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No.: ICC-01/04-02/06

Date: 6 June 2017

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 Chamber and both
Legal Representatives of Victims**

Seventh Periodic Report on Victims in the Case and their General Situation

Source: Registry

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

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I. Introduction

1. This is the seventh report submitted pursuant to the direction of Trial Chamber VI (“Chamber”) in its “Decision on victims’ participation in trial proceedings” (“First Victim Participation Decision”), to provide, every four months, a report about the victims admitted to participate in the proceedings and the general situation of participating victims.¹
2. The Legal Representatives of Victims (“CLRs”) have provided the Victims Participation and Reparations Section (“VPRS”) with detailed information relating to the activities with the victims during the reporting period (7th February 2017- 6th June 2017) as well as information on the general situation of the victims whom the CLRs met.
3. The number of participating victims has not changed during the reporting period, and is still at 2,144.
4. 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 (“CLR1”);
 - B. Update on the general situation of the victims of the attacks and the activities of their Legal Representative in the field (“CLR2”);
 - C. Update pertaining to the safety and security of victims and intermediaries.²

II. Procedural History

5. On 6 February 2015, the Chamber issued its First Victim Participation Decision, directing the VPRS to file every four months, in cooperation with the CLRs, a detailed report about the victims admitted to participate in the proceedings and

¹ Trial Chamber VI, “Decision on victims’ participation in trial proceedings”, 6 February 2015, ICC-01/04-02/06-449, para. 24 (ix).

² The Registry has provided this information in the appended confidential *ex parte* annex.

the general situation of participating victims in the case of *The Prosecutor v. Bosco Ntaganda* (“*Ntaganda case*”).³

6. On 1 September 2015, the Chamber issued its “Fourth decision on victims’ participation in trial proceedings” (“Fourth Decision”), adopting a new procedure for the resumption of action by family members or closely-connected individuals of deceased victims and ordering, *inter alia*, the Registry to transmit to it any applications to resume the action of a deceased victim, through its periodic reports as appropriate.⁴

III. Classification

7. In accordance with regulation 23*bis*(1) of the Regulations of the Court (“RoC”), the annex to this filing is submitted as “confidential *ex parte*, only available to the Chamber and both Legal Representatives of Victims” because it contains sensitive information that relates to the safety and physical well-being of victims and intermediaries.

IV. Applicable Law

8. This submission is made on the basis of articles 68(1) and (3) of the Rome Statute, rule 16 of the Rules of Procedure and Evidence, regulation 86 of the RoC and regulations 97, 99 and 109 of the Regulations of the Registry.

V. Submissions

³ Trial Chamber VI, Decision on victims’ participation in trial proceedings, 6 February 2015, ICC-01/04-02/06-449, para. 24 (ix).

⁴ Trial Chamber VI, Fourth decision on victims’ participation in trial proceedings, 1 September 2015, ICC-01/04-02/06-805, para. 13.

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, CLR1, has provided the VPRS with information relating to her teams' activities in interaction with the victims.⁵ CLR1 indicated that no resumption of action form was gathered during the reporting period and she was not made aware of any victim having passed away during the relevant period.

CLR1
Information relating to activities amongst the former child soldier victims
During the reporting period, CLR1 reported that she and/or her field counsel travelled to meet with her clients in Ituri and elsewhere in order to keep them informed of the developments of the proceedings and gather their views and concerns. CLR1 indicated that emphasis was given to victims never met by CLR1 despite numerous attempts to do so. CLR1 further indicated that she and her team met with specific individuals in order to gather supplementary information related to their application forms, which will be transmitted to the VPRS in due course. CLR1 reported that as of 23 May 2017, she met with all her clients, except 13 of them and that the vast majority of the victims were met on several occasions. CLR1 indicated that the 13 remaining victims were not met because they were not present in their usual place of residence on the numerous missions undertaken by CLR1 and/or her field counsel.

⁵ Email from CLR1 to VPRS on 23 May 2017 at 11:03.

In addition, CLR1 indicated that, during the reporting period, her field counsel responded to numerous phone calls by victims, related to developments in the proceedings and the tentative dates for upcoming missions. CLR1 indicated that the trend observed during the previous reporting period was confirmed as her field counsel received less phone calls than usual in relation to the victims' or their children's medical conditions.

General situation of the participating child soldier victims

CLR1 reported that the general situation of the participating former child soldier victims remains unchanged. According to CLR1, victims continue to complain about their difficult economic and psychological situation, and about the fact that they are not benefiting from the Trust Fund for Victims' ("TFV") projects or from any other form of support. CLR1 also indicated that the situation of the former female child soldiers continues to be very worrisome.

CLR1 further indicated that the victims met during the reporting period continue to have very high expectations with regard to reparations due to confusion between the reparations proceedings in the case of *The Prosecutor v. Thomas Lubanga Dyilo* ("Lubanga case") and the *Ntaganda* case. However, according to CLR1, there is less confusion for victims who have filled in an application form for reparations in the *Lubanga* case since they received in most instances, detailed explanations on said proceedings. Nonetheless, CLR1 reported that she and/or her field counsel had to answer again to a lot of questions on reparations. CLR1 also reported an increasing level of frustration generated by the length of the proceedings in both the *Lubanga* case and the *Ntaganda* case.

B. Update on the general situation of the victims of the attacks and the activities of their legal representative in the field

10. In accordance with the First Participation Decision, CLR2 also provided the VPRS with information relating to his team's activities in interaction with victims.⁶ Detailed information relating to his activities and to the general situation of victims is presented in the table below.

CLR2
Information relating to activities amongst the victims of the attacks
CLR2 reported that during the reporting period he, together with his field counsel, undertook three missions in the field during which individual and collective meetings were held with the victims. CLR2 indicated that he and his team travelled to seven main villages wherein the victims reside. CLR 2 indicated that during the group meetings, he informed the victims of the developments in the proceedings and answered their questions as well as collected their views and concerns. CLR2 highlighted that the victims welcomed the substantial progress in the proceedings and encouraged the Court to proceed with the remaining part of the trial without any delay. CLR2 also reported that during the individual meetings, he addressed the victims' specific concerns, in particular in relation to their security and well-being, as well as collected written statements of those victims who were authorised by the Chamber to present evidence. CLR2 further reported that his field counsel undertook a mission in order to assist the victims who were authorised to present views and concerns by video-link. In addition, CLR2

⁶ Email from CLR2 to VPRS on 30 May 2017 at 9:22.

indicated that his field counsel undertook a mission to The Hague in order to attend the presentation of evidence by the victims authorised to do so.

CLR2 moreover explained that during the reporting period, his field counsel continued to maintain daily contacts with the victims *via* telephone available to the victims 24 hours a day and 7 days a week. In addition, CLR2 mentioned that his field counsel facilitated interactions and meetings between the Registry and the victims authorised to present views and concerns as well as evidence, for the purpose of their appearance in person before the Court.

CLR2 finally indicated that since a number of victims have passed away he proceeded with collecting resumption of action forms, which he will shortly submit to the Registry.

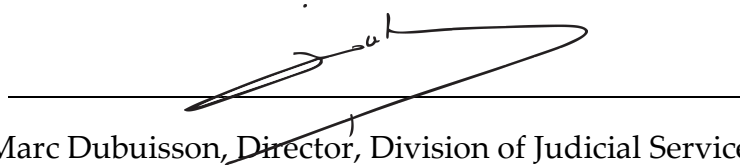
General situation of the participating victims of the attacks

CLR2 reported that the general situation of the victims of the attacks remains unchanged and most victims continue to live in precarious conditions with no assistance provided to them.

As regards the security situation in the Ituri region, CLR2 noted that many victims reported that the security situation remains volatile and continues to be one of their main concerns. CLR2 indicated that, according to a report of the United Nations Office for the Coordination of the Humanitarian Affairs (OCHA) dated May 2017, about 80 families suffered pillaging allegedly committed by FRPI elements (*Forces de Résistance Patriotique d'Ituri*) on 11-12 May 2017 in a number of villages located 60 km away from Bunia. Furthermore, CLR2 noted that OCHA expressed concern that absent of effective public administration in the region, local population has been pushed to create auto-defence groups in different villages in South Irumu, in particular in Aveba and Gety regions. CLR2

further reported that many auto-defence groups include school aged children who have to participate in night patrols in their respective villages to ensure the security. Because of their involvement in patrols at night, many children have systematically missed school.

Finally, according to CLR2, the general insecure situation in the region is aggravated by an increased number of land conflicts.

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

Marc Dubuisson, Director, Division of Judicial Services

per delegation of Herman von Hebel, Registrar

Dated this 6 June 2017

At The Hague, The Netherlands