

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: **English**

No.: **ICC-01/04-02/12 A**

Date: **22 March 2013**

**THE APPEALS CHAMBER**

**Before:** Judge Sanji Mmasenono Monageng, Presiding Judge  
Judge Sang-Hyun Song  
Judge Cuno Tarfusser  
Judge Erkki Kourula  
Judge Ekaterina Trendafilova

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

***IN THE CASE OF THE PROSECUTOR v. MATHIEU NGUDJOLO CHUI***

**Public**

**With Confidential Redacted Annex A**

**Prosecution's Document in Support of Appeal against the "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**

**Counsel for the Defence**

Mr Jean Pierre Kilenda Kakengi Basila  
Mr Jean-Pierre Fofé Djofia Malewa

**Legal Representatives of the Victims**

Mr Jean-Louis Gilissen  
Mr Fidel Nsita Luvengika

**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**

**Amicus Curiae**

**REGISTRY**

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**Registrar**  
Silvana Arbia

**Defence Support Section**

**Deputy Registrar**

**Victims and Witnesses Unit**

**Detention Section**

**Victims Participation and Reparations  
Section**

**Other**

1. The Prosecution hereby submits a confidential version of the "Prosecution's Document in Support of Appeal against the 'Jugement rendu en application de l'article 74 du Statut'" ("Appeal Brief").<sup>1</sup>
2. The Prosecution initially filed the Appeal Brief *ex-parte*, Prosecution and Defence of Ngudjolo only, primarily because under its Third Ground of Appeal, it refers to information that is subject to the same classification.<sup>2</sup> In the confidential version of the Appeal Brief, all references to those portions of the record are redacted.
3. The Prosecution has no objection to the information that is referred to under the Third Ground of Appeal and that is currently classified *ex-parte* being reclassified as public. If the Appeals Chamber orders the reclassification of the entirety or part of that information, then the Prosecution will file a second confidential version of the Appeal Brief, which will only redact references to those portions of the record that remain *ex-parte*.
4. As indicated previously,<sup>3</sup> the Prosecution will, as soon as practicable, also file a public redacted version of the Appeal Brief. In the public version, in addition to the above information, all references to the trial record that are not in the public domain will be redacted.

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<sup>1</sup> ICC-01/04-02/12-39-Conf-Exp.

<sup>2</sup> See Appeal Brief, para.6.

<sup>3</sup> See Appeal Brief, para.6.



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Fatou Bensouda  
Prosecutor

Dated this 22<sup>nd</sup> day of March 2013  
At The Hague, The Netherlands