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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 Sixth Report on Information and Outreach Activities Concerning Victims and Affected Communities in the Situation", 12 February 2020, ICC-01/18-20-Conf

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 sixth 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. On 12 November 2018, 12 February, 13 May, 9 August and 14 November 2019, the Registry filed its initial,⁵ second,⁶ third,⁷ fourth⁸ and fifth⁹ reports,

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 Registry, "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. A public redacted version dated 19 November 2018 was registered on 20 November 2019, ICC-01/18-3-Red.

⁶ Registry, "Registry's Second Report on Information and Outreach Activities Concerning Victims and Affected Communities in the Situation", dated 12 February 2019 and registered 13 February 2019, ICC-01/18-4-Conf. A public redacted version was filed on the same date, ICC-01/18-4-Red.

respectively, on the progress relating to information and outreach activities for victims and affected communities in the Situation.

4. On 20 December 2019, the Prosecutor stated that the preliminary examination into the Situation “has concluded with the determination that all the statutory criteria under the Rome Statute for the opening of an investigation have been met” (“Prosecutor’s Statement”).¹⁰ On the same date, the Office of the Prosecutor (“OTP”) submitted an application for extension of pages¹¹ and a request under Article 19(3) of the Rome Statute (“Request of 20 December 2019”).¹² Furthermore, on 23 December 2019, the OTP submitted supplementary information to the Request under Article 19(3) (“Supplementary Information”).¹³
5. On 21 January 2020, the Chamber granted the extension of page limit and rejected *in limine* the Request of 20 December 2019 whilst inviting her to file a new request of no more than 110 pages. The Chamber also instructed the Registry to strike out from the record of the Situation and withdraw from

⁷ Registry, “Registry’s Third Report on Information and Outreach Activities Concerning Victims and Affected Communities in the Situation”, 13 May 2019, ICC-01/18-5-Conf. A public redacted version was filed on the same date, ICC-01/18-5-Red.

⁸ Registry, “Registry’s Fourth Report on Information and Outreach Activities Concerning Victims and Affected Communities in the Situation”, 9 August 2019, ICC-01/18-6-Conf. A public redacted version was filed on the same date, ICC-01/18-6-Red.

⁹ Registry, “Registry’s Fifth Report on Information and Outreach Activities Concerning Victims and Affected Communities in the Situation”, dated 14 November 2019 and registered on 15 November 2019, ICC-01/18-7.

¹⁰ Office of the Prosecutor, “Statement of ICC Prosecutor, Fatou Bensouda, on the conclusion of the preliminary examination of the Situation in Palestine, and seeking a ruling on the scope of the Court’s territorial jurisdiction”, 20 December 2019, <https://www.icc-cpi.int/Pages/item.aspx?name=20191220-otp-statement-palestine>.

¹¹ Office of the Prosecutor, “Application for extension of pages for request under article 19(3) of the Statute”, 20 December 2019, ICC-01/18-8.

¹² Office of the Prosecutor, “Prosecution request pursuant to article 19(3) for a ruling on the Court’s territorial jurisdiction in Palestine”, 20 December 2019, ICC-01/18-9. Upon Chamber’s Order, the filing was struck out from the record of the Situation and withdrawn from the Court’s website.

¹³ Office of the Prosecutor, “Supplementary information to the Prosecution request pursuant to article 19(3) for a ruling on the Court’s territorial jurisdiction in Palestine”, 23 December 2019, ICC-01/18-10. Upon Chamber’s Order, the filing was struck out from the record of the Situation and withdrawn from the Court’s website.

the Court's Website the Request of 20 December 2019 and the Supplementary Information ("Decision of 21 January 2020").¹⁴

6. On 22 January 2020, the OTP submitted the request pursuant to article 19(3) for a ruling on the Court's territorial jurisdiction in Palestine ("Request of 22 January 2020").¹⁵ In the Request of 22 January 2020, the Prosecutor submitted that she is satisfied that there is a reasonable basis to initiate an investigation into the Situation pursuant to article 53(1) of the Statute,¹⁶ and that she considers that the International Criminal Court ("Court" or "ICC") has the necessary jurisdiction in this Situation.¹⁷ However, mindful of "the unique history and circumstances of the Occupied Palestinian Territory", the Prosecutor deemed necessary to seek confirmation that "the 'territory' over which the Court may exercise its jurisdiction under article 12(2)(a) comprises the Occupied Palestinian Territory, that is the West Bank, including East Jerusalem, and Gaza."¹⁸

7. On 28 January 2020, the Chamber issued an order setting the procedure and the schedule for the submission of observations with respect to the Request of 22 January 2020 ("Order of 28 January 2020").¹⁹ The Chamber invited the States of Palestine and Israel, as well as victims in the Situation, to submit written observations on the Request of 22 January 2020 by no later than 16 March 2020.²⁰ In addition, the Chamber held that other States, organisations and/or persons may submit applications for leave to file written observations by no later than 14 February 2020 and, if authorised, to

¹⁴ Pre-Trial Chamber I, "Decision on the Prosecutor's Application for an extension of the page limit", 21 January 2020, ICC-01/18-11, page 7.

¹⁵ Office of the Prosecutor, "Prosecution request pursuant to article 19(3) for a ruling on the Court's territorial jurisdiction in Palestine", 22 January 2020, ICC-01/18-12.

¹⁶ Request of 22 January 2020, para. 2.

¹⁷ Request of 22 January 2020, para. 5.

¹⁸ Request of 22 January 2020, paras. 5 and 220.

¹⁹ Pre-Trial Chamber I, "Order setting the procedure and the schedule for the submission of observations", 28 January 2020, ICC-01/18-14.

²⁰ Order of 28 January 2020, para. 13.

file their observations no later than 16 March 2020.²¹ The Chamber held that any observations shall be limited to the question of jurisdiction set forth in paragraph 220 of the Request of 22 January 2020.²²

III. Classification

8. 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].
9. The Registry will file, at the same time, a public redacted version of the present report.

IV. Applicable Law

10. The Registry submits the present report pursuant to the Chamber’s instruction²³ as well as the applicable law noted by the Chamber in its Decision of 13 July 2018,²⁴ and in accordance with regulations 8 and 23 bis(1) of the RoC and regulation 6 of the Regulations of the Registry.

²¹ Order of 28 January 2020, para. 17.

²² Order of 28 January 2020, para. 15. Paragraph 220 of the Requests reads as follows: “The Prosecution respectfully requests Pre-Trial Chamber I to rule on the scope of the Court’s territorial jurisdiction in the situation of Palestine and to confirm that the “territory” over which the Court may exercise its jurisdiction under article 12(2)(a) comprises the West Bank, including East Jerusalem, and Gaza. In doing so, the Chamber is invited to issue its ruling, subject to any modification needed to accommodate representations by other participants, within 120 days. This time line is based on the timeline for article 15 requests and the similarity of the nature and scope of the present Request and an article 15 request.”

²³ Decision of 13 July 2018, para. 19 and Disposition, *lit. b*) on p. 10.

²⁴ Decision of 13 July 2018, para. 6.

V. Submissions

A. Registry's activities during the reporting period (11 November 2019–11 February 2020)

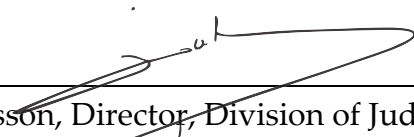
11. During the reporting period, staff members of the Public Information and Outreach Section ("PIOS") and of the Victims Participation and Reparations Section ("VPRS") met in The Hague with [Redacted] various interlocutors who sought information about the developments in the Situation.
12. In December 2019, PIOS disseminated worldwide the Prosecutor's Statement via e-mail to the general media list and through social media, with the objective of reaching out to not only international audiences, but also to the Palestine and Israeli diasporas. Special efforts were made to ensure that [Redacted] identified through the mapping exercise conducted in the previous months received the information. In addition to the targeted e-mails to disseminate the Prosecutor's Statement, the general public was informed through social media as soon as this Statement was available on the ICC website in Arabic and Hebrew.
13. Similarly, press releases in relation to the Decision of 21 January 2020 and to the Order of 28 January 2020 were distributed to the international media [Redacted]. Targeted e-mails as well as social media were used to ensure that the information was accessible to the general public and to the identified key stakeholders. The Order of 28 January 2020 is being translated into Arabic and Hebrew, while the press release on the Order of 28 January 2020 is already available in Arabic and Hebrew on the ICC website.
14. The Registry is currently coordinating with the OTP for the update of the Palestine specific page on the ICC website to include the recent developments in the Situation.

15. In December 2019, the VPRS was informed by a number of external lawyers that they intended to represent victims in the proceedings before the Chamber relating to the Prosecution's Request. The VPRS engaged with these lawyers, both in meetings at the seat of the Court and through other correspondence.
16. Upon issuance of the Order of 28 January 2020, the VPRS sent an email to the lawyers who reached out to in order to inform them in most relevant part of the content of the Order, applicable deadlines, the appointment of the Office of Public Counsel for Victims ("OPCV") to represent victims who do not have legal representation, as well as technical details of making submissions before the ICC.
17. The VPRS and PIOS also provided relevant information to the OPCV as per the Order of 28 January 2020. To date, the VPRS has not yet received participation/reparations applications from unrepresented victims in the Situation. The VPRS has informed a number of individuals who contacted it in relation to the Situation that the Chamber has appointed the OPCV to represent victims who do not have legal representation, for the purpose of submitting observations in accordance with the Order of 28 January 2020. The contact details of the OPCV were also provided.
18. The VPRS further sent an informative email to representatives of a number of civil society organizations with which it previously met and it encouraged them to disseminate the information.

B. Subsequent activities

19. The VPRS and PIOS will continue to disseminate information about the ICC proceedings and it will keep its interlocutors informed about all developments in the Situation.
20. [Redacted].

21. PIOS will also [Redacted] consult [Redacted] on public information and outreach activities with the aim to improve and continue developing future activities. With the same aim, it will continue consultations [Redacted].
22. PIOS will continue to add information materials in Arabic and Hebrew to the ICC website.
23. The VPRS and PIOS will continue to work closely together and will carry out joint activities whenever possible and relevant.



Marc Dubuisson, Director, Division of Judicial Services

On behalf of
Peter Lewis, Registrar

Dated this 12 February 2020

At The Hague, The Netherlands