

Public redacted version of “Annex to the Registry's Joint Report on Outreach and Other Victim Related Issues”, 27 July 2018, ICC-01/12-01/18-102-Conf-Exp-Anx

Introduction

1. On 24 May 2018, the Single Judge of Pre-Trial Chamber I (“Chamber”) issued a decision establishing the principles applicable to victims’ applications for participation (“Decision”) in the case of *The Prosecutor v. Al Hassan Ag Abdoul Aziz Mohamed Ag Mahmoud* (“Case”).¹ In relation to outreach activities, the Single Judge instructed the Public Information and Outreach Section (“PIOS”) and the Victims Participation and Reparations Section (“VPRS”) to harmonize their messages to the affected communities, seek the cooperation of NGOs and intergovernmental organizations, plan missions to Mali, produce a number of outreach tools and report back to the Chamber.
2. In relation to other victim related activities, the Single Judge also invited observations from the Registry on *inter alia* the appropriateness of using a collective form to effectuate victim participation and reparations in the Case.²
3. [REDACTED]
[REDACTED] The findings from this mission have been subdivided in the following manner:
 - I. Outreach Activities
 - II. Other Victim Related Issues

I. Outreach Activities

Overview of the Mission

4. The objectives of the outreach mission were:
 - To raise the level of knowledge of and understanding about the International Criminal Court (“Court”) [REDACTED]
[REDACTED]
 - To strengthen partnerships [REDACTED]
 - To strengthen collaboration [REDACTED]
of information related to the Case among the population in Mali and, in particular, the affected communities;

¹ Pre-Trial Chamber I, Decision Establishing the Principles Applicable to Victims’ Applications for Participation, 24 May 2018, ICC-01/12-01/18-37-tENG.

² *Ibid.* at para. 36.

- [REDACTED]
[REDACTED]
[REDACTED]
 - To explore possibilities of conducting outreach activities in Mali – taking into account the security conditions [REDACTED]
[REDACTED]
 - To provide [REDACTED] with information about the proceedings at the Court and, more specifically, about the cases [REDACTED]
[REDACTED]
5. Through the outreach sessions – some conducted jointly with VPRS and the Trust Fund for Victims (“TFV”) – PIOS met with various stakeholders: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Messages

6. Messages relayed at various meetings with different target groups included: general information about the Court and the TFV, the proceedings at the Court, and more specifically information on the Case, including the information on victims’ participation and legal representation at the Court.
[REDACTED]

Communication Tools

7. PIOS produced a series of “Ask the Court” radio an ⁴ in French about the proceedings and the Case. [REDACTED]
[REDACTED]

⁴ “Ask the Court” programme is a television and radio programme providing answers to the most frequently asked questions, concerns and misconceptions identified in the situation countries. It is produced for all the situation countries by the PIOS AV Unit in various local languages.

[REDACTED] This series covered the following issues: (i) What is the Court? (ii) What are the different steps in a trial before the Court? (iii) The rights of the victims before the Court (iv) The legal representation of the victims and (v) Who is Mr Al Hassan and what are his alleged crimes before the Court?

8. Consultations with various stakeholders during the mission allowed to confirm the local languages used, namely Tamasheq, Songhay and Bambara. The series is currently being produced in those local language versions [REDACTED]

9. PIOS also produced tailored-made presentations for different target groups. The presentations included screenings of videos about the Court and the proceedings, the Detention Centre, the initial appearance of Al Hassan, the summary of proceedings in the *Al Mahdi* case and others.

10 [REDACTED]

Participants' Concerns

11. PIOS was able to collect and respond to the stakeholders' concerns and expectations, which will be taken into account in order to tailor any future messages and communications and audio-visual tools. Following the presentation about the Court and the cases in the Mali situation, participants were given the floor to ask questions, raise concerns and voice expectations.
12. The main or recurring questions were related, among other things, to the rank of potential suspects in national as well as ICC proceedings (viewed as lower ranking), the ways in which national amnesty laws could affect proceedings at the Court, why the Court is against Africa, how victims can benefit from the Court and from reparations, and how to become counsel at the Court.

13 [REDACTED]

[REDACTED]

[REDACTED]

14.

[REDACTED]

15.

[REDACTED]

16.

[REDACTED]

[REDACTED]

17.

[REDACTED]

18.

[REDACTED]

19.

They found that the *Al Mahdi* trial had had a deterrent effect in Mali. However, they also highlighted that the population does not fully understand the principle of complementarity and, in some cases, they believed that the *Al Mahdi* trial was being conducted at the national level and not by the Court. They also stated that the affected communities do not understand what the Court is and said they receive many questions about the length of the trials, which are perceived as taking a very long time.

Main Findings

20.

21. PIOS will continue to produce audio-visual tools (radio and television programmes) and other outreach information material in French and local languages – Tamasheq, Songhay and Bambara – with the assistance of the Language Services Section of the Registry, in order to reach a wider audience.

22.

23. First steps were made towards cooperation with the organizations working on projects with [REDACTED] with the aim of encouraging [REDACTED] to introduce the Court in their courses on international law.

24. Throughout the mission, [REDACTED]

The Way Forward

25. Provided that adequate human and financial resources are available for the implementation of outreach activities and the security conditions permit, PIOS will implement the following activities:

- [REDACTED]
- PIOS will continue providing timely and accurate information, harmonizing its messages and future communication products taking into consideration the different concerns and expectations gathered throughout the mission and in further interactions. It will also continue ensuring close collaboration with the VPRS, the TFV and other relevant sections.
- PIOS will continue the production and distribution of radio and television programmes [REDACTED] to be broadcast nationally, [REDACTED]
[REDACTED]
- PIOS will continue closely engaging with partners, to keep them informed in a timely and accurate way of major developments and to ensure that tailored outreach activities fit the situation and cases.
- [REDACTED]
[REDACTED].

II. Other Victim Related Issues

Preliminary Observations on the Victim Application Process

26. In the Registry's Report on Legal Representation of Victims notified on 23 July 2018, the VPRS and the Country Analysis Unit of the Registry ("CAU") provided a detailed report on the considerable security and logistical

challenges faced in conducting activities in Mali.⁷ Having recently apprised the Single Judge of the challenges faced, the VPRS will focus its present submissions on the organization of the victim application process in Mali and the VPRS' preliminary observations on the suitability of the group form in the contextual circumstances surrounding the Case.

27. As a preliminary observation, the VPRS found that assisting victims to properly complete application forms in the present proceedings will continue to require a significant investment in both time and resources due *inter alia* to the following:

- Prevailing insecurity;
- Remoteness and accessibility of Timbuktu;
- The displacement and diffusion of victims;
- The lack of familiarity of victims with formal judicial proceedings;
- The lack of familiarity [REDACTED] international criminal proceedings and the work processes of the Court in particular;
- Victim fatigue and confusion resulting from multiple transitional justice initiatives [REDACTED]

Identification of Potential Intermediaries

28. [REDACTED]

⁷ Registry, Registry's Report on Legal Representation of Victims, 23 July 2018, ICC-01/12-01/18-98,

⁹ *Ibid.* at para. 39 "However, where VPRS sees fit in view of the security and logistical challenges of the case, it may call on persons, NGOs and intergovernmental organizations in situ to act as intermediaries between the potential applicants and the Court. "

29. The identification of reliable intermediaries is a delicate exercise that entails an assessment of an individual's capacity to communicate with victims, convey complex legal concepts, abide by ethical principles, maintain confidentiality and follow best practices in terms of security. This assessment process commences the moment [REDACTED]

[REDACTED] As such, to preserve the integrity of the proceedings and ensure, to the extent possible, the safety and security of victims, the VPRS must be very cautious and selective in the persons it chooses as its intermediaries.

30. [REDACTED]

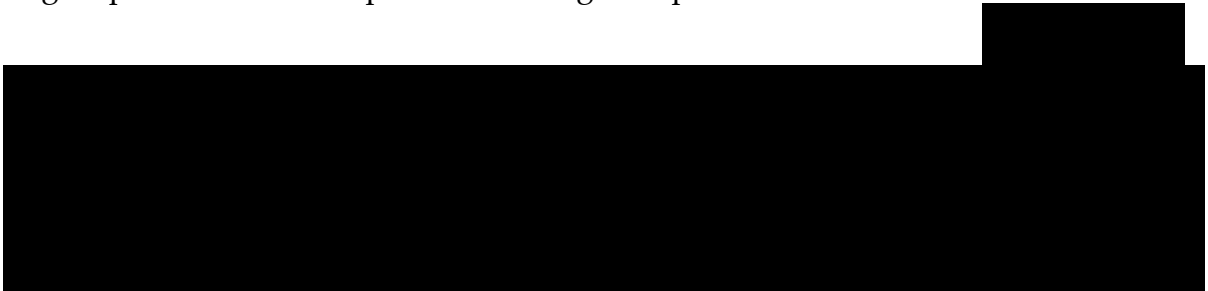
¹⁰ *Ibid.* at para. 41, "[i]n this regard, the Single Judge requires the VPRS to hold training sessions for intermediaries as soon as possible. The training shall include: (i) the nature and goal of the intermediaries' task; (ii) the relevant ethical principles (impartiality and confidentiality); (iii) the need to protect victims' security; (iv) the material, temporal and geographic parameters of the *Al Hassan*



The Group Form

35. In the Decision, the Single Judge ordered the VPRS to submit observations on the use of a collective application form for participation by groups of victims, after it has consulted victims as appropriate.¹¹

36. While the VPRS generally considers it necessary to consult with victims as much as possible, a direct consultation process with victims on the use of a group form was not possible during the past mission due to the limited



case, as describe in the warrant of arrest; (v) the rights of victims before the Court; and (vi) the techniques for efficient communication of all relevant information.”

¹¹ *Ibid.* at para. 36, “[t]he Single Judge invites observations from the Registry on the following matters, after it has consulted the victims as appropriate: (i) the victims’ willingness to form groups and choose and authorize a person to represent them in a collective application; (ii) the benefit, if any, of introducing a collective application system in the case at bar for a large number of families and/or associations; (iii) whether such a system could really facilitate the participation of a large number of victims; and (v) if so, the most suitable approach for putting such a system in place, including the practical consequences on the reparations phase, with due consideration for the Court’s previous decisions and the willingness to submit, at this early stage of the proceedings, a form containing a dedicated reparations section.”

37. Based on this, the VPRS notes that additional time is necessary to conduct a thorough assessment on the feasibility of the group form in the current procedural context as much of the information collected thus far is conflicting.

38. Those consulted expressed the view that while certain victims of sexual violence could in theory be assisted through the use of a group form due to the stigmatisation surrounding the crime(s), they also stressed that the security context is not conducive for group meetings. In relation to the group form's applicability to families, [REDACTED] urged caution since individual members of the family may have suffered from different crimes which may have consequences if certain charges are not confirmed at the confirmation of charges hearing. However, [REDACTED] suggested that the group form approach could be favourable to families in cases where a family representative has already been designated and where that representative is vested with the authority to take decisions on all matters pertaining to the family.

39. [REDACTED]
[REDACTED] In order to provide more conclusive responses to the questions posed by the Single Judge in paragraph 36 of the Decision,¹² the VPRS respectfully submits that it would require additional time [REDACTED]

Way Forward

40. [REDACTED]

¹² *Id.*

[REDACTED] Given the limited amount of information collected thus far on the topics raised by the Single Judge in paragraph 36 of the Decision, the VPRS respectfully proposes to [REDACTED] [REDACTED] collect further information for the purpose of submitting an additional report in due course.

¹³ Pre-Trial Chamber I, Décision portant report de la date de d'audience de confirmation des charges, 20 July 2018, ICC-01/12-01/18-94-Red.