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PRE-TRIAL CHAMBER I

Before: Judge Iulia Motoc, Presiding Judge
Judge Reine Adélaïde Sophie Alapini-Gansou
Judge Nicolas Guillou

SITUATION IN THE STATE OF PALESTINE

Public

Public redacted version of “Twenty-third Registry Report on Information and Outreach Activities Concerning Victims and Affected Communities in the Situation”, 21 May 2024

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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 twenty-third 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. Since 12 November 2018, the Registry files regularly periodic reports⁵ on the progress relating to information and outreach activities for victims and affected communities in the Situation.

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 See last report - Registry, "Twenty-second Registry Report on Information and Outreach Activities Concerning Victims and Affected Communities in the Situation" ("Registry Twenty-second Report"), 12 February 2024, ICC-01/18-158-Conf. A public redacted version was filed on the same date, ICC-01/18-158-Red.

4. On 5 February 2021, the Chamber issued the “Decision on the Prosecution request pursuant to article 19(3) for a ruling on the Court’s territorial jurisdiction in Palestine”.⁶ The Chamber decided, by majority, that the Court’s territorial jurisdiction in the Situation in Palestine, a State Party to the Rome Statute, extends to the territories occupied by Israel since 1967, namely Gaza and the West Bank, including East Jerusalem.⁷
5. On 3 March 2021, the Prosecutor of the International Criminal Court (“ICC” or “Court”) confirmed the initiation of an investigation into the Situation.⁸
6. On 29 October 2023, the ICC Prosecutor issued a statement on the present situation in the State of Palestine and Israel.⁹
7. On 17 November 2023, the ICC Prosecutor issued a statement in relation to a referral of the Situation from five State Parties to the Rome Statute, namely South Africa, Bangladesh, Bolivia (Plurinational State of), Comoros and Djibouti (“17 November Statement”).¹⁰ The Prosecutor confirmed that his Office “is presently conducting an investigation into the Situation in the State of Palestine. This investigation, commenced on 3 March 2021, encompasses conduct that may amount to Rome Statute crimes committed since 13 June 2014 in Gaza and the West Bank, including East Jerusalem. It is ongoing and

⁶ Pre-Trial Chamber I, “Decision on the ‘Prosecution request pursuant to article 19(3) for a ruling on the Court’s territorial jurisdiction in Palestine’”, 5 February 2021, ICC-01/18-143.

⁷ *Id.*, p. 60; See also “Judge Péter Kovács’ Partly Dissenting Opinion”, 5 February 2021, ICC-01/18-143-Anx1 and “Partly Separate Opinion of Judge Perrin de Brichambaut”, 5 February 2021, ICC-01/18-143-Anx2.

⁸ Statement of the former ICC Prosecutor, Ms Fatou Bensouda, regarding an investigation of the Situation in Palestine, 3 March 2021, <https://www.icc-cpi.int/Pages/item.aspx?name=210303-prosecutor-statement-investigation-palestine>.

⁹ Statement of the ICC Prosecutor, Karim A. A. Khan KC from Cairo on the situation in the State of Palestine and Israel, dated 29 October 2023 and published on the ICC website on 30 October 2023, <https://www.icc-cpi.int/news/statement-icc-prosecutor-karim-khan-kc-cairo-situation-state-palestine-and-israel>.

¹⁰ Statement of the Prosecutor of the International Criminal Court, Karim A.A. Khan KC, on the Situation in the State of Palestine: receipt of a referral from five States Parties, 17 November 2023, <https://www.icc-cpi.int/news/statement-prosecutor-international-criminal-court-karim-aa-khan-kc-situation-state-palestine>.

extends to the escalation of hostilities and violence since the attacks that took place on 7 October 2023.” He added that in accordance with the Rome Statute, his Office “has jurisdiction over crimes committed on the territory of a State Party and with respect to the nationals of States Parties.”¹¹

8. On 2 December 2023, the ICC Prosecutor issued a statement from Ramallah on the situation in the State of Palestine and Israel (“2 December Statement”).¹²
9. On 12 March 2024, the ICC Presidency issued a decision assigning judges to divisions and recomposing Chambers.¹³
10. On 20 March 2024, Judge Iulia Motoc was elected as the Presiding Judge of Pre-Trial Chamber I.¹⁴
11. On 22 April 2024, the ICC Presidency issued a decision replacing a Judge in Pre-Trial Chamber I.¹⁵

III. Classification

12. 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].
13. The Registry will concomitantly file a public redacted version of the present report.

¹¹ *Id.*

¹² Statement of ICC Prosecutor Karim A. A. Khan KC from Ramallah on the situation in the State of Palestine and Israel, dated 2 December 2023 and published on the ICC website on 6 December 2023, <https://www.icc-cpi.int/news/statement-icc-prosecutor-karim-khan-kc-ramallah-situation-state-palestine-and-israel>.

¹³ Presidency, “Decision assigning judges to divisions and recomposing Chambers”, dated 12 March 2024 and notified on 13 March 2024, ICC-01/18-159.

¹⁴ Pre-Trial Chamber I, “Decision on the election of the Presiding Judge”, 20 March 2024, ICC-01/18-160.

¹⁵ Presidency, “Decision replacing a judge in Pre-Trial Chamber I”, dated 22 April 2024, reclassified as public on 20 May 2024, ICC-01/18-164.

IV. Applicable Law

14. The Registry submits the present report pursuant to the Chamber's instruction,¹⁶ as well as the applicable law recalled by the Chamber in its Decision of 13 July 2018,¹⁷ 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 activities during the reporting period (10 February – 10 May 2024)

a. Activities conducted by the Public Information and Outreach Section ("PIOS")

15. During the reporting period, limited outreach activities were conducted in relation to the Situation. In view of the continuous safety and security challenges and the drastic changes in the operational environment, the PIOS has not been able to organise outreach activities. The PIOS and VPRS organized a follow-up meeting with the team of legal representatives of victims ("LRVs"), [Redacted].¹⁸

16. The PIOS also intensified its usual compilation of social media and traditional (online) media reports, [Redacted]. These compilations were used to monitor perceptions and reactions, prepare responsive lines [Redacted]. The PIOS also referred several media inquiries focusing on issues within the mandate of the Office of the Prosecutor to such Office.

b. Activities carried out by the Victims Participation and Reparations Section ("VPRS") and information received

17. During the reporting period, the VPRS continued to respond to correspondence received from victims and other interlocutors seeking

¹⁶ Decision of 13 July 2018, para. 19 and Disposition, *lit. b*) on p. 10.

¹⁷ Decision of 13 July 2018, para. 6.

¹⁸ Registry Twenty-second Report, para. 17.

information about matters relating to victim participation and relevant judicial developments in the Situation. Various interlocutors have conveyed the interest that victims have in accountability mechanisms, including the ICC, while being concerned for its perceived absence.

18. The Section was also in contact [Redacted], with a number of LRVs, who sought information on a variety of issues related to victims' rights before the Court, including on substantive and technical aspects related to victim application forms for participation in proceedings and/or reparations (i.e. types of victims, standard of proof, supporting documentation, application forms introduced on behalf of minors, etc.). The LRVs reported concerns regarding the loss of documentation of victims from Gaza due to the current hostilities, and mentioned that victims are highly concerned about being able to properly document the harm suffered, given the absence of any mechanism on the ground to safeguard any evidence.

B. Subsequent activities

a) PIOS

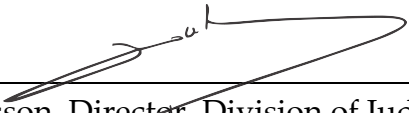
19. In light of the ongoing conflict on the ground, the PIOS will continue to inform the public and provide relevant information about judicial developments in the Situation, if any. It will carry on performing its regular activities of media monitoring, production of information materials in Arabic and Hebrew, and updating the website as well as its list of contacts when relevant.
20. [Redacted].

b) VPRS

21. The VPRS will continue to engage with representatives of victims' groups, either directly or through interlocutors, depending on the security situation,

in order to inform them about their rights before the Court and assist them in exercising these rights. [Redacted].

22. The VPRS and the PIOS will continue working closely together and carry out joint activities whenever possible and relevant.



Marc Dubuisson, Director, Division of Judicial Services
on behalf of Osvaldo Zavala Giler, Registrar

Dated this 22 May 2024

At The Hague, The Netherlands