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No.: ICC-01/04-01/06  
Date: 20 February 2017

**TRIAL CHAMBER II**

**Before:** Judge Marc Perrin de Brichambaut, Presiding Judge  
Judge Olga Herrera Carbuccion  
Judge Péter Kovács

**SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO**

**IN THE CASE OF  
*THE PROSECUTOR v. THOMAS LUBANGA DYILO***

**Public Document**

**with 1 Confidential Annex *EX PARTE* Registry**

**Transmission of the Observations of the  
Government of the Democratic Republic of the Congo  
in Response to Order ICC-01/04-01/06-3260**

**Source:** Registry

Document to be notified in accordance with regulation 31 of the Regulations of the Court to:

**Office of the Prosecutor**

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Mr Joseph Keta Orwinyo

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**REGISTRY**

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**Registrar**

Mr Herman von Hebel

**Counsel Support Section**

**Victims and Witnesses Unit**

**Detention Section**

**Victims Participation and Reparations  
Section**

Mr Philipp Ambach

**Trust Fund for Victims**

Mr Pieter de Baan

## **I. Introduction**

1. The Registry hereby transmits the observations of the Government of the Democratic Republic of the Congo.

## **II. Procedural history**

1. On 22 November 2016, Trial Chamber II issued the “Order inviting the Government of the Democratic Republic of the Congo to submit observations on the participation of child soldiers in programmes for the disarmament, demobilisation and reintegration of armed groups in Ituri” (“Order”), in which it invited the Government of the Democratic Republic of the Congo to provide information on the “participation of child soldiers in disarmament, demobilisation and rehabilitation/reinsertion/reintegration programmes for Congolese armed groups in Ituri”.<sup>1</sup> Pursuant to the Order, the Registry invited the Democratic Republic of the Congo to submit its observations on the “participation of child soldiers in disarmament, demobilisation and rehabilitation/reinsertion/reintegration programmes for Congolese armed groups in Ituri.”<sup>2</sup>

## **III. Classification**

2. Annex I to this document is filed as confidential, *ex parte* Registry, in accordance with regulation 23 *bis*(1) of the Regulations of the Court, because it constitutes diplomatic correspondence between the Court and a State. The Registry is awaiting clarification from the Democratic Republic of the Congo regarding the final classification of the annex. The Registry would also welcome the Chamber’s instructions on any redactions to be applied before the annex is reclassified.

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<sup>1</sup> Trial Chamber II, “Order inviting the Government of the Democratic Republic of the Congo to submit observations on the participation of child soldiers in programmes for the disarmament, demobilisation and reintegration of armed groups in Ituri”, 22 November 2016, ICC-01/04-01/06-3260-tENG.

<sup>2</sup> Order, paras. 4-6.

#### IV. Applicable law

3. This transmission is filed pursuant to rules 13(1) and 176(2) of the Rules of Procedure and Evidence.

#### V. Submissions

4. On 20 December 2016, the Congolese authorities requested an extension of time to submit their observations. The Chamber granted an extension of time until 20 February 2017.<sup>3</sup>
5. On 17 February 2017, the Registry received a note verbale dated 10 February 2017 conveying the Congolese authorities' observations. Those observations are hereby transmitted.<sup>4</sup>

[signed]

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Marc Dubuisson, Director, Division of Judicial Services  
on behalf of  
Herman von Hebel, Registrar

Dated this 20 February 2017

At The Hague, Netherlands

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<sup>3</sup> Email from Trial Chamber II to the Registry, 21 December 2016 at 12.38.

<sup>4</sup> Annex I.