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

Date: 6 June 2018

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

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

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

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. The Registry hereby submits the tenth report on victims of the case and their general situation ("Tenth Report") pursuant to Trial Chamber VI's orders ("Chamber") in the first and fourth decisions on victims' participation in trial proceedings ("First Victim Participation Decision" and "Fourth Victim Participation Decision").¹
2. The Common Legal Representatives of Victims ("CLRs") provided the Victims Participation and Reparations Section ("VPRS") with detailed information relating to their activities with participating victims during the reporting period (7 February 2018 to 6 June 2018) as well as information on the general situation of these victims.
3. During the reporting period, the VPRS transmitted 11 resumption of action forms on behalf of the CLRs ("19 April Transmission").² Since the 19 April Transmission, no new resumption of action form has been received. Therefore, pending a decision on the status of the resumption of action requests submitted in the Registry's Ninth Periodic Report on Victims in the Case and their General Situation³ and the 19 April Transmission, the number of participating victims at the close of the reporting period remains at 2,097.⁴
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 Common Legal Representative in the field ("CLR1");

¹ Trial Chamber VI, "Decision on victims' participation in trial proceedings", 6 February 2015, ICC-01/04-02/06-449, para. 24 (ix); Trial Chamber VI, "Fourth decision on victims' participation in trial proceedings", 1 September 2015, ICC-01/04-02/06-805, para 13(ii)(a).

² Registry, "Transmission of Resumption of Action Forms", 19 April 2018, ICC-01/04-02/06-2274.

³ Registry, "Ninth Periodic Report on Victims in the Case and their General Situation", 6 February 2018, ICC-01/04-02/06-2212.

⁴ CLR1 represents 280 former child soldiers and CLR2 represents 1,817 victims of the attacks.

- B. Update on the general situation of the victims of the attacks and the activities of their Common Legal Representative in the field (“CLR2” and “victims of the attacks”); and
- C. Update pertaining to the safety and security of victims and intermediaries.

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 the general situation of participating victims in the case of *The Prosecutor v. Bosco Ntaganda* (“Ntaganda case”).⁵
- 6. On 1 September 2015, the Chamber issued its Fourth Victim Participation Decision, adopting a new procedure for the resumption of action by family members or closely connected individuals of deceased victims participating in proceedings 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.⁶

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*, available only to the Registry and both CLRs, because it contains sensitive information that relates to the safety and physical well-being of victims.

⁵ Trial Chamber VI, “Decision on victims’ participation in trial proceedings”, 6 February 2015, ICC-01/04-02/06-449, para. 24 (ix).

⁶ Trial Chamber VI, “Fourth decision on victims’ participation in trial proceedings”, 1 September 2015, ICC-01/04-02/06-805, para. 13.

IV. Applicable Law

8. This submission is made pursuant to 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

A. Update on the general situation of the former child soldiers and the activities of their Common Legal Representative in the field

9. As per paragraph 24(ix) of the First Victim Participation Decision, CLR1 has provided the VPRS with information relating to her team's activities regarding the victims she represents.⁷

CLR1
Information relating to activities amongst the former child soldier victims
During the reporting period, CLR1 and/or her field counsel travelled to meet with their clients in Ituri and elsewhere in order to keep them informed of the developments of the proceedings and to gather their views and concerns. However, due to security issues prevailing in Ituri, CLR1 and her field counsel were not able to meet as many victims as they intended to prior to the submission of the Closing Brief on 20 April. Therefore, and exceptionally, the field counsel also had to gather the views and concerns of victims who could not be met in person by phone. Moreover, the field counsel had to respond to

⁷ Email from CLR1 to VPRS on 31 May 2018 at 10:23.

numerous phone calls by victims who wanted to be kept informed of the tentative dates in relation to upcoming missions and who expressed complaints (described further in the General Situation section).

General situation of the participating child soldier victims

Regarding the general situation of victims admitted to participate in the proceedings, CLR1 reported that victims continue to express complaints about their difficult economic and psychological situation. Said situation has been negatively impacted by the upsurge in ethnic violence on the whole territory of Ituri. According to CLR1, victims continue to complain about the fact that they are not benefiting from the Trust Fund for Victims (“TFV”) projects or from any other support. Victims also expressed fear that their children may be recruited into armed groups. The situation of the former girl child soldiers continues to be very worrisome due to a lack of psychological support and adapted medical treatments available. According to CLR1, victims continue to ask questions about reparations proceedings that demonstrate high expectations in this regard. In addition, victims are not able to differentiate between the proceedings in the *Lubanga* case and the present case.

B. Update on the general situation of the victims of the attacks and the activities of their Common Legal Representative in the field

10. In accordance with the First Victim Participation Decision, CLR2 has provided the VPRS with information relating to his team’s activities regarding the victims he represents.⁸

CLR2

Information relating to activities amongst the victims of the attacks

⁸ Email from CLR2 to VPRS on 1 June 2018 at 14:49.

During the reporting period, CLR2 reported that his activities in the field were seriously undermined because of the security situation in the Ituri region. As a result, CLR2 undertook no mission in the field. Instead, regular contact with the victims was maintained remotely by phone.

General situation of the participating victims of the attacks

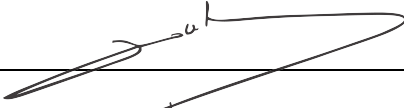
According to CLR2, the victims reported that at the end of March a delegation of the national authorities from Kinshasa, including the Minister of Interior, travelled to Bunia in order to discuss security issues with Hema and Lendu leaders, local intellectuals and deputies. According to the victims, since April the security situation has generally improved as several persons who committed crimes against civilians were arrested and presented to the local population. According to the victims, those persons responsible committed their acts based not on any ethnic considerations but rather with the intent to generally destabilize the security situation in the region.

According to CLR2, the gradual improvement of the security situation has allowed several displaced persons to progressively return back to their original locations. Those who stayed away complain about the precarious conditions for internally displaced persons including those residing with host families and those residing in the camp established in Bunia general hospital. Many displaced persons complain of not having received any humanitarian assistance.

According to CLR2, the insecurity in Ituri has had a significant impact on the general situation of victims. Many victims contacted the CLR2 team in order to express their fear and concerns about the situation. Many victims were forced to abandon their usual agriculture and gold-mining activities due to fear of being subjected to violence. Many schools still remain closed because of the parents' reticence to leave their children unaccompanied.

C. Update pertaining to the safety and security of victims and intermediaries.

11. This information is provided in the appended confidential *ex parte* Annex I.



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

Dated this 6 June 2018

At The Hague, The Netherlands