

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/04-02/06
Date: 15 February 2023

TRIAL CHAMBER II

Before: Judge Chang-ho Chung, Presiding Judge
Judge Péter Kovács
Judge María del Socorro Flores Liera

SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO

**IN THE CASE OF
*THE PROSECUTOR v. BOSCO NTAGANDA***

**Public
With confidential Annexes I-IV**

Corrigendum of “Transmission of the observations of the Democratic Republic of Congo on the issues relevant to the assessment of the actual damage and harm caused to the health centre in Sayo (ICC-01/04-02/06-2830)”

Source: The Registry

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

The Office of the Prosecutor

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Ms Nicole Samson

Counsel for the Defence

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Legal Representatives of the Victims

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Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

**The Office of Public Counsel for
Victims**

**The Office of Public Counsel for the
Defence**

States' Representatives

Democratic Republic of Congo

Amicus Curiae

REGISTRY

Registrar

Mr Peter Lewis

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victim Participation and Reparations
Section**

Mr Philipp Ambach

Trust Fund for Victims

Ms Franziska Eckelmans

Other

Appointed Experts

I. Introduction

1. The Registry hereby transmits to Trial Chamber II (“Chamber”) in accordance with rule 13 (1) of the Rules of Procedure and Evidence, observations from the competent authorities of the Democratic Republic of Congo (“DRC”), pursuant to the “Order for the implementation of the Judgment on the appeals against the decision of Trial Chamber VI of 8 March 2021 entitled “Reparations Order”” (“Order”), issued by the Chamber on 25 October 2022.¹

II. Procedural History

2. On 28 October 2022, the Registry notified the English original version of the Order to the DRC authorities.²
3. On 14 November 2022, the Registry notified the French translation of the Order to the DRC authorities, requesting the DRC authorities to provide further submissions and possible evidence, on the issues relevant to the assessment of the actual damage and harm caused to the health centre in Sayo, as detailed to in paragraph 42 of the Order, within sixty days of the notification of the Order.³
4. On 6 February 2023, the Registry received a Note Verbale from the competent authorities of the DRC⁴ to be transmitted to the Chamber. On the same day, the Chamber issued the “Decision on Request on behalf of Mr Ntaganda for disclosure of material relied upon in the Gilmore Expert Report” (“Decision”) ⁵which *inter alia* directed the DRC Government to provide further submissions and evidence on the issues relevant to the assessment of the actual damage and harm caused to the health centre in Sayo, within 15 days from the notification.

¹ Trial Chamber II, “Order for the implementation of the Judgment on the appeals against the decision of Trial Chamber VI of 8 March 2021 entitled “Reparations Order””, 25 October 2022, ICC-01/04-02/06-2786.

² Annex I.

³ Annex II.

⁴ Annex III.

⁵ Trial Chamber II, “Decision on Request on behalf of Mr Ntaganda for disclosure of material relied upon in the Gilmore Expert Report”, 6 February 2023, ICC-01/04-02/06-2824-Conf.

5. On 8 February 2023, in response to the Registry's request for clarification, the Chamber instructed the Registry, by e-mail⁶, to communicate to the DRC authorities that it is not necessary for them to respond to the latest Decision, since the DRC authorities already responded to the original Order.

III. Classification

6. Pursuant to regulation 23 *bis*(2) of the Regulations of the Court ("RoC"), the Registry submits Annexes I to IV as confidential as Annex I and II concern the communication between the Registry and the State. Concerning Annex III, the DRC authorities indicated that their submission should be classified confidential in order to avoid criticism and keep the neutrality of the DRC authorities as communicated in the Note Verbale dated 11 February 2023.⁷

IV. Submission

7. The Registry hereby transmits, as Annex III, the observations submitted by the competent authorities of the DRC.



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

Dated this 15 February 2023

At The Hague, the Netherlands

⁶ Email from Trial Chamber II to Registry on 8 February 2023 at 15:40.

⁷ Annex IV.