”, 12 November 2018, ICC-01/18-3-Conf

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

Unrepresented Victims

The Office of Public Counsel for Victims

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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"),¹ the Registry submits its first report on the progress of its activities related to information and outreach activities for victims and affected communities in the situation in the State of Palestine ("Situation" and "Palestine").
2. The Registry issues this report at the present juncture in order to inform the Chamber of the activities that were already carried out in relation to the implementation of the decision and the steps it intends to take in the upcoming period, unless otherwise ordered by the Chamber.

II. Procedural History

3. On 1 January 2015, Palestine accepted the jurisdiction of the International Criminal Court ("Court") by way of a declaration under article 12(3) of the Rome Statute ("Statute") over alleged crimes committed "in the occupied Palestinian territory, including East Jerusalem, since June 13, 2014".²

¹ Pre-Trial Chamber I, "Decision on Information and Outreach for the Victims of the Situation", 13 July 2018, ICC-01/18-2.

² Presidency, Annex I to "Decision assigning the situation in the State of Palestine to Pre-Trial Chamber I", dated 22 May 2018 and notified on 24 May 2018, ICC-01/18-1-AnxI.

4. On 2 January 2015, Palestine deposited its instrument of accession to the Statute with the Secretary-General of the United Nations, in accordance with article 125(2) of the Statute.³
5. On 16 January 2015, the Office of the Prosecutor (“Prosecutor”) of the Court opened a preliminary examination into the situation in Palestine.⁴
6. On 22 May 2018, pursuant to articles 13(a) and 14 of the Statute, Palestine referred the situation for investigation to the Court and specifically requested the Prosecutor “to investigate, in accordance with the temporal jurisdiction of the Court, past, ongoing and future crimes within the court's [*sic*] jurisdiction, committed in all parts of the territory of the State of Palestine”.⁵
7. On 24 May 2018, the Presidency assigned the Situation to the Chamber.⁶
8. 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”;⁷ *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,⁸ and *iii*)

³ Decision, para. 2, fn 2 referring to Secretary-General of the United Nations, “Rome Statute of the International Criminal Court, Rome, 17 July 1998, State of Palestine: Accession”, 6 January 2015, Reference: C.N.13.2015. Treaties-XVIII.10 (Depositary Notification), available at: <https://treaties.un.org/doc/Publication/CN/2015/CN.13.2015-Eng.pdf>.

⁴ Press Release, “The Prosecutor of the International Criminal Court, Fatou Bensouda, opens a preliminary examination of the situation in Palestine”, 16 January 2015, ICC-OTP-20150116-PR1083.

⁵ Presidency, Annex I to “Decision assigning the situation in the State of Palestine to Pre-Trial Chamber I”, dated 22 May 2018 and notified on 24 May 2018, ICC-01/18-1-AnxI, para. 9.

⁶ Presidency, “Decision assigning the situation in the State of Palestine to Pre-Trial Chamber I”, 24 May 2018, ICC-01/18-1.

⁷ Decision, p. 10, lit. a) and paras. 13-18.

⁸ Decision, p. 10 lit. b) and para. 19.

“create an informative page on the Court’s website, especially directed to the victims in the situation of Palestine”.⁹

III. Classification

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

IV. Applicable Law

10. The Registry submits the present report pursuant to the Chamber’s instruction¹⁰ as well as the applicable law noted by the Chamber in its Decision¹¹, and in accordance with regulations 8 and 23 *bis*(1) of the RoC and regulation 6 of the Regulations of the Registry.

V. Submissions

A. Security situation

11. Relevant sections of the Registry were requested to evaluate the current security situation in Palestine.¹² [REDACTED]
12. Therefore, pending the finalisation of the security assessment, the Registry considers that it cannot start engaging with external actors without exposing them to unnecessary risks.

⁹ Decision, p. 10 lit. c) and para.18.

¹⁰ Decision, para. 19 and Disposition, lit. b) on p. 10.

¹¹ Decision, para. 6.

¹² [REDACTED]

B. Informative page on the Court's website

13. In accordance with the Decision,¹³ the Registry's Victims Participation and Reparations Section ("VPRS"), in collaboration with the Public Information and Outreach Section of the Registry ("PIOS"), drafted messages for the Court's website. These messages are aimed at *i*) explaining the Decision; *ii*) providing information about the current stage of proceedings in the Situation; *iii*) informing affected communities and other interested parties about the means of communication with the Court; and *iv*) providing general information on the Court.
14. The final messages, as approved by the Chamber, were translated by the Language Services Section of the Registry into Arabic, Hebrew and French and they were posted on the Palestine page of the Court's webpage¹⁴ on 5 November 2018. The informative page will be periodically updated in light of the procedural developments, in order to respond to any concerns and expectations.
15. The Registry further added information on the specific page on victims of the Court's webpage¹⁵ in order to "promote greater understanding of the different stages of the proceedings before the Court and the diverse roles that victims are statutorily called to play during these various stages".¹⁶

C. Information and Outreach activities

16. Between July and October 2018, VPRS and PIOS had a series of informal meetings [REDACTED].

¹³ Decision, p. 10 lit. c) and para. 18.

¹⁴ <https://www.icc-cpi.int/palestine>.

¹⁵ <https://www.icc-cpi.int/about/victims>.

¹⁶ Decision, para. 16.

17. The VPRS conducted research on location of/information on relevant affected communities¹⁷ and compiled a list of potential interlocutors [REDACTED] to engage in relevant [REDACTED] efforts and activate a “continuous system of interaction between the Court and victims” as contemplated by the Chamber.¹⁸ [REDACTED].
18. VPRS and PIOS had a series of internal meetings and prepared a coordinated common approach for short and long term activities.
19. On [REDACTED] September 2018, representatives of the two sections gave a presentation [REDACTED].

D. Subsequent activities

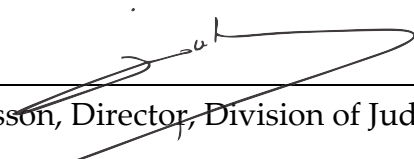
20. In light of the delicate circumstances prevailing in relation to the Situation, [REDACTED], the Registry has followed a cautious approach regarding its preparatory activities in execution of the Decision, particularly regarding activities with a direct effect external to the Court. Since all preparatory groundwork internal to the Registry has been laid, the Registry intends [REDACTED] with selected external actors to inform them about the Decision and information products available, and to encourage them to disseminate these further to their networks.
21. Moreover, the VPRS would contact the potential interlocutors [REDACTED] identified¹⁹ in order to establish a continuous system of interaction with those interested in engaging with the Court.

¹⁷ This internal [REDACTED] mapping exercise is less detailed and more victim/crimes oriented than the mapping undertaken by PIOS referred to in para. 23 below.

¹⁸ Decision, paras. 14 and 16.

¹⁹ See para. 17 above.

22. To that same end, VPRS and PIOS will also continue to meet all interested interlocutors [REDACTED].
23. PIOS is undertaking mapping of the situation focusing on the political context, civil society, media, academia, legal professionals, [REDACTED] and the existing perceptions and misconceptions about the Court and the preliminary examination in relation to the Palestine situation. The purpose of the mapping is also to select potential outreach partners for the further consultations on implementation of the Decision and development of a system for public information and outreach.
24. The two sections will continue to work closely together and carry out joint activities whenever possible and relevant.
25. As ordered by the Chamber, the Registry will submit periodic reports, every three months from the submission of this present initial report, on information and outreach activities and the challenges encountered, including the resources available.²⁰



Marc Dubuisson, Director, Division of Judicial Services

On behalf of
Peter Lewis, Registrar

Dated this 19 November 2018

At The Hague, The Netherlands

²⁰ Decision, para. 19.