

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/04-02/12
Date: 20 December 2012

THE APPEALS CHAMBER

Before: Judge Erkki Kourula
Judge Sang-Hyun Song
Judge Akua Kuenyehia
Judge Anita Ušacka
Judge Sanji Mmasenono Monageng

**SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO
IN THE CASE OF
THE PROSECUTOR
v. MATHIEU NGUDJOLO**

Public

**Prosecution's Appeal against Trial Chamber II's "Jugement rendu en application
de l'article 74 du Statut"**

Source: Office of the Prosecutor

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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REGISTRY

Registrar

Ms Silvana Arbia

The Victims and Witnesses Unit

Ms Maria Luisa Martinod-Jacome

Detention Section

Mr. Patrick Craig

Background

1. On 18 December 2012, Trial Chamber II delivered its “Jugement rendu en application de l’article 74 du Statut” (Article 74 Judgment).¹ Mathieu Ngudjolo was acquitted of all charges and the Registrar was ordered to take all necessary measures to effect the immediate release of Mr Ngudjolo.
2. The Prosecution hereby files its Appeal against the Article 74 Judgment pursuant to articles 81(1)(a) and 83(2), rule 150 and regulation 57 of the Regulations of the Court.

Appeal pursuant to Articles 81(1)(a) and 83(2)

3. The Prosecution is appealing the Article 74 Judgment delivered on 18 December 2012 in the case of *The Prosecutor v Mathieu Ngudjolo*, pursuant to articles 81(1)(a) and 83(2).
4. For reasons that will be provided in its document in support of the appeal, the Prosecution will request that the Appeals Chamber reverse or amend the decision, order a new trial before a different Trial Chamber, and/or remand a factual issue to the original Trial Chamber, as appropriate, pursuant to article 83(2).



Fatou Bensouda
Prosecutor

Dated this 20th day of December 2012
At The Hague, The Netherlands

¹ ICC-01/04-02/12-3.