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No.: ICC-01/04-02/06
Date: 6 February 2019

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

Twelfth 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:

Office of the Prosecutor

Ms Fatou Bensouda

Counsel for the Defence of Bosco

Ntaganda

Mr Stéphane Bourgon

Legal Representatives of Victims

Ms Sarah Pellet

Mr Dmytro Suprun

Legal Representatives of Applicants

**Unrepresented Applicants for
Participation/Reparation**

Unrepresented Victims

Office of Public Counsel for Victims

**Office of Public Counsel for the
Defence**

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Mr Peter Lewis

Counsel Support Section

Victims and Witnesses Unit

Mr Nigel Verrill

Detention Section

**Victims Participation and Reparations
Section**

Mr Philipp Ambach

Other

Mr Jean-Claude Aubert

I. Introduction

1. The Registry hereby submits the twelfth report on victims of the case and their general situation (“Twelfth 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 (8 October 2018 to 6 February 2019) 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.

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.

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”).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 security restrictions and/or the restrictions linked to the Ebola Outbreak. At this important juncture, the inability of counsel to travel to the field to meet their clients created frustration amongst the victims. As a result, the field counsel received a high number of phone calls from the victims themselves and from the persons of contact in the field, enquiring about the developments of the proceedings and a possible date for the issuance of the decision on guilt or innocence of the Accused. CLR1 reported that subsequent missions will hopefully be carried out soon to explain in detail the following stages of the proceedings and to manage expectations in this regard.

⁵ Email from CLR1 to VPRS on 1 February 2019 at 12:18.

General situation of the participating child soldier victims
Regarding the general situation of victims admitted to participate in the proceedings, victims continue to express complaints about their difficult economic and psychological situation. Moreover, victims residing in the Djugu territory reported security issues in the region, involving people having to flee to Uganda and Bunia. Victims continue to complain about the fact that they are not benefiting from projects of the Trust Fund for Victims 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.

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 conducted no mission in the field because of the continuous restrictions on travel due to security and sanitary situation in the Ituri region. CLR2 noted that contact was maintained via the local phone line available to the victims.
General situation of the participating victims of the attacks

⁶ Email from CLR2 to VPRS on 4 February 2019 at 17:25.

According to CLR2, the victims reported that the general situation in the country and in the Ituri region was highly impacted by the presidential elections. Many victims expressed their concerns about the potential for unrest and related disturbances in the aftermaths of the election and the inauguration of the new president. However, following the elections, the victims reported that political-related tensions have significantly decreased with no or very few instances of disturbance.

Notwithstanding, the security situation in Ituri remains volatile because of continuous attacks by various rebel groups on the civil population. It was reported by many victims that despite deployed efforts, the FARDC remains unable to handle the incursions of rebel groups and to effectively protect civilians.

CLR2 noted that many victims further expressed their concerns about the deterioration of the sanitary situation due to the Ebola outbreak mainly in North-Kivu but also in Ituri. In this regard, in accordance to the Ministry of Health, since the declaration of the outbreak, there have been a total of 752 cases (698 confirmed and 54 probable) reported, including 465 deaths as of 29 January 2019. During the last three weeks, 118 new cases have been reported.

Finally, CLR2 noted that during the reporting period, a significantly increased number of victims contacted the CLR2 team in order to inquire about the eventual date of the delivery of the judgment in the present case. According to CLR2, many victims linked their questions to the recent acquittal of Mr Gbagbo and Mr Blé-Goudé, and expressed their frustrations thereto. In this regard, they wondered whether they may expect any sort of assistance from either the Court or any other source in the event that Mr Ntaganda will be acquitted. The victims

expressed their wish to have the judgment delivered without any further delay.

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 February 2019

At The Hague, The Netherlands