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No.: ICC-01/19

Date: 13 September 2019

PRE-TRIAL CHAMBER III

**Before: Judge Olga Herrera Carbuccion, Presiding Judge
Judge Robert Fremr
Judge Geoffrey Henderson**

**SITUATION IN THE PEOPLE'S REPUBLIC OF BANGLADESH/REPUBLIC
OF THE UNION OF MYANMAR**

Public

**Public redacted version of "Second Registry Report on Victim Representations
Pursuant to the Pre-Trial Chamber's Decision ICC-01/19-6 of 28 June 2019",
13 September 2019, ICC-01/19-11-Conf**

Source: Registry

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

The Office of the Prosecutor

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Counsel for the Defence

Legal Representatives of Victims

Victims' Representatives

States Representatives

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**Victims Participation and Reparations
Section**

Mr Philipp Ambach

Other

I. Introduction

1. The Registry submits the present report, pursuant to Pre-Trial Chamber III's "Decision on the 'Registry's Request for Extension of Notice Period and Submissions on the Article 15(3) Process'" issued on 28 June 2019 ("Chamber" and "Decision of 28 June 2019", respectively),¹ on victim representations.

II. Procedural History

2. On 12 June 2019, the Prosecutor informed the Presidency of her intention to request judicial authorisation to commence an investigation into "crimes within the jurisdiction of the International Criminal Court in which at least one element occurred on the territory of the People's Republic of Bangladesh – a State Party to the Rome Statute – and within the context of two waves of violence in Rakhine State on the territory of the Republic of the Union of Myanmar, as well as any other crimes which are sufficiently linked to these events" pursuant to article 15(3) of the Rome Statute ("Statute").²
3. On 25 June 2019, the Presidency rendered its decision assigning the Situation in the People's Republic of Bangladesh/Republic of the Union of Myanmar ("Situation") to the Chamber.³
4. On 26 June 2019, the Registry requested an extension of time for victims to make representations under article 15(3) of the Statute and rule 50(3) of the

¹ Pre-Trial Chamber III, "Decision on the 'Registry's Request for Extension of Notice Period and Submissions on the Article 15(3) Process'", 28 June 2019, ICC-01/19-6.

² Office of the Prosecutor, "Notice pursuant to regulation 45 of the Regulations of the Court" of 12 June 2019, filed as ICC-01/19-1-Anx on 26 June 2019 (see fn. 3).

³ Presidency, "Decision on the constitution of Pre-Trial Chamber III and on the assignment of the situation in the People's Republic of Bangladesh/Republic of the Union of Myanmar", dated 25 June 2019 and notified on 26 June 2019, ICC-01/19-1.

Rules of Procedure and Evidence (“Rules”) and submitted, for the Chamber’s approval, a draft victim representation form (“Request for Extension of Time”).⁴

5. In its Decision of 28 June 2019, the Chamber extended the time limit for victims to submit their representations to 28 October 2019, authorized the use of the draft representation form previously submitted by the Registry subject to one amendment⁵ and ordered the Registry to submit: i) victims’ representations to the Chamber on a rolling basis on 30 August 2019, 13 and 27 September 2019 and 11 and 31 October 2019, together with a brief preliminary assessment; and ii) a final consolidated report by 31 October 2019.⁶
6. On 4 July 2019, the Office of the Prosecutor (“Prosecution”) submitted its request for authorization of an investigation pursuant to article 15 of the Statute (“Prosecution’s Request”) ⁷ and notified victims and their representatives of this request (“Prosecution’s Notice to Victims”).⁸

⁴ Registry, “Registry’s Request for Extension of Notice Period and Submissions on the Article 15(3) Process”, 26 June 2019, ICC-01/19-3-Conf. A public redacted version of the document was notified on the same date, ICC-01/19-3-Red.

⁵ Decision of 28 June 2019, para. 17.

⁶ Decision of 28 June 2019, paras. 15 and 19 and page 8.

⁷ Office of the Prosecutor, “Request for authorisation of an investigation pursuant to article 15”, 4 July 2019, ICC-01/19-7.

⁸ Office of the Prosecutor, “Public Notice of the ICC Prosecutor: Victims who have been allegedly forcibly displaced from Myanmar to Bangladesh since at least 9 October 2016 have until 28 October 2019 to send their views to the ICC in the Hague on the opening of an investigation”, 4 July 2019, <https://www.icc-cpi.int/itemsDocuments/2019-07-04-otp-public-notice-bangladesh-myanmar-eng.pdf> (accessed on 30 August 2019).

7. On 4 July 2019, the Prosecution also submitted a request seeking amendments of the victim representation form as authorized by the Chamber (“Request on the Representation Form”).⁹
8. On 11 July 2019, the Chamber rejected the Request on the Representation Form.¹⁰
9. On 30 August 2019, the Registry submitted its first report on victims’ representations (“First Report”).¹¹

III. Classification

10. Pursuant to regulation 23*bis*(1) of the Regulations of the Court (“RoC”), this document is classified as “confidential”, since it contains sensitive information [Redacted]. The Registry will file shortly a public redacted version of the present document.

IV. Applicable Law

11. The Registry submits the present document in accordance with articles 15(3) and 68(1) of the Statute, rules 16(1) and 85 of the Rules, regulation 23*bis*(1) of the RoC and regulation 102 of the Regulations of the Registry.

⁹ Office of the Prosecutor, “Request on the Victim Representation Form”, dated 4 July 2019 and notified on 5 July 2019, ICC-01/19-8 (this document was initially notified as confidential and reclassified as public on 12 July 2019).

¹⁰ Pre-Trial Chamber III, “Decision on the Prosecutor’s ‘Request on the Victim Representation Form’”, dated 11 July 2019 and notified on 12 July 2019, ICC-01/19-9.

¹¹ Registry, “First Registry Report on Victims’ Representations Pursuant to the Pre-Trial Chamber’s Decision ICC-01/19-6 of 28 June 2019”, 30 August 2019, ICC-01/19-10-Conf. A public redacted version of the document was notified on 3 September 2019, ICC-01/19-10-Red.

V. Submissions

A. Recent developments

12. [Redacted] contemporary with a series of events in the field which impacted on the manner in which victim representations are being collected.

13. [Redacted].

14. [Redacted].

15. [Redacted]

B. Registry efforts to reach out to victims concerned by the Situation

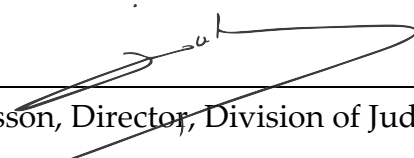
16. [Redacted].

17. [Redacted].

18. [Redacted].

C. Victim representation forms

19. The VPRS has not received any further victim representation forms since its First Report.



Marc Dubuisson, Director, Division of Judicial Services
On behalf of
Peter Lewis, Registrar

Dated this 13 September 2019

At The Hague, The Netherlands