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No.: ICC-01/18

Date: 12 August 2020

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 Eighth Report on Information and Outreach Activities Concerning Victims and Affected Communities in the Situation", 12 August 2020, ICC-01/18-141-Conf

Source: Registry

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

The Office of the Prosecutor

Ms Fatou Bensouda

Mr James Stewart

Counsel for the Defence

Legal Representatives of Victims

Unrepresented Victims

**The Office of Public Counsel for
Victims**

States Representatives

Legal Representatives of Applicants

**Unrepresented Applicants for
Participation/Reparations**

**The Office of Public Counsel for the
Defence**

Amicus Curiae

REGISTRY

Registrar

Mr Peter Lewis

Counsel Support Section

Victims and Witnesses Unit

Mr Nigel Verrill

Detention Section

**Victims Participation and Reparations
Section**

Mr Philipp Ambach

**Public Information and Outreach
Section**

Ms Sonia Robla

Other

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 eighth 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, 12 February and 11 May 2020 the Registry filed its initial,⁵ second,⁶

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.

third,⁷ fourth,⁸ fifth,⁹ sixth¹⁰ and seventh¹¹ reports, respectively, on the progress relating to information and outreach activities for victims and affected communities in the Situation.

4. On 22 January 2020, the Office of the Prosecutor (“OTP”) submitted a request pursuant to article 19(3) for a ruling on the Court’s territorial jurisdiction in Palestine (“Request of 22 January 2020”).¹² 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,¹³ and that she considers that the International Criminal Court (“Court” or “ICC”) has the necessary jurisdiction in this Situation.¹⁴ 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.”¹⁵

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 Registry, “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. A public redacted version was filed on the same date, ICC-01/18-20-Red.

¹¹ Registry, “Registry’s Seventh Report on Information and Outreach Activities Concerning Victims and Affected Communities in the Situation”, 11 May 2020, ICC-01/18-132-Conf. A public redacted version was filed on the same date, ICC-01/18-132-Red.

¹² 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.

¹³ Request of 22 January 2020, para. 2.

¹⁴ Request of 22 January 2020, para. 5.

¹⁵ Request of 22 January 2020, paras. 5 and 220.

5. On 28 January 2020, the Chamber issued an order setting the procedure and schedule for the submission of observations with respect to the Request of 22 January 2020 (“Order of 28 January 2020”).¹⁶ 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 2020.¹⁷ 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 file their observations no later than 16 March 2020.¹⁸ The Chamber also held that any observations shall be limited to the question of jurisdiction set forth in paragraph 220 of the Request of 22 January 2020.¹⁹
6. Between 12 and 16 March 2020, submissions were received from several legal representatives on behalf of victims.
7. On 9 April, 24 April and 11 May 2020, the Registry transmitted to the Chamber powers of attorney received from nine teams of legal representatives who submitted observations on behalf of victims.²⁰
8. On 30 April 2020, the OTP submitted its response to the observations of *amici curiae*, legal representatives of victims and States.²¹

¹⁶ Pre-Trial Chamber I, “Order setting the procedure and the schedule for the submission of observations”, 28 January 2020, ICC-01/18-14.

¹⁷ Order of 28 January 2020, para. 13.

¹⁸ Order of 28 January 2020, para. 17.

¹⁹ 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.”

²⁰ Registry, “Transmission of powers of attorney”, 9 April 2020, ICC-01/18-129-Conf. A public redacted version was filed on 14 April 2020, ICC-01/18-129-Red. Registry, “Second transmission of powers of attorney”, 24 April 2020, ICC-01/18-130-Conf. A public redacted version was filed on the same date, ICC-01/18-130-Red. Registry, “Third transmission of powers of attorney”, 11 May 2020, ICC-01/18-133.

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

IV. Applicable Law

11. The Registry submits the present report pursuant to the Chamber’s instruction²² as well as the applicable law recalled by the Chamber in its Decision of 13 July 2018,²³ 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. Registry’s activities during the reporting period (11 May – 11 August 2020)

12. During the reporting period, the activities of the Public Information and Outreach Section (“PIOS”) and the Victims Participation and Reparations Section (“VPRS”) were limited, particularly due to the restrictions imposed as a result of the COVID-19 pandemic.

a. Activities conducted by PIOS

13. [Redacted].

²¹ Office of the Prosecutor, “Prosecution Response to the Observations of Amici Curiae, Legal Representatives of Victims, and States”, 30 April 2020, ICC-01/18-131.

²² Decision of 13 July 2018, para. 19 and Disposition, *lit. b*) on p. 10.

²³ Decision of 13 July 2018, para. 6.

14. During the reporting period, PIOS ensured regular compilations of social media and online media reports in order to monitor perceptions and reactions in the Situation, and shared them with relevant ICC counterparts.

b. Activities carried out by VPRS

15. Throughout the reporting period, VPRS maintained contact with various interlocutors who sought information about victim-related matters and relevant developments in the Situation. [Redacted].

B. Subsequent activities

a. PIOS

16. PIOS will continue preparing information materials in Arabic and Hebrew and post them on the ICC website as they become available.

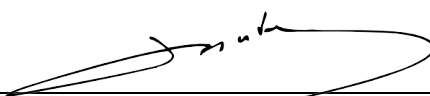
17. [Redacted].

b. VPRS

18. In tandem with the outreach efforts by PIOS as outlined above, VPRS will continue to disseminate specific victim-related information amongst its interlocutors and it will keep them informed about all developments in the Situation. [Redacted].

19. VPRS is also preparing the terrain for the dissemination of the Chamber's decision on the Request of 22 January 2020. To this end, information materials will be issued and translated into local languages. If following the Chamber's decision an investigation into the Situation is opened, information about the next procedural steps, including about filling in victim application forms for participation and/or reparations, will be disseminated in local languages. [Redacted].

20. 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 August 2020

At The Hague, The Netherlands