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Date: 8 October 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

Eleventh 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 eleventh report on victims of the case and their general situation ("Eleventh Report") pursuant to Trial Chamber VI's orders ("Chamber") in the first and fourth decisions on victim 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 June 2018 to 8 October 2018) as well as information on the general situation of these victims.
3. During the reporting period, no new resumption of action form has been received. The number of participating victims at the close of the reporting period remains unchanged at 2,129.²
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");
 - 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

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 CLR1 represents 283 former child soldiers and CLR2 represents 1,846 victims of the attacks.

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”).³
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.⁴

III. Classification

7. In accordance with regulation 23bis(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.

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.

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.

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.⁵

CLR1
Information relating to activities amongst the former child soldier victims
During the reporting period, neither the CLR nor her field counsel were able to travel to the field to meet with their clients due to the unfolding of the proceedings and the stringent deadlines attached to written submissions and final oral statements. However, at this important juncture, the victims were kept informed, on a regular basis, and counsel gathered their views and concerns by phone or through contact persons. CLR1 reported that subsequent missions will be carried out to explain in detail the following stages of the proceedings and to manage expectations in this regard. CLR1 however noted that missions in the field continue to be difficult to carry out either because of security restrictions or, lately because of the Ebola outbreak in the region.
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. Victims continue to

⁵ Emails from CLR1 to VPRS on 28 September 2018 at 13:29 and 4 October 2018 at 15:45.

complain about the fact that they are not benefiting from the TFV projects or from any other support. The situation of the former girl child soldiers continues to be very worrisome due to lack of psychological support and adapted medical treatments. According to CLR1, victims continue to ask questions about reparations proceedings demonstrating high expectations in this regard.

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.⁶

CLR2
Information relating to activities amongst the victims of the attacks
During the reporting period, CLR2 undertook no mission in the field and maintained contact with the victims remotely by phone. The victims expressed great interest in the closing statements made by the parties and participants and many victims contacted the team of CLR2 in order to obtain clarifications. As previously reported, many victims also contacted the team of CLR2 in order to complain about their difficult living conditions, as well as the security situation. CLR2 reported that the victims expressed their satisfaction with the fact that the trial has been completed, as well as their hope that the judgment will be delivered without delay.
General situation of the participating victims of the attacks
According to CLR2, the victims reported that between 10 and 23 September 2018, civilians residing in Buli and Tagba were attacked by unidentified persons carrying weapons. The attackers also killed several policemen and destroyed a

⁶ Email from CLR2 to VPRS on 1 October 2018 at 19:30.

number of houses belonging to civilians. The attacks have reportedly forced many civilians to flee their villages of origin in order to seek refuge, particularly inside the IDP camp in Bunia. It was also reported that children present in the camp could not resume their studies in September. These attacks have also had an impact on the economic activities of victims, as many of them fear returning to their usual agricultural or gold-mining activities.

According to CLR2, after these recent attacks on civilians, the chief of FARDC visited the Ituri region in order to collect information regarding the attackers.

According to CLR2, Radio Okapi reported on 27 September 2018 that following a meeting between the national authorities, MONUSCO and FRPI representatives, the Government announced their intention to continue negotiations with FRPI in the context of STAREC Program (*Programme de stabilisation et de reconstruction des zones sortant des conflits armés*) and to propose a draft law on amnesty for those responsible for insurrectional activities. This initiative is a matter of concern for victims.

Finally, CLR2 reported that the victims expressed concerns regarding the spread of the Ebola virus in the Ituri region; a woman reportedly died of Ebola in Tchomia, 60 km away from Bunia.

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 8 October 2018

At The Hague, The Netherlands