

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

**No. ICC-01/04-02/12 A
Date: 8 October 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 in relation to the conduct of the hearing before the Appeals Chamber



Order 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 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),

Further to the “Scheduling order for a hearing before the Appeals Chamber” of 18 September 2014 (ICC-01/04-02/12-199) and the “Decision and order on the Prosecutor’s request for reclassification and for lesser redacted versions of the Registry’s monitoring reports” of 8 October 2014 (ICC-01/04-02/12-209),

Having before it the “Requête de la Défense tendant à obtenir de la Chambre d’appel l’autorisation pour Monsieur Ngudjolo de s’adresser aux Honorables Juges lors de l’audience d’appel” of 6 October 2014 (ICC-01/04-02/12-207),

Pursuant to articles 64 (8) (b) and 83 (1) of the Statute, rule 149 of the Rules of Procedure and Evidence, regulation 23 (3) of the Regulations of the Court and regulation 64 (1) of the Regulations of the Registry,

Issues the following

ORDER

(1) The hearing before the Appeals Chamber scheduled for Tuesday, **21 October 2014** at 9h30 in Courtroom 1, will be conducted in two sessions following the order and the timeframe stipulated below.

a. First Session (9h30 until 11h30)

- i. 9h30 until 9h40: Opening of the hearing and introductory statement by the Presiding Judge (10 minutes).
- ii. 9h40 until 10h25: Submissions of the Prosecutor (45 minutes).
- iii. 10h25 until 11h10: Submissions of Counsel for Mr Mathieu Ngudjolo Chui (45 minutes).
- iv. 11h10 until 11h30: Submissions of the Legal Representative of the principal group of victims (20 minutes).

- b. 11h30 until 14h00: Break
- c. Second Session (14h00 until 16h00)
 - i. 14h00 until 14h20: Submissions of the Legal Representative of the group of former child soldiers (20 minutes).
 - ii. 14h20 until 14h45: Submissions of the Prosecutor in response to the Legal Representatives of both victim groups and Counsel for Mr Mathieu Ngudjolo Chui (25 minutes).
 - iii. 14h45 until 15h10: Submissions of Counsel for Mr Mathieu Ngudjolo Chui in response to the Legal Representatives of both victim groups and the Prosecutor (25 minutes).
 - iv. 15h10 until 15h30: Questions by the Appeals Chamber (20 minutes).
 - v. 15h30 until 16h00: Mr Ngudjolo may address the Appeals Chamber (30 minutes).
 - vi. 16h00: Closing of the hearing by the Presiding Judge.

(2) At the hearing, the parties may address any relevant issue arising in the appeal without exceeding their prior written submissions. Confidentiality of certain aspects of the appeal shall be observed strictly through the use of closed sessions where necessary.

(3) The parties and participants are directed to provide the Appeals Chamber by Thursday, **16 October 2014** with (i) a list of all the relevant decisions, orders and transcripts of the Court and (ii) electronic copies of authorities, with the relevant sections indicated that they intend to refer to during the hearing.

(4) The Registrar is instructed to (i) make the necessary arrangements to ensure Mr Ngudjolo's presence at the hearing and the provision of interpretation in Lingala and (ii) facilitate the taking of photographs at the start of the hearing.



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



Judge Sanji Mmasenono Monageng
Presiding Judge

Dated this 8th day of October 2014

At The Hague, The Netherlands