

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

**No. ICC-01/04-02/12 A
Date: 6 November 2014**

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 Document

**Order on the submission of proposed redactions to certain documents founding
the Prosecutor's third ground of appeal**

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

The Office of the Prosecutor

Ms Fatou Bensouda, Prosecutor

Mr James Stewart

Mr Fabricio Guariglia

Counsel for Mr Mathieu Ngudjolo Chui

Mr Jean Pierre Kilenda Kakengi Basila

Mr Jean Pierre Fofé Djofia Malewa

Legal Representatives of Victims

Mr Jean-Louis Gilissen

Mr Fidel Nsita Luvengika

REGISTRY

Registrar

Mr Herman von Hebel



The Appeals Chamber of the International Criminal Court,

In the appeal of the Prosecutor against the decision of Trial Chamber II entitled “Judgment pursuant to article 74 of the Statute” of 18 December 2012 (ICC-01/04-02/12-3-tENG),

Issues the following

ORDER

The Registrar is directed to file confidentially, *ex parte*, Registry, Prosecutor and Defence of Mr Ngudjolo only, by Monday, 17 November 2014 proposed redactions with justification, to the following filings of the Registry and decisions of Trial Chamber II for authorisation by the Appeals Chamber:

(a) Registry Filings

- i. ICC-01/04-01/07-829-Conf-Exp
- ii. ICC-01/04-01/07-829-Conf-Exp-Anx
- iii. ICC-01/04-01/07-894-Conf-Exp
- iv. ICC-01/04-01/07-932-Conf-Exp
- v. ICC-01/04-01/07-1195-Conf-Exp-Corr
- vi. ICC-01/04-01/07-1196-Conf-Exp
- vii. ICC-01/04-01/07-1233-Conf-Exp
- viii. ICC-01/04-01/07-1299-Conf-Exp-tENG
- ix. ICC-01/04-01/07-1312-Conf-Exp-tENG
- x. ICC-01/04-01/07-1410-Conf-Exp
- xi. ICC-01/04-01/07-1419-Conf-Exp
- xii. ICC-01/04-01/07-1466-Conf-Exp
- xiii. ICC-01/04-01/07-1512-Conf-Exp-tENG
- xiv. ICC-01/04-01/07-1627-Conf-Exp

- xv. ICC-01/04-01/07-1627-Conf-Exp-Anx1
- xvi. ICC-01/04-01/07-1753-Conf-Exp
- xvii. ICC-01/04-01/07-1785-Conf-Exp-tENG
- xviii. ICC-01/04-01/07-1875-Conf-Exp-tENG
- xix. ICC-01/04-01/07-1890-Conf-Exp
- xx. ICC-01/04-01/07-1890-Conf-Exp-Anx
- xxi. ICC-01/04-01/07-2761-Conf-Exp-tENG
- xxii. ICC-01/04-01/07-2761-Conf-Exp-Anx-tENG
- xxiii. ICC-01/04-01/07-3075-Conf-Exp-tENG
- xxiv. ICC-01/04-01/07-3075-Conf-Exp-Anx

(b) Trial Chamber Decisions

- xxv. ICC-01/04-01/07-800-Conf
- xxvi. ICC-01/04-01/07-1215-Conf-Exp-tENG
- xxvii. ICC-01/04-01/07-1243-Conf-Exp-tENG
- xxviii. ICC-01/04-01/07-1303-Conf-Exp-tENG
- xxix. ICC-01/04-01/07-1319-Conf-Exp-tENG
- xxx. ICC-01/04-01/07-1334-Conf-Exp-tENG
- xxxi. ICC-01/04-01/07-1498-Conf-Exp-tENG
- xxxii. ICC-01/04-01/07-1709-Conf-Exp-tENG
- xxxiii. ICC-01/04-01/07-1778-Conf-Exp-tENG
- xxxiv. ICC-01/04-01/07-1966-Conf-Exp-tENG
- xxxv. ICC-01/04-01/07-2187-Conf-Exp-tENG
- xxxvi. ICC-01/04-01/07-3120-Conf-Exp-tENG

REASONS

2. On 8 October 2014, the Appeals Chamber issued the “Decision and order in relation to the Prosecutor’s request for reclassification and for lesser redacted versions

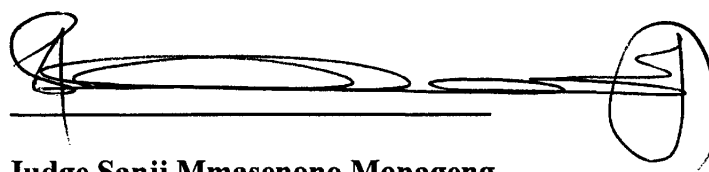


of the Registry's monitoring reports"¹ (hereinafter: "Decision of 8 October 2014"), wherein it reclassified the third ground of appeal as public subject to (i) redactions that pertain to protective measures ordered with respect to certain witnesses and (ii) the maintenance of the confidentiality of the documents founding the third ground of appeal.²

3. On 21 October 2014, in accordance with the principle of publicity, the Appeals Chamber notified the parties orally of its intention to reclassify the documents founding the third ground of appeal as public to the extent possible.³

4. To this end, the Appeals Chamber directs the Registrar to propose redactions to the above-listed documents with sufficient justification for each proposal. Given the link between the Registry filings and the Trial Chamber's decisions, the Appeals Chamber, on an exceptional basis, directs the Registrar to propose redactions to the Trial Chamber decisions as well. In proposing redactions to these documents the Registrar is to be mindful, *inter alia*, of the need to maintain the confidentiality of (i) protective measures ordered with respect to certain witnesses and (ii) information personal to Mr Ngudjolo.

Done in both English and French, the English version being authoritative.



Judge Sanji Mmasenono Monageng
Presiding Judge

Dated this 6th day of November 2014

At The Hague, The Netherlands

¹ ICC-01/04-02/12-209 (A).

² Decision of 8 October 2014, para. 16.

³ See ICC-01/04-02/12-T-4-Conf-Eng (ET) p. 4, lines 12-15.