

ANNEX I

**Public redacted version of
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dated 30 November 2016**

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Public redacted version of the

Registry's Assessment Report on the Security Situation in the Region of Ituri

(30 November 2016)

I. Introduction

1. On 1 November 2016, Trial Chamber II ordered the Registry to provide an assessment of the security situation in Ituri. The Chamber underlined that the assessment should consider the potential influence of and supports to Mr Lubanga in Ituri as well as the activities of the political party founded by Mr Lubanga, the *Union des Patriotes Congolais* (UPC) and its conduct towards communities concerned by collective reparations in the case *The Prosecutor v. Thomas Lubanga Dyilo*.
2. The Registry hereby provides an assessment based on targeted information collection available to date with input from primarily the Registry's field presences in Kinshasa and Bunia.
3. This assessment is structured in three parts, namely the general context in DRC, the current security dynamics in Ituri and the extent of Mr Lubanga's and the UPC's influence on the affected communities.

II. General Context in DRC

4. Political tensions have significantly increased around delays of the presidential election which was initially scheduled on 27 November 2016. To date, attempts to initiate an inclusive dialogue between the opposition and the government to discuss the electoral process have proven difficult. The main contentious issues are the elections' date and whether President Kabila should stay in power beyond his second and final term, namely after 19 December 2016, until elections are organised. On 18 October 2016, an agreement on the electoral process was concluded with the ruling coalition and minor opposition groups. The agreement allows President Kabila to remain in power, schedules elections in April 2018 and announces the appointment of a new government.

5. Despite the conclusion of this agreement, tension remain high as it lacks consensus among politically key stakeholders, particularly from the main opposition platform, the Rassemblement led by prominent opposition leader Etienne Tshisekedi.
6. Tensions are particularly high in Kinshasa, as illustrated by clashes on 19 and 20 September which resulted in the death of 53 people according to the United Nations Office of the High Commissioner for Human Rights. However, with no signs of appeasement, the political situation could deteriorate and lead to violence in the country's main cities, including in Bunia.

III. Security Dynamics Overview in Ituri

7. There are currently three main factors of insecurity in Ituri province, namely continued armed group activity primarily affecting Irumu and Mambasa territories, simmering election-related tensions in Bunia town and refugee influx from South Sudan to Aru territory triggering concerns over the presence of South Sudanese rebels.
8. The security context in Ituri continues to be dominated by the insecurity posed by armed groups, namely the *Force de résistance patriotique de l'Ituri* (FRPI) militia in Irumu territory and Mai-Mai militias in Mambasa territory. Frustrations against the security forces' inability to efficiently protect the population against these groups and other criminals have been mounting over the last months. As a result, there have been a number of minor incidents of unrest, essentially in Bunia town. In Aru territory, the crisis in South Sudan has had spill-over effects with South Sudanese rebels reportedly infiltrating refugee camps. The following paragraphs provide the main security dynamics in the territories of Ituri, including Bunia town.
10. **In Bunia town** the general security environment is permissive with incidents of opportunistic, often violent, criminality. The population's frustrations increased against the local authorities and MONUSCO for their inability to provide security. Regarding civil unrest, there have not been serious incidents but anti-government sentiment increased tensions in Bunia town. Opposition demonstrations and subsequent arrest of political activists by police particularly impacted the security environment. Opportunistic criminality,

including incidents of armed violence, is a security concern. Humanitarian actors have been particularly targeted and called for improved security in Bunia town. Due to the poor road infrastructure combined, traffic accidents have been occurring and roads have been frequently blocked or rendered impassable by over-turned trucks or by vehicles submerged in the mud.

14. **In Djugu territory**, the main security challenge is related to opportunistic criminality. Security dynamics are mainly characterised by opportunistic criminality, including road blocks. This criminality is rooted in lower socio-economic conditions and linked with the exploitation of natural resources such as gold mines and forest industry. The mining and timber trade activities combined with the ecological degradation have led, from time to time, to clashes with local farmers. Such incidents had a localised impact which did not generally affect the overall security situation. While there is currently no significant incident of civil unrest, tensions remained between communities from Bahema Baguru and Walendu Pitsi *chefferies*. Heavy rain continued to be one of the main natural hazards in the region. Latest accounts issued during the reporting period indicate that over 9,000 people are still without shelter after their villages next to Lac Albert were flooded. The poor road infrastructure has been further damaged, resulting in blocked or impassable roads. This situation continued to present real, practical and logistical challenges for victim participation activities in the field.
15. **In Aru territory**, the main concern is the recent arrival of over 13,000 South Sudanese refugees. The majority are women, children and elderly people but reports indicate that armed men are among the refugees and have been recruiting in Aru territory. Local authorities have called for the reinforcement of Congolese forces to address the situation. In this context, the security situation around the refugee camps has been progressively deteriorating. Land disputes are being reported, particularly around Ariwara, a locality 45km North of Aru.
16. **In Mahagi territory**, road blocks is currently the main security threat with several incidents reported, particularly on the Bunia-Mahagi axis. Land disputes between between Pakere and Yape communities in Djukoth locality (15km West of Mahagi) have been on-going.
17. **In Mambasa territory**, attacks conducted by Mai-Mai militias in mining sites are the main security concern. Clashes between poachers and local security

forces have been deteriorating the security environment in Walesse Desse locality. Mai-Mai militias remained active in Mambasa territory, particularly in Muchacha where rival militias have been clashing. These militias continued to represent a threat to security, both in terms of armed incidents and subsequent retaliations by Congolese forces. Mid-September, the army announced that it had liberated four villages (Bavaidu, Balika, Bazama and Basiri) which had been under Maï-Maï control during the last months. Clashes between local security forces and poachers in Walesse Desse locality in July displaced the population of five villages, namely Katala, Biasa, tou-combat and Bandikacha.

18. **In Irumu territory**, despite recent military operations against the rebel group *Force de résistance patriotique de l'Ituri* (FRPI), widespread lootings of villages have been taking place. FRPI elements have been engaging in what appears to be a survival strategy which entails looting villages and ambushing travellers on main axis roads. Late July, the Congolese army and MONUSCO launched a joint military operation against FRPI strongholds in Kigo and Tschekele localities. To date, however, the capacity of FRPI remained largely unhindered as illustrated by regular reports of looting and assault against the local population. A limited number of attacks by alleged elements of the Allied Democratic Forces¹ were reported in Southern Irumu, including in Ndimbo and Bangi in June. The assailants' identity has been questioned by a number of observers including by the United Nations Group of Experts on the Democratic Republic of the Congo in a leaked report. According to these observers, other actors would be involved in alleged ADF attacks. Information in that respect is currently insufficient to draw conclusions but suggests that ADF elements are being co-opted by various competing political, business, criminal and armed group interests in North Kivu. Due to the poor road infrastructure combined with the ongoing heavy rainy season,

¹ The Allied Democratic Forces (ADF) emerged in the late 1980s/early 1990s as disaffected Ugandan Muslim groups. ADF is said to have been supported by Sudan who joined forces with rebels from a formerly active group known as the National Army for the Liberation of Uganda (NALU), comprising former fighters of Ugandan President Idi Amin Dada and others from previous regimes. In the intervening years, as the ADF relocated across the border deep into the jungles of the Democratic Republic of Congo, they became increasingly intertwined with the local Congolese population. Following the 2015 arrest in Tanzania and subsequent extradition to Uganda of ADF leader Jamil Mukulu, the ADF is thought to have lost its former cohesion. Indeed, information available suggests ADF has splintered into different groups.

serious traffic accidents can occur and roads are frequently blocked or rendered impassable.

IV. The extent of Mr Lubanga's and the UPC's influence on the affected communities

19. [REDACTED]

20. [REDACTED]

21. [REDACTED]

22. [REDACTED]

23. [REDACTED]

24. [REDACTED]². [REDACTED]

25. [REDACTED]

26. [REDACTED]³ [REDACTED]⁴, [REDACTED]⁵[REDACTED].

27. [REDACTED]

28. [REDACTED]

29. [REDACTED]

30. [REDACTED]

² [REDACTED]

³ [REDACTED]

⁴ [REDACTED]

⁵ [REDACTED]