



## Key Messages

### *Kony Case*

#### 1. What is the current stage of the proceedings in the *Kony Case*?

The warrant of arrest for Mr Kony was issued in 2005; however, the suspect, Joseph Kony, is still at large. [On 4 March 2024](#), Pre-Trial Chamber II issued a decision on the Prosecutor's request to hold a confirmation of charges hearing in the absence of Mr Kony, should he not be arrested and/or surrender. [On 29 October 2024](#), the Pre-Trial Chamber III decided that all the requirements to hold a confirmation of charges hearing in the absence of Mr Kony were met. The Chamber found that the confirmation of charges hearing *in absentia* will provide an opportunity for the victims to participate at this stage of the proceedings by expressing their views and concerns. [On 12 December 2024](#), the ICC judges scheduled the confirmation of charges hearing to start **on 9 September 2025**, in the absence of the suspect.

#### 2. Does the Rome Statute allow for charges to be confirmed in a suspect's absence?

Yes, it does. According to the Rome Statute, under specific conditions charges can be confirmed even if the suspect is absent. Article 61 states that normally, the suspect must be present for the confirmation of charges hearing. However, if all reasonable steps have been taken to secure the person's appearance and to inform them of the charges and the hearing, and the person still does not appear, the Pre-Trial Chamber can proceed with the hearing in the person's absence ("*in absentia*"). If the charges are confirmed, the case can however only proceed to trial if the accused is present before the Trial Chamber.

#### 3. What is the purpose of a confirmation of charges hearing *in absentia* in the *Kony Case*?

[According to the Prosecutor](#), holding the confirmation of charges hearing in the absence of Mr Kony could advance efforts to locate and apprehend him. If the charges are confirmed, this will help ensure that Mr Kony faces trial expeditiously upon arrest and/or surrender. Moreover, holding a confirmation hearing *in absentia* will provide an opportunity for victims in this case to present their views and concerns through their legal representatives.

#### 4. Why is this hearing relevant in the *Kony Case*?

Mr Kony is the only suspect at large in the Uganda situation who is still alive and has escaped justice for almost two decades. Such a hearing will be a meaningful milestone for victims of Mr Kony's alleged crimes who have been waiting for justice. This is the first time in the ICC's history that the Prosecution requests holding a confirmation of charges hearing in the absence

of a suspect. To date, all confirmation of charges hearings at the ICC have taken place only after the suspects' arrest and surrender or appearance.

### **5. Who are considered victims in the *Kony* Case?**

Victims who suffered harm because of the commission of the crimes that Mr Kony allegedly committed, such as:

- Intentionally directing the LRA to commit attacks against the civilian population as such; murdering civilians and attempting to do so; torturing and/or severely abusing and mistreating civilians and treating them cruelly; enslaving abducted civilians; pillaging and destroying property; and persecuting civilians on political grounds as well as based on their age and gender committed in the Attack on Lwala Girls School (24 June 2003) and IDP camps (Pajule – 10 October 2003, Abia – 4 February 2004, Barlonyo – 21 February 2004, Odek – 29 April 2004, Pagak – 16 May 2004, Lukodi - 19 May 2004 and Abok – 8 June 2004);
- Crimes against children (under 18 years) and women abducted and integrated into the LRA, from at least 1 July 2002 until 31 December 2005, in northern Uganda, including Acholi, Lango, and Teso areas such as enslavement, torture, persecution on gender and age grounds, conscripting children under 15 years, using children to participate actively in hostilities, sexual and gender-based crimes (forced marriage, forced pregnancy, rape, sexual slavery);
- Crimes directly perpetrated by Mr Kony, including enslavement, forced marriage, rape, torture and sexual slavery.

### **6. What are the rights of victims at the confirmation stage?**

In its [decision of 29 October 2024](#), the Chamber recognised the right of victims to participate in the confirmation of charges hearing in the absence of Mr Kony. The Judges specified that victims will have the opportunity to express their views and concerns in this regard.

### **7. What is the role of the legal representatives of victims in the confirmation of charges hearing?**

A legal representative of victims is a lawyer who represents the interests of the victims allowed to participate in the proceedings. During the confirmation of charges, only the common legal representatives of victims appointed by the Judges will be allowed to represent the victims and appear in the courtroom to follow the proceedings, to express the victims' views and concerns regarding the charges alleged and the evidence presented by the parties. In the *Kony* case, the Chamber instructed the Registry to appoint Mr Joseph Akwenyu Manoba, Mr Francisco Cox, Mr Paul Bradfield, as well as Ms Paolina Massidda and Ms Sarah Pellet from the Office of Public Counsel for the Victims (OPCV), as a single team of common legal representatives (CLRV) of any victims admitted by the Judges to participate in the proceedings. However, the mandate of the CLRV will begin only after the issuance of a decision on applications for victim participation based on the updated document containing

the charges. The latter document is to be filed by the Prosecutor by 17 April 2025. In the meantime, the Chamber assigned the OPCV to represent the collective interests of potential victims until the mandate of the CLRV takes effect.

#### **8. Can victims apply for participation in the *Kony* Case?**

Yes. To participate in ICC proceedings, victims have to apply in writing. To facilitate this process, the Court has developed application forms as further outlined below.

#### **9. How can victims apply for participation in the proceedings?**

Victims in the *Kony* case who have never applied to participate in any ICC proceedings in the Uganda Situation before can fill in an application form for participation and send it to the Victims Participation and Reparations Section (VPRS). Depending on their situation, forms can be submitted by individual victims or by groups of victims (i.e. groups of family members who live together and have suffered similar harm may choose to use the household form). It is important to fill in only one form per victim or per group of victims, in order to avoid duplication. VPRS instructions on how to fill in the individual and organisation forms are available on the ICC website. Before completing the form, victims are asked to read these instructions very carefully.

The individual and the organisation forms can be found [here](#). If family members living in the same household are interested in applying with the household form, please contact the VPRS at [VPRS.Information@icc-cpi.int](mailto:VPRS.Information@icc-cpi.int) or by phone (or WhatsApp) at +256771406331 or +256772532830 (*VPRS staff in the Uganda country office*).

Complete forms should be provided to the VPRS by **1 June 2025 at the latest**. It will allow some time to the VPRS to process this information and prepare a report for the Judges within the relevant deadlines. If you are interested in applying, please contact VPRS beforehand. The form should if possible be filled with the assistance of persons who have been specially trained by VPRS, to ensure that the forms are properly filled and that all the information necessary at this stage is provided.

Between 2007 and 2009, the Judges of the ICC authorised 41 victims to participate in the *Kony et al.* case, which initially had a broader scope involving multiple suspects, whereas the present case is only against Mr Kony as defined in the Document Containing the Charges (DCC). Ms Paolina Massidda, Principal Counsel and Ms Sarah Pellet, Counsel from the OPCV, were appointed as their legal representatives. To ensure fair treatment for all victims, the Judges in the current proceedings have decided that all applications must be assessed based on the same criteria, which will be defined in the updated DCC to be submitted by the Prosecutor by 17 April 2025. Consequently, the applications of the 41 victims previously admitted to participate in the *Kony et al.* case will be reassessed to ensure they meet the updated DCC's scope. **These previously authorised 41 victims are not required to fill in a new application form.**

## **10. What happens after an application form is submitted?**

Upon receiving the applications forms from the victims, the VPRS will review them to ensure all required sections of the form have been properly completed, and all necessary supporting documents are attached. Additionally, the VPRS will conduct a preliminary legal assessment to determine whether the crime(s) and harm(s) described fall within the scope of the *Kony* case. Following this, the VPRS will make recommendations to the Chamber on the acceptance of each individual application for participation in the proceedings.

## **11. Where will the confirmation hearing be held: at ICC headquarters in The Hague or in Uganda?**

ICC proceedings usually take place at the seat of the Court in The Hague, unless the Judges decide to hold them elsewhere. This issue has been raised in this case. The [Prosecution](#), the [Office of Public Counsel for Victims](#) and [Defence](#) made observations on this matter. However, the Chamber has not yet rendered a decision on this possibility.

## **12. Can victims participate in person at the confirmation of charges hearing in the *Kony* Case?**

Participation in person in the ICC courtrooms has been permitted in previous ICC proceedings for a small number of victims. Yet, this has only occurred during trial (not pre-trial) proceedings, at the end of the presentation of the Prosecutor's evidence. Victim participation is usually facilitated through one or more common legal representatives of victims, appointed by the Chamber to represent the victims' interests. During the confirmation of charges hearing in the *Kony* case, a single team of legal representatives of victims has been appointed by the Judges. It is composed of Mr Joseph Akwenyu Manoba, Mr Francisco Cox, Mr Paul Bradfield, as well as Ms Paolina Massidda and Ms Sarah Pellet of the OPCV; together, they will present the views and concerns of the victims who have suffered harm as a result of the crimes allegedly committed by Mr Kony. If you are interested in this process, please get in touch with the VPRS by email at [VPRS.Information@icc-cpi.int](mailto:VPRS.Information@icc-cpi.int) or by phone (or WhatsApp) at +256771406331 or +256772532830 (*VPRS staff in the Uganda country office*).

## **13. Is the *Ongwen* Case related to the *Kony* Case at the ICC?**

On 6 February 2015, the ICC Judges severed the proceedings against Mr Dominic Ongwen from the case of *The Prosecutor v. Joseph Kony, Vincent Otti, Okot Odhiambo and Dominic Ongwen*. With the severance of these cases, the case against Mr Joseph Kony and the case against Mr Dominic Ongwen are now handled as different cases, with separate proceedings and before different ICC Judges. The *Kony* case is currently at the pre-trial stage, with the confirmation of charges hearing in the absence of the suspect scheduled to commence on 9 September 2025 (see above). The trial of Mr Dominic Ongwen has ended, and the ICC Judges found Mr Ongwen guilty of a total of 61 crimes committed in Northern Uganda between 1 July 2002 and

31 December 2005, including crimes against humanity and war crimes. He was sentenced to 25 years in prison and is currently serving his sentence. The *Ongwen* case is at the reparations stage, which is expected to last several years. In February 2024, the Judges ordered reparations for the harm the victims suffered as a result of the crimes for which Mr Ongwen was convicted. Subject to the updated DCC, to be communicated by 17 April 2025, (some of) the victims of crimes for which Mr Ongwen was convicted, will also be able to participate in the *Kony* case, should they want to do so.

**14. How will the *Kony* case impact reparations in the *Ongwen* Case? Can a victim in the *Ongwen* Case also be recognised as a victim in the *Kony* Case?**

The *Kony* Case has no impact on reparations in the *Ongwen* Case. The two processes are separate. If Mr Kony is arrested (*if the charges are confirmed, the case can only proceed to trial if the accused is present before the Trial Chamber*), tried and convicted, victims of the crimes for which Mr Kony would potentially be found guilty would be entitled to participate in reparations proceedings for the harm attributable to Mr Kony. The details will be subject to future judicial determination.

Victims who are already participating in the *Ongwen* proceedings before the ICC and who also wish to participate in the *Kony* proceedings do not have to fill in a new application form. They can notify their counsel in the *Ongwen* proceedings of their wish to participate in the *Kony* case and their data, including any supplementary information victims might want to submit in addition to their forms, will be transferred to the *Kony* proceedings.

**15. Are victims of alleged crimes committed by Mr Kony entitled to apply for reparations before the ICC?**

Victims have the right to participate in proceedings and receive reparations in any case before the ICC, if they suffered harm in relation to the relevant case. The reparations stage at the ICC starts once there is a conviction of an accused.

In the *Kony* Case, the date of confirmation of charges hearing is scheduled to start on 9 September 2025. If the charges are confirmed, the case can only proceed to trial if the accused is present before the Trial Chamber. In other words, the trial cannot proceed until Mr Kony is arrested and/or surrenders. The ICC requires the accused to be in custody for a trial to start. Without a conviction against Mr Kony, no reparations can be awarded to the victims.