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No.: ICC-01/04-02/06
Date: 8 February 2016

TRIAL CHAMBER VI

Before: Judge Robert Fremr, Presiding Judge
Judge Kuniko Ozaki
Judge Chang-ho Chung

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

Public

**With one Confidential *EX PARTE* annex, available only to the Registry and the
Legal Representatives of Victims**

Third Periodic Report on the Victims and their General Situation

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 of Bosco

Ntaganda

Mr Stéphane Bourgon

Legal Representatives of Victims

Mr Dmytro Suprun

Ms Sarah Pellet

Legal Representatives of Applicants

**Unrepresented Applicants for
Participation/Reparation**

Unrepresented Victims

**The Office of Public Counsel for
Victims**

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Amicus Curiae

REGISTRY

Registrar

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**Victims Participation and Reparations
Section**

Ms Isabelle Guibal

Other

Mr. Jean-Claude Aubert

I. Introduction

1. In accordance with paragraph 24(ix) of the Decision on victims' participation in trial proceedings (the "First Victim Participation Decision"),¹ the Legal Representatives of Victims (the "LRVs") have provided the Victims Participation and Reparations Section ("VPRS") with detailed information relating to the activities amongst the victims during the reporting period (8 October 2015 – 8 February 2016) as well as information on the general situation of the victims who have been met.
2. The Registry notes that during the reporting period, no resumption of action forms have been received and that the number of participating victims in the Case remains at 2, 145.
3. The present report will cover the following topics:
 - A. Update on the General Situation of the Former Child Soldiers and the Activities of their Legal Representative in the Field;
 - B. Update on the General Situation of the Victims of the Attacks and the Activities of their Legal Representative in the Field;
 - C. Information Pertaining to the Safety and Security of Victims and Intermediaries.²

II. Procedural History

4. On 6 February 2015, Trial Chamber VI (the "Chamber") issued its First Victim Participation Decision directing the VPRS to file every four months, in cooperation with the LRVs, a detailed report about the victims admitted to participate in the proceedings and the general situation of participating victims.³
5. On 1 September 2015, the Chamber issued its Fourth decision on victims' participation in trial proceedings adopting a new procedure for the resumption

¹ ICC-01/04-02/06-449.

² This information is presented in Annex A.

³ ICC-01/04-02/06-449, para. 24 (ix).

of action by family members or closely-connected individuals of deceased victims and ordering *inter alia* the Registry to transmit any applications to resume the action of a deceased victim through its periodic reports if possible.⁴

6. On 16 November 2015 and 17 December 2015, the Chamber issued its Fifth⁵ and Sixth⁶ decisions on victims' participation in proceedings clarifying that the total number of victims admitted to participate in the present Case amounts to 2,145.

III. Classification

7. The Registry submits the present report in accordance with articles 68(1) and (3) of the Rome Statute, rule 16 of the Rules of Procedure and Evidence and regulations 23*bis* and 86 of the Regulations of the Court.
8. Annex A is submitted with the status "Confidential *ex parte*, only available to the Registry and the LRVs" because it contains sensitive information that relates to the safety and physical well-being of victims or intermediaries.

IV. Submissions

A. Update on the General Situation of the Former Child Soldiers and the Activities of their Legal Representative in the Field

9. As per paragraph 24(ix) of the First Participation Decision, Ms. Pellet, the Legal Representative of former child soldier victims (the "LRV1"), has provided the VPRS with information relating to her teams' activities amongst the victims.

LRV1
Information Relating to Activities Amongst the Former Child Soldier Victims
During the reporting period, LRV1 travelled to meet with victims based outside

⁴ ICC-01/04-02/06-805, para. 13.

⁵ ICC-01/04-02/06-1011.

⁶ ICC-01/04-02/06-1059.

of Ituri as well as the victims admitted to participate in the Chamber's Third decision⁷ who currently reside within Ituri. LRV1 reported that a mission was planned for November 2015 to meet with the remaining victims admitted to participate in proceedings but that it had to be cancelled due to adverse weather conditions prohibiting travel within the region.

During the reporting period, LRV1 noted that victims were informed about developments in the proceedings through contact persons and that her field counsel responded to calls from victims on developments in the proceedings as well as logistical issues.

General Situation of the Participating Child Soldier Victims

According to LRV1, the general situation of the participating former child soldier victims who have been met during the reporting period is best characterised as one of difficulty stemming from both the psychological and economic harm that they have suffered. LRV1 reported again that the situation of female former child soldier victims is particularly difficult and noted that according to the victims met, none have yet benefitted from Trust Fund for Victims ("TFV") assistance projects or any other form of assistance.

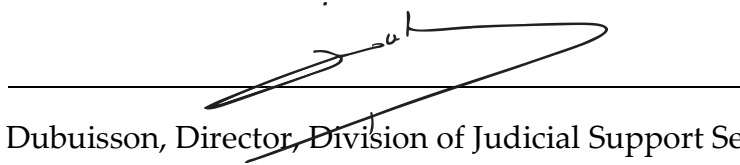
B. Update on the General Situation of the Victims of the Attack and the Activities of their Legal Representative in the Field

10. At the close of the reporting period, Mr. Suprun, the legal representative of the Victims of the Attack (the "LRV2"), also provided the VPRS with information relating to his team's activities amongst the victims, in accordance with the First Participation Decision. The detailed information relating to his activities and to the general situation of victims is presented in the table below.

⁷ ICC-01/04-02/06-696.

LRV2
Information Relating to Activities Amongst the Victims of the Attacks
LRV2 reported that his activities amongst the victims were significantly affected by inclement weather in the Ituri region during the reporting period. Due to the poor conditions of the roads, all planned activities from November 2015 - January 2016 had to be cancelled. LRV2 reported that he and his field assistant were nevertheless able to meet with a limited number of victims from less affected areas during the month of October in order to inform them of developments in proceedings and address their questions and concerns. LRV2 also reported that, throughout the reporting period, his field assistant maintained regular contact with victims by phone and, when necessary, assisted dual status victims with their travel arrangements to the seat of the Court to give testimony.
General Situation of the Participating Victims of the Attacks
According to LRV2, the general situation of the participating victims of the attacks he communicated with during the reporting period is best characterised as insecure. According to LRV2, victims have reported that elements of the FRPI (<i>Forces de Résistance Patriotique d'Ituri</i>) continue to perpetrate criminal acts against civilians in the Irumu territory forcing many to relocate to safer areas. Other victims have reported that they continue to suffer from the criminal activity perpetrated by the Mai Mai militias in the Mambasa territory. LRV2 reported that he has also received reports of increased armed criminality against those traveling by motorbike or vehicle in or around Bunia town. According to LRV2, some victims are also unhappy with the domestic justice process in the Democratic Republic of Congo ("DRC") and have expressed their dissatisfaction with the fact that Germain Katanga continues to remain in detention despite the completion of his sentence in January 2016.

LRV2 also reported that due to the difficult economic situation facing the victims following the attacks, many have contacted LRV2's team during the reporting period to request either financial or medical assistance.

A handwritten signature in black ink, appearing to read 'u', is written over a horizontal line.

Marc Dubuisson, Director, Division of Judicial Support Services
per delegation of Herman von Hebel, Registrar

Dated this 8 February 2016

At The Hague, The Netherlands