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Date: **1 August 2014**

TRIAL CHAMBER VI

Before: Judge Robert Fremr, Presiding Judge
Judge Kuniko Ozaki
Judge Geoffrey Henderson

**SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO
IN THE CASE OF
*THE PROSECUTOR v. BOSCO NTAGANDA***

PUBLIC

Public redacted version of the “Sixth Report to the Pre-Trial Chamber on applications to participate in the proceedings” (ICC-01/04-02/06-200-Conf) dated 10 January 2014

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

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Section**

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Other

The Registrar of the International Criminal Court (the “Court”);

NOTING the Single Judge’s Decision issued in the case of *The Prosecutor v. Bosco Ntaganda* (the “Case”), notified on 28 May 2013, establishing principles on the victims’ application process (the “Decision of 28 May”);¹

NOTING the Single Judge’s Decision issued on 26 June 2013, clarifying certain aspects of the Decision of 28 May (the “Decision of 26 June”);²

NOTING the Registry’s First, Second, Third, Fourth and Fifth Reports to the Pre-Trial Chamber on applications to participate in the proceedings;³

NOTING article 68 (1) and (3) of the Rome Statute, rules 85 and 89 of the Rules of Procedure and Evidence (the “Rules”), and regulations 86 (5), 23 *bis* and 24 *bis* (2) of the Regulations of the Court;

CONSIDERING that the present report is filed with the status “Confidential” along with two annexes (Annexes A and B) filed as “Confidential *ex parte* only available to the Prosecutor” and “Confidential redacted available to the Parties” and one Annex filed as “Confidential” (Annex C), in accordance with the Decision of 28 May which provides that the Registry’s report shall be transmitted with its annexes A and B without any redaction to the Prosecutor and with limited redaction of the identifying information of the applicant where necessary to the Defence;⁴

¹ ICC-01/04-02/06-67.

² ICC-01/04-02/06-75.

³ ICC-01/04-02/06-106-Conf-Exp, ICC-01/04-02/06-122-Conf+Conf-AnxA+Conf-Exp-AnxB, ICC-01/04-02/06-132-Conf+Anxs, ICC-01/04-02/06-154-Conf+Conf-Exp-Anxs + Conf-Red-Anxs and ICC-01/04-02/06-179-Conf+Anxs.

⁴ ICC-01/04-02/06-67, paras 29 and 37-44.

CONSIDERING that the Registry is organizing applications received in different groups, according to criteria developed by the Registry in accordance with the Decision of 28 May, and transmitting them on a rolling basis;⁵

CONSIDERING that the Registry has, as of 19 December 2013, received a total of 1,684 applications to participate in the proceedings. Of these, 982 were transmitted to the Single Judge and the parties, respectively on 13 September 2013 (29 applications) as part of the Registry's First Report, on 9 October 2013 (172 applications), as part of the Registry's Second Report, on 31 October 2013 (258 applications) as part of the Registry's Third Report, on 21 November 2013 (363 applications) as part of the Registry's Fourth Report and on 13 December 2013 (160) as part of the Registry's Fifth Report;

CONSIDERING that of the 1,684 applications to participate in the proceedings received by the Registry, 98 were submitted using the Court's standard application form;⁶

CONSIDERING that the Registry has, as of 19 December 2013, requested supplementary information for 162 applications assessed as incomplete, of which 107 applications have been transmitted to the Chamber and the parties following receipt of the supplementary information;⁷

⁵ ICC-01/04-02/06-67, paras 33-39.

⁶ As opposed to the simplified application form tailored to the characteristics of the Case in accordance with the Single Judge's Decision of 28 May, ICC-01/04-02/06-67, paras 17-25.

⁷ Of these 162 applications assessed as incomplete, 107 applications were transmitted to the Chamber and the parties after having been supplemented with information received from the relevant applicants, 6 were considered as needing additional information, 4 were assessed as falling outside the scope of the case following the supplementary information received, three have not been yet transmitted and the Registry is in the process of collecting supplementary information for the 42 remaining applications.

CONSIDERING that the Single Judge instructed the Registry to transmit to the Single Judge and to the parties complete applications for participation no later than 30 days before the start of the confirmation hearing, which is set for 10 February 2014;⁸

CONSIDERING that of the applications not yet transmitted, the Registry has allocated 204 applications to the seven groups established and assessed them as complete and linked to the Case;⁹

CONSIDERING that the Registry has recently received additional applications which could not be processed in time for this transmission and expects to receive more,¹⁰ and that it will register and process these applications in case they could be transmitted at a later stage of the proceedings;

TRANSMITS to the Single Judge and the Parties the present report on applications to participate in the Case (the “Report”) together with three annexes: (1) Annex A containing a table presenting the Registry’s Rule 85 assessment for each individual application transmitted with the Report; (2) Annex B containing copies of the

⁸ ICC-01/04-02/06-67,para.40. Besides, the Single Judge considers that complete applications for participation shall be submitted to the VPRS no later than 45 days before the start of the confirmation hearing.

⁹ Of a batch of 236 applications, 204 applications appeared to the Registry to meet the requirements of rule 85 of the Rules, of which 43 applications were allocated to the group UPC/FPLC Child soldiers, 80 to the group UPC/FPLC Attacks Incident 2-Lipri-Bambu-Kobu-surrounding villages, 13 to the group UPC/FPLC Attacks-Incident 2-Kobu, 20 to the group UPC/FPLC Attacks Incident 2-Bambu, 23 to the group UPC/FPLC Attacks Incident 2-Lipri, 14 to the group UPC/FPLC Attacks Incident 1-Sayo and 12 to the group UPC/FPLC Attacks Incident-1 Mongbwalu. Of the 204 complete applications, 8 duplicates were identified. Of the remaining applications, 24 applications need supplementary information to be complete, 3 duplicates of applications already transmitted were identified, and 4 applications were assessed as falling outside the scope of the Case.

¹⁰ The VPRS has continued to receive further applications up until the date of transmission and currently has in its possession approximately 370 that were received too late to be processed in time for this final transmission. The VPRS has conveyed the message in the field that new applications or supplementary information received after the deadline set by the Chamber may not be processed in time for this stage of the proceedings. The NGO *Avocats Sans Frontières* has informed the VPRS that it intends to submit about 100 to 200 further applications by mid-January 2014.

applications transmitted; and (3) Annex C containing a consolidated table of all the 1,187 applications transmitted so far to the Chamber and the parties organised by group.

A. Introduction

1. The present Report is divided into three parts. First, it provides an explanation of the content of Annex B of the Report (Section B). Thereafter, it sets out information about the groups of applications transmitted (Section C). Lastly, the Report presents the Registry's Rule 85 assessment for the groups of applications transmitted (Section D).¹¹

B. Explanation of the content of Annex B of the Report

2. Paragraph 42 of the Decision of 28 May provides that the VPRS will make limited redactions of identifying information of applicants in its report, in Annex A or Annex B, whenever a need for protection is detected by the VPRS or where an applicant expresses the wish that his or her identity not be disclosed. All applicants were asked, when completing an application, to indicate whether they have reason to be concerned about their security as a result of their interaction with the Court. Some applicants among the present group indicate that they do have such concerns. For the following reasons, even where applicants have not indicated specific security concerns in their applications, the Registry recommends that at this early stage a cautious approach should be taken.
3. The Registry notes that the prevailing security situation in Ituri remains volatile. The weekly security updates provided by the Registry's Field Security Unit during 2013 and in the beginning of 2014, have consistently

¹¹ For the explanation of Annex A of the Report, the Registry's refers to Section D of its First Report, ICC-01/04-02/06-106-Conf-Exp, paras 15-32, and Section B of its Third Report, ICC-01/04-02/06-132-Conf, paras 2-6.

indicated a moderate threat level for this region. On-going fighting between the FARDC¹² and the FRPI¹³ has contributed to the precarious security situation in this region. In addition, consultations conducted with the Registry's field staff, intermediaries and [REDACTED] have indicated that this situation seems to have exacerbated the latent tensions between communities in the area, in particular between Lendus and Hemas and respective allied ethnic groups.¹⁴

4. In April 2013, the VPRS conducted consultations in [REDACTED] with individuals representing populations directly affected by the Case including potential applicants, intermediaries [REDACTED] [REDACTED] and [REDACTED] of the affected communities. One of the aims of these consultations was to assess the prevailing political and security context in Ituri, in order to prepare the ground to facilitate victim participation in the Case. Those met were asked what risks were foreseen for participating victims and for people assisting victims. The input received was that participation of victims living in certain localities loyal to Bosco Ntaganda and Thomas Lubanga could give rise to fear of retaliation, since former UPC militants are concentrated there and the population is hostile to the ICC. In November 2013, the VPRS undertook further consultations with intermediaries in the field who are in direct contact with applicants, with a view to reassessing the security situation in the region. All those consulted confirmed that the security situation in Ituri remains tense, not only due to continuing military operations in the region but also because the proceedings against Bosco Ntaganda are perceived as unfair by UPC supporters still present in or around the localities affected by the Case.

¹² Forces Armées de la République Démocratique du Congo.

¹³ Front de Résistance Patriotique.

¹⁴ For instance, in the chefferie Bahema-Nord, which is part of the Djugu territory where Lipri, Bambu and Kobu are, there is a large concentration of FRPI supporters.

5. The Registry notes that 26 applicants in the groups featured in the present Report have alleged that crimes were committed against them or their family members in Mongbwalu or Sayo and 136 applicants have alleged that crimes were committed against them or their family members in either Lipri, Bambu, Kobu or in other locations surrounding these villages. Notwithstanding that Sayo and Lipri, Bambu, Kobu and surrounding localities are very small villages with relatively few inhabitants that are, for the most part, from the Lendu ethnic community, they are situated in rural areas and remain not far from the mining centres where the population is more heterogeneous. For instance, Bambu, which is located on a main axis on the road to important mining centres such as Kilo, is very close to UPC strongholds such as Lipri, [REDACTED] and [REDACTED] where the population is openly hostile to the Court.
6. In addition, the Registry notes that Mongbwalu has long been a centre of gold mining where the population, mostly from the Banyali and Lendu communities, has constantly increased with the massive influx of people from many other ethnic groups who have been attracted by the gold mining opportunities, including former UPC militia and supporters.
7. The Registry further notes that 43 applicants in the groups featured in the present Report have alleged to have been used as child soldiers by the UPC/FPLC forces. The information received from the field indicates that applicants who allege to have been used as child soldiers do not wish to be identified as applicants and are very concerned not to reveal their interaction with the Court for fear of being perceived as traitors. It was reported to the VPRS that in villages with a Hema majority some people tried to prevent former alleged child soldiers from submitting their applications.
8. At the time when victims submit an application, taking into account that they were assisted by local intermediaries, do not have experience of judicial proceedings, and have not yet been advised by a lawyer, in the Registry's

experience, they may not be aware of the implications of their identities being disclosed to the parties to the proceedings, and are not able to accurately assess threats to their security. Finally, the non-disclosure of the identity of the applicants appears to the Registry to be, at the application stage, the only available protection measure.

9. In light of the above, the Registry recommends that the identities of the victims in this group not be disclosed to the Defence at the application stage,¹⁵ even where applicants have not indicated specific security concerns in their applications, and that the matter of disclosure be considered at a later stage in relation to those that are accepted as victim participants by the Chamber, after the legal representative appointed has had the opportunity to advise the victims and take instructions on this matter. This information was therefore redacted by the Registry in the application forms as well as in Annex A of the Report, in accordance with the Decision of 28 May.¹⁶ Unless the Chamber decides otherwise, therefore, the Registry will transmit redacted versions of all applications to the Defence.

Application forms using the Court's standard form

10. On 8 July 2013, the Registry received 98 applications using the Court's standard application form for participation in the proceedings from a lawyer designated by the relevant applicants. In compliance with the Decision of 28 May,¹⁷ the VPRS contacted the said lawyer in order to arrange for the applicants to resubmit their applications using the simplified form designed for the purposes of this Case.
11. On 18 September 2013, the lawyer informed the VPRS by email that she was unable to go back to the relevant applicants and to provide the VPRS with

¹⁵ The Single Judge decided, in paragraph 44 of the Decision of 28 May that no redactions should be made to the report and annexes to be transmitted to the Prosecutor.

¹⁶ ICC-01/04-02/06-67, paras 29 and 37-44.

¹⁷ ICC-01/04-02/06-67, paras 17-25.

new applications for participation in the proceedings using a simplified form for various security and financial reasons. However she indicated that some of her clients may have already filled in a simplified application form for participation in the Case with other intermediaries. After searching its database in order to identify any applicants in the latter category, the VPRS assisted the lawyer to collect new applications for participation, as a result of which the VPRS collected 79 simplified applications forms. Of the 19 remaining applications, 11 were assessed as complete and linked to the case and are included in this transmission in compliance with the Single Judge's instructions conveyed by email.¹⁸

Duplicates of applications already transmitted

12. The treatment of duplicates and the procedure followed by the Registry when considering them was explained in the Registry's Second Report.¹⁹ In processing the batch of 236 applications processed for this transmission, 3 duplicates of applications previously transmitted to the Single Judge and the parties were identified. After comparing the duplicates with the original applications previously transmitted in each case, the Registry did not find any major discrepancies between the two applications which would cast doubt on the coherence of the events as described in the application transmitted. It therefore concluded that these applications do not contradict each other. While access to the entire file of the relevant applicant will be provided to the Chamber, the Registry has not filed the duplicates with this transmission, but sets out below any differences noted between the duplicate and the original

¹⁸ Email of 4 June 2013 sent by the Chamber's Associate Legal Officer to the DCS' Associate Legal Officer. In this email, the Single Judge instructs the VPRS to *inter alia* redact all information in the standard application forms beyond that to be provided in the simplified form before transmitting it to the Chamber and to the parties, with the additional redactions *vis-à-vis* the Defence as explained in paragraph 43 of the Decision of 28 May, and to store a copy of the unredacted standard application forms in the TRIM file, only available to the Chamber.

¹⁹ ICC-01/04-02/06-122, paras 7-9.

applications, and remains at the Single Judge's disposal, should she wish to take other steps :

- (i) a/01136/13 is the duplicate of a/00643/13, which was transmitted with the Third Report. In light of inconsistencies found between the two applications, the VPRS requested and received supplementary information from the applicant.²⁰ The later confirmed the alleged crimes of her two children, her brother, her sister and her husband. The applicant indicated that the inconsistencies between the two applications resulted from an interpretation error on the part of the person assisting her in filling in the application.
- (ii) a/01365/13 is the duplicate of a/00659/13, which was transmitted with the Third Report. The VPRS has identified one slight difference between the two applications in relation to the place of the alleged commission of the crime of murder against the applicant's son.²¹ In light of the overall information provided in the two applications and the description of the events as a whole, the VPRS is of the view that these two applications do not contradict each other.
- (iii) a/01484/13 is the duplicate of a/00118/13, which was with the First Report. In both applications, the applicant alleges that he was attacked, that his house was burnt down and that his belongings were pillaged, and in application a/00118/13, the applicant adds that his livestock was also pillaged, which is not mentioned in application a/01484/13. Further, in application a/01484/13, the applicant alleges that hi [REDACTED] [REDACTED] was also pillaged, which had not been mentioned in

²⁰ In application a/00643/13, the applicant alleges that her husband and her daughter were murdered, whereas in application a/01136/13, she alleges that her two children, sister and brother were murdered.

²¹ In application a/00659/13, the applicant alleges that his son was murdered in a village situated near Lipri, whereas in application a/01365/13, he alleges that his son was murdered in a different village, which based on the information available to the VPRS, is located near Lipri as well.

a/00118/13. In addition, the VPRS noted that in application a/00118/13, the applicant states that he speaks two different languages whereas in application a/01484/13, he mentions only one of them. In light of the overall information provided in the two applications and the description of the events as whole, the VPRS considers that the two applications do not contradict each other.

13. The Registry has also discovered that the applicant who submitted application a/01308/13, which was transmitted with the Fifth Report, had in 2006 presented application a/0050/06, which had been filed in the record of the *Lubanga* case. Since the Registry has found some discrepancies between these two applications in the description of the alleged facts, but it has not been possible to request and receive further information from the applicant, it respectfully recommends that the Single Judge defers her ruling on the status of application a/01308/13.

C. Description of the group of applications transmitted

Group UPC/FPLC Child soldiers

14. With this transmission are included 43 natural persons (36 males and 7 females) belonging to this group, who supported their application with a copy of a voting card and/or letter of a local authority. The vast majority of this group is comprised of persons from various ethnicities, the largest proportion of who are Hema but the group also includes *inter alia* persons of the following ethnicities: Bira, Alur, Gegere, Bahema, Budu, Kongo, Lendu, Lokele, Mambisa and Mukusu. The members of the group allege that while they were under fifteen years of age:

- They were enlisted and or conscripted, in the camps of Bule, Centrale, Mandro, Rwampara, Irumu, Bogoro or Sota, by the armed group of the

UPC or by the soldiers of Bosco Ntaganda, during the period between July 2002 to December 2003;

- and/or that they were used to participate actively in hostilities, by the armed group of the UPC or by the soldiers of Bosco Ntaganda, in Libi and Mbau in October 2002, in Largu in the beginning of 2003, in Lipri and Bogoro in February and March 2003, in Bunia in May 2003 or in Djugu and Mongbwalu in June 2003.

All members of the group allege that they suffered from harm, including physical, psychological or material harm or substantial impairment of their fundamental rights,²² as a result of the crime(s) committed.

Group UPC/FPLC Attacks-Incident 2- Kobu

15. With this transmission are included 12 natural persons (4 males and 8 females) belonging to this group, who supported their application with a copy of a voting card and/or letter of a local authority. The vast majority of this group is comprised of non-Hema persons from various ethnicities, the largest proportion of whom are Lendus, but the group also includes persons of the Bira community. The members of the group alleged that their village, Kobu, was attacked by the armed group of the UPC or by the soldiers of Bosco Ntaganda, during the period between 17 February 2003 and 2 March 2003, or at the beginning of March 2003, or in March 2003, or instead of precise dates the applicants mention that the events occurred during the Chikana Namukono military operation. The members of the group allege that during the attacks, several crimes were committed including murder [REDACTED] pillage, and persecution. All members of the group allege that they suffered from harm, including physical, psychological, material harm or substantial impairment of their fundamental rights, as a result of the crime(s) committed.

²² Including for example the loss of educational opportunities, or social stigmatization. See footnote 35 of the Registry's First Report, ICC-01/04-02/06-106-Conf-Exp, p. 15.

Group UPC/FPLC Attacks-Incident 2-Lipri-Bambu-Kobu-surrounding villages²³

16. With this transmission are included 80 natural persons (57 males and 23 females) belonging to this group, who supported their application with a copy of a voting card and/or letter of a local authority. The vast majority of this group is comprised of non-Hema persons from various ethnicities, the largest proportion of whom are Lendus, but the group also includes *inter alia* persons of the following ethnicities: Walendu Djatsi, Bira, Hema, Hema Banywagi and Nyali. The members of the group allege that their village, surrounding Lipri, Bambu or Kobu, was attacked by the armed group of the UPC or by the soldiers of Bosco Ntaganda, during the period between 17 February and 2 March 2003.²⁴ The members of the group allege that during the attacks, several crimes were committed including murder [REDACTED] pillage, and persecution. All members of the group allege that they suffered from harm, including physical, psychological or material harm or substantial impairment of their fundamental rights as a result of the crime(s) committed.

Group UPC/FPLC Attacks-Incident 2- Bambu

17. With this transmission are included 20 natural persons (6 males and 14 females) belonging to this group, who supported their application with a copy of a voting card and/or letter of a local authority. The vast majority of this group is comprised of non-Hema persons from various ethnicities, the largest

²³ The Registry notes that it has provided explanations of its assessment as to whether or not it appears that the crime(s) alleged by the applicants in this specific group of applications occurred within the geographical locations which delimit the scope of the Case, in Section B of its Third Report. The Registry notes further that it has provided the Chamber with one of its internal tools which contains information from available sources on the distance/proximity between villages mentioned by the applicants in this group and the villages of Lipri, Bambu and Kobu. This internal tool was updated as the assessment of applications progressed and as information was obtained by the VPRS from the different sources referred to in its Third Report. Therefore, the VPRS was subsequently able to locate some localities which it had been unable to locate at the time of its first transmissions based on the information available to it at that time. The updated version of this tool was provided to the Chamber.

²⁴ It should be noted that some applicants mentioned the beginning of March 2003 and others identified the attack by mentioning that the events occurred during the Chikana Namukono military operation instead of providing exact dates.

proportion of whom are Lendus, but the group also includes persons of the Nyali community. The members of the group alleged that their village, Bambu, was attacked by the armed group of the UPC or by the soldiers of Bosco Ntaganda, during the period between 17 February 2003 and 2 March 2003, or at the beginning of March 2003, or in March 2003, or instead of precise dates the applicants mention that the events occurred during the Chikana Namukono military operation. The members of the group allege that during the attacks, several crimes were committed including murder [REDACTED] pillage, and persecution. All members of the group allege that they suffered from harm, including physical, psychological, material harm or substantial impairment of their fundamental rights, as a result of the crime(s) committed.

Group UPC/FPLC Attacks-Incident 2- Lipri

18. With this transmission are included 23 natural persons (14 males and 9 females) belonging to this group, who supported their applications with a copy of a voting card and/or letter of a local authority. The vast majority of this group is comprised of non-Hema persons from the Lendu ethnicity. The members of the group alleged that their village, Lipri, was attacked by the armed group of the UPC or by the soldiers of Bosco Ntaganda, during the period between 17 February 2003 and 2 March 2003, or at the beginning of March 2003, or in March 2003, or instead of precise dates the applicants mention that the events occurred during the Chikana Namukono military operation. The members of the group allege that during the attacks, several crimes were committed including murder, [REDACTED] pillage, and persecution. All members of the group allege that they suffered from harm, including physical, psychological, material harm or substantial impairment of their fundamental rights, as a result of the crime(s) committed.

Group UPC/FPLC Attacks-Incident 1-Mongbwalu

19. With this transmission are included 12 natural persons (6 males and 6 females) belonging to this group, who supported their application with a copy of a voting card and/or letter of a local authority. The vast majority of this group is comprised of non-Hema persons from various ethnicities, the largest proportion of whom are Nyali-Kilo, but the group also includes *inter alia* persons of the following ethnicities: Alur, Hema sud, Lendu, Ngiti, Nyali and Walese. The members of the group allege that their village, Mongbwalu, was attacked by the armed group of the UPC or by the soldiers of Bosco Ntaganda, during the period between 18 and 23 November 2002.²⁵ The members of the group allege that during the attacks, several crimes were committed including murder, [REDACTED] pillage, and persecution. All members of the group allege that they suffered from harm, including physical, psychological or material harm or substantial impairment of their fundamental rights²⁶ as a result of the crime(s) committed.

Group UPC/FPLC Attacks-Incident 1-Sayo

20. With this transmission are included 14 natural persons (8 males and 6 females) belonging to this group, who supported their application with a copy of a voting card and/or letter of a local authority. The vast majority of this group is comprised of non-Hema persons from various ethnicities, the largest proportion of whom are Lugbara, but the group also includes *inter alia* persons of the following ethnicities: Alur Pandoro, Alur Mahagi, Kalese, Lendu, Logo,

²⁵ It should be noted that some applicants mentioned the end of November instead of providing exact dates. Based on available information, it appears to the VPRS that apart from a few isolated incidents, which do not correspond to the description of the alleged facts, only the UPC/FPLC attack between 18 and 23 November, as described in the charges brought against the suspect, is reported to have taken place at the end of November 2002 in the location indicated by the applicant. The VPRS is therefore of the view that the alleged events described by these applicants occurred within the temporal scope of the Case.

²⁶ Including for example the loss of educational opportunities, or social stigmatization. See footnote 35 of the Registry's First Report, ICC-01/04-02/06-106-Conf-Exp, p. 15.

Mambisa, Mumbisa, Ndo and Walendu Djatsi. The members of the group allege that their village, Sayo, was attacked by the armed group of the UPC or by the soldiers of Bosco Ntaganda, during the period between 18 and 23 November 2002.²⁷ The members of the group allege that during the attacks, several crimes were committed including murder, [REDACTED] pillage, and persecution. All members of the group allege that they suffered from harm, including physical, psychological or material harm or substantial impairment of their fundamental rights²⁸ as a result of the crime(s) committed.

D. Registry Rule 85 assessment for the groups of applications transmitted

21. Based on its assessment of each of the 204 applications transmitted, the VPRS is of the view that the following applicants are natural persons, that their identities appear to be duly established, that the event(s) described in their applications for participation constitute(s) one or more crimes within the jurisdiction of the Court with which the suspect is charged, namely:

- (1) attack against the civilian population, murder, rape, pillage and persecution by way of attack against civilians, murder, rape or sexual slavery and pillage, by the UPC/FPLC forces between 17 February and 2 March 2003 in Kobu and villages surrounding Lipri, Bambu and Kobu, and between 18 to 23 November 2002 in Mongbwalu and Sayo (Ituri District, Province Orientale of the Democratic Republic of the Congo),
- (2) enlistment and conscription of children under the age of fifteen in the camps of Bule, Centrale, Mandro, Rwampara, Irumu, Bogoro or Sota, by

²⁷ *Op. cit.*, footnote 22.

²⁸ Including for example the loss of educational opportunities, or social stigmatization. See footnote 35 of the Registry's First Report, ICC-01/04-02/06-106-Conf-Exp, p. 15.

the UPC/FPLC forces, during the period between July 2002 to December 2003,

- (3) use of children under the age of fifteen by the UPC/FPLC forces, to participate actively in hostilities in Libi and Mbau in October 2002, in Largu in the beginning of 2003, in Lipri and Bogoro in February and March 2003, in Bunia in May 2003 and in Djugu and Mongbwalu in June 2003;

and that all the applicants have suffered from harm, including physical, psychological, material or other harm which might be categorised as a substantial impairment of a fundamental right, as a result of the crime(s) with which the suspect is charged which fall under articles 7(1)(a), 7(1)(g), 7(1)(h), 8(2)(c)(i), 8(2)(e)(i), 8(2)(e)(v) and 8(2)(e)(vi) and 8(2)(b)(xxvi), or article 8(2)(e)(vii), and article 8(2)(b)(xxvi), or article 8(2)(e)(vii) of the Statute:

- in the group UPC/FPLC Attacks-Incident 1-Mongbwalu: a/01315/13, a/01314/13, a/01317/13, a/00878/13, a/00908/13, a/01720/13, a/00845/13, a/00892/13, a/00883/13, a/00809/13, a/00828/13, a/00568/13;
- in the group UPC/FPLC Attacks-Incident 1-Sayo: a/01316/13, a/00792/13, a/00783/13, a/00611/13, a/00759/13, a/00786/13, a/00778/13, a/00781/13, a/00782/13, a/00789/13, a/00613/13, a/00614/13, a/00616/13, a/00560/13;
- in the group UPC/FPLC Attacks-Incident 2-Lipri: a/00995/13, a/01018/13, a/01020/13, a/00352/13, a/00954/13, a/01047/13, a/00916/13, a/00473/13, a/01475/13, a/01476/13, a/01485/13, a/01480/13, a/01481/13, a/00121/13, a/00351/13, a/01496/13, a/01489/13, a/01508/13, a/01509/13, a/01717/13, a/01719/13, a/01716/13, a/00264/13;

- in the group UPC/FPLC Attacks-Incident 2-Bambu: a/00011/13, a/00018/13, a/01119/13, a/00241/13, a/01090/13, a/01478/13, a/01342/13, a/01343/13, a/01344/13, a/01345/13, a/01346/13, a/01347/13, a/01348/13, a/01349/13, a/01350/13, a/01351/13, a/01352/13, a/01723/13, a/00006/13, a/00336/13;
- in the group UPC/FPLC Attacks- Incident 2-Kobu: a/01477/13, a/01467/13, a/01466/13, a/01490/13, a/01510/13, a/01502/13, a/01722/13, a/01721/13, a/00165/13, a/00314/13, a/00346/13, a/01718/13;
- in the group UPC/FPLC Attacks- Incident 2-Lipri-Bambu-Kobu surrounding villages: a/01479/13, a/01463/13, a/01486/13, a/01464/13, a/01468/13, a/01469/13, a/01465/13, a/01471/13, a/01472/13, a/01473/13, a/01474/13, a/01500/13, a/01493/13, a/01494/13, a/01487/13, a/01498/13, a/01497/13, a/01501/13, a/01488/13, a/01499/13, a/01491/13, a/01492/13, a/01328/13, a/01335/13, a/01329/13, a/01336/13, a/01330/13, a/01332/13, a/01331/13, a/01333/13, a/01334/13, a/01337/13, a/01338/13, a/01339/13, a/01340/13, a/01341/13, a/01505/13, a/01289/13, a/01291/13, a/01506/13, a/01507/13, a/01293/13, a/01513/13, a/01288/13, a/01503/13, a/01364/13, a/01356/13, a/01353/13, a/01357/13, a/01360/13, a/01354/13, a/01361/13, a/01358/13, a/01713/13, a/01362/13, a/01355/13, a/00199/13, a/01363/13, a/01359/13, a/01714/13, a/01372/13, a/01373/13, a/01366/13, a/01239/13, a/01724/13, a/01278/13, a/01725/13, a/01367/13, a/01715/13, a/01368/13, a/01369/13, a/01370/13, a/01371/13, a/00298/13, a/00261/13, a/00270/13, a/00324/13, a/00326/13, a/00323/13, a/01482/13;
- and in the group UPC/FPLC Child soldiers: a/00731/13, a/00735/13, a/00736/13, a/00737/13, a/00711/13, a/00714/13, a/00688/13, a/00694/13, a/00573/13, a/00713/13, a/00705/13, a/00715/13, a/00708/13, a/00583/13, a/00587/13, a/00574/13, a/00576/13, a/01378/13, a/01379/13, a/01374/13,

a/01380/13, a/01375/13, a/01376/13, a/01377/13, a/00720/13, a/00612/13,
a/01385/13, a/01381/13, a/01397/13, a/01386/13, a/01393/13, a/01382/13,
a/01387/13, a/01399/13, a/01383/13, a/01384/13, a/01391/13, a/01392/13,
a/01394/13, a/01395/13, a/01396/13, a/01325/13, a/01326/13.



Marc Dubuisson, Director Division of Court Services

per delegation of

Mr Herman von Hebel, Registrar

Dated this 1 August 2014

At The Hague, The Netherlands