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Date: **7 October 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

Fourteenth 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

Ms Nicole Samson

Counsel for the Defence of Bosco

Ntaganda

Mr Stéphane Bourgon

Mr Christopher Gosnell

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 fourteenth report on victims of the case and their general situation ("Fourteenth 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", respectively).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 (6 June to 6 October 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 is 2,132 (including 283 former child soldiers and 1,849 victims of the attacks).²
4. Following the issuance of the Judgment,³ the Registry respectfully submits to the Chamber that it will cease to file periodic reports in light of the issuance of the Judgment until and unless the Chamber instructs otherwise.
5. 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 Registry, "Registry's observations, pursuant to the Single Judge's 'Order for preliminary information on reparations' of 25 July 2019, ICC-01/04-02/06-2366", dated 5 September 2019 and notified on 6 September 2019, ICC-01/04-02/06-2391-Anx1, para. 7. Accordingly, the Common Legal Representative of former child soldiers .

³ Trial Chamber VI, "Judgment", 8 July 2019, ICC-01/04-02/06-2359.

II. Procedural History

6. 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”).⁴
7. 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.⁵

III. Classification

8. 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.

⁴ Trial Chamber VI, “Decision on victims’ participation in trial proceedings”, 6 February 2015, ICC-01/04-02/06-449, para. 24 (ix).

⁵ 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

9. 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

10. As per paragraph 24(ix) of the First Victim Participation Decision, CLR1 has provided the VPRS with the following information relating to her team's activities regarding the victims she represents:⁶

CLR1
Information relating to activities amongst the former child soldier victims
CLR1 reported that since 7 June 2019, neither herself nor her field counsel were able to travel to the field to meet with their clients due to the restrictions linked to the Ebola Outbreak. CLR1 also noted that their inability to travel to the field to meet their clients continues to be an important factor of frustration amongst the victims as evidenced by the high number of phone calls received by the field counsel during the reporting period. CLR1 expressed that she hopes that missions will resume soon. CLR1 moreover reported that many phone calls were received from victims who were having difficulties understanding the timing between the judgment, the sentence and the reparations proceedings.

⁶ Email from CLR1 to VPRS on 27 September 2019 at 12:10.

Moreover, CLR1 mentioned that she is, together with her Field Counsel, actively trying to maintain contact with the victims through contact persons in the field. CLR1 finally stressed that, after almost 2 years without having been able to travel to Ituri, frustration is rising in this regard.

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 complain about the fact that they are not benefiting from the Trust Fund for Victims' ("TFV") projects or from any other support. CLR1 also stated that the developments in the reparations proceedings in the *Katanga* case, and to a lesser extent in the *Lubanga* case, are reinforcing the frustration with regard to the absence of support by the TFV. CLR1 moreover indicated that 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

11. In accordance with the First Victim Participation Decision, CLR2 has provided the VPRS with the following information relating to his team's activities regarding the victims he represents:⁷

CLR2

Information relating to activities amongst the victims of the attacks

CLR2 indicated that during the reporting period he conducted no mission in the field due to the sanitary situation in the Ituri region related to the Ebola outbreak. CLR2 also reported that the contact with victims was maintained via the local phone line available to the victims.

⁷ Email from CLR2 to VPRS on 30 September 2019 at 16:00.

General situation of the participating victims of the attacks

According to CLR2, the victims reported that the security situation in the Djugu territory had remained volatile because of continuous attacks by various rebel groups on the civilian population. CLR2 explained that, as a result, many civilians were forced to leave their respective villages surrounding Bunia and to seek refuge in a camp for displaced persons outside Bunia or camps on the border with Uganda (as far as the affected population in Mahagi territory is concerned). CLR2 also mentioned that despite the remaining insecurity (the origins of which are still a matter of debate), the victims have noticed increased efforts by the *Forces Armées de la République Démocratique du Congo* ("FARDC") and the national police to stabilize the situation. CLR2 added that, at the beginning of August, 50 presumed militants were arrested in Kpandroma, Nyangaray and Korovi. CLR2 reported that the FARDC have also claimed to have regained control over several villages previously controlled by different rebels groups, in particular in Walendu Pitsi and Walendu Djatsi *collectivités*. CLR2 stressed that the victims further expressed their satisfaction with the DRC President's recent visit to Bunia where he addressed the local population and promised to employ all necessary efforts to bring peace to the region. CLR2 further noted that, the victims welcomed the election of the new governor who enjoys support from the local population.

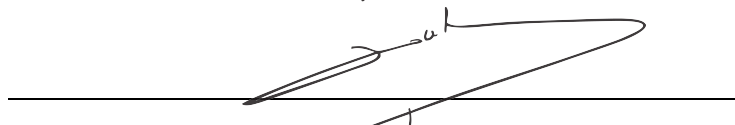
CLR2 also highlighted that, as regards the Ebola outbreak, while the epidemic continues to persist, the victims reported multiple instances of criminal attacks on Ebola Response groups and sanitary check points, perceived by many victims as a sign of mistrust by the local population. CLR2 added that many victims complained of being confused by the proliferation of different stakeholders employed in the region to handle the Ebola outbreak, many of whom are operating without explaining their various respective functions.

In relation to the developments in the proceedings, CLR2 reported that the victims warmly welcomed the Judgment and expressed their wish that the sentence to be pronounced be proportionate to the overall scale of the crimes for which Bosco Ntaganda has been found guilty and the harm that those crimes caused to the victims. According to CLR2, victims also expressed their wish to have the reparations proceedings triggered as soon as feasible, while understanding that the Judgment has been appealed and may be reversed or somehow amended. CLR2 noted that in this regard, many victims continued complaining about their very difficult living conditions and wondered whether, and when, they may expect any sort of assistance from either the Court or any other source in the nearest future.

CLR2 finally noted that on 5 July 2019, the United Nations Office for the Coordination of Humanitarian Affairs in the DRC (“OCHA”) allocated 6.5 million dollars (USD) to prioritizing the needs of the local population who have suffered from mass displacement since 2017 both inside and outside of the region.

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

12. This information is provided in the appended confidential *ex parte* annex.

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

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

Dated this 7 October 2019

At The Hague, The Netherlands