

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-02/04-01/05

Date: 28 March 2024

PRE-TRIAL CHAMBER III

Before: Judge Althea Violet Alexis-Windsor, Single Judge

SITUATION IN UGANDA

**IN THE CASE OF
*THE PROSECUTOR v. JOSEPH KONY***

Public

**With Annex I Confidential and Annex II Under Seal *EX PARTE* only available to
the Registry and the Office of the Prosecutor**

**Registry's Report on the implementation of the "Second decision on the
Prosecution's request to hold a confirmation of charges hearing in the Kony case
in the suspect's absence" dated 4 March 2024 (ICC-02/04-01/05-481)**

Source: The Registry

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

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REGISTRY

Registrar

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**Victims Participation and Reparations
Section**

Other

I. Introduction

1. Pursuant to the “Second decision on the Prosecution’s request to hold a confirmation of charges hearing in the Kony case in the suspect’s absence” (“Second Decision”),¹ the Registry hereby submits its report on the “notification efforts and outreach activities in respect of the date for the commencement of the confirmation of charges hearing”².

II. Procedural history

2. On 23 November 2023, the Pre-Trial Chamber (“Chamber”), in its previous composition, issued its “Decision on the Prosecution’s request to hold a confirmation of charges hearing in the Kony case in the suspect’s absence” (“Decision”),³ in which it instructed “the Registry to submit a plan indicating the outreach activities and notification efforts it would pursue to inform Mr Kony of the charges against him, if the Prosecution files a DCC [Document Containing the Charges] before the Chamber, within four weeks of the present decision.”⁴
3. On 19 December 2023, the Registry proposed a plan on proposed outreach activities and a course of action to notify the suspect of the DCC.⁵
4. On 19 January 2024, the Prosecution submitted the document containing the charges (“DCC”).⁶

¹ Pre-Trial Chamber II, “Second decision on the Prosecution’s request to hold a confirmation of charges hearing in the Kony case in the suspect’s absence”, 4 March 2024, ICC-02/04-01/05-481.

² *Ibid.*, p. 11.

³ Pre-Trial Chamber II, “Decision on the Prosecution’s request to hold a confirmation of charges hearing in the Kony case in the suspect’s absence”, 23 November 2023, ICC-02/04-01/05-466.

⁴ *Ibid.*, para. 57, p. 20.

⁵ Registry, “Registry’s Proposed Plan on Outreach Activities and Notification Efforts”, 19 December 2023, ICC-02/04-01/05-473 + Anxs.

⁶ Office of the Prosecutor, “Document Containing the Charges”, 19 January 2024, ICC-02/04-01/05-474.

5. On 26 January 2024, the Chamber issued the “Order to initiate notification efforts and related outreach activities”, in which it instructed the Registry to use the DCC and a summary of the DCC provided by the Chamber to initiate its proposed plan on notification efforts and outreach activities, and to take all reasonable steps to inform Mr Kony of the charges against him as described in the DCC.⁷
6. On 4 March 2024, the Chamber issued the Second Decision in which it instructed the Registry to “initiate notification efforts and outreach activities in respect of the date for the commencement of the confirmation of charges hearing” and to report on the matter within four weeks of the notification of the Second Decision.⁸
7. On 12 March 2024, the Presidency “[reassigned] the situation in Uganda, from Pre-Trial Chamber II to Pre-Trial Chamber III”.⁹
8. On 15 March 2024, Pre-Trial Chamber III designated “Judge Althea Violet Alexis-Windsor as Single Judge responsible for carrying out the functions of the Chamber in the present situation”.¹⁰

III. Classification

9. Pursuant to regulation 23 *bis* (1) of the Regulations of the Court (“RoC”), Annex I to the present report is classified as confidential as it contains sensitive information regarding persons contacted and locations identified by the Registry for its outreach activities and Annex II is classified as Under Seal, *ex*

⁷ Pre-Trial Chamber II, “Order to initiate notification efforts and related outreach activities”, 26 January 2024, ICC-02/04-01/05-475, p. 11.

⁸ Pre-Trial Chamber II, “Second decision on the Prosecution’s request to hold a confirmation of charges hearing in the Kony case in the suspect’s absence”, 4 March 2024, ICC-02/04-01/05-481.

⁹ Presidency, “Decision assigning judges to divisions and recomposing Chambers”, 12 March 2024, ICC-02/04-01/05-485, p. 7.

¹⁰ Pre-Trial Chamber III, “Decision on the designation of a Single Judge”, 15 March 2024, ICC-02/04-01/05-487, p. 4.

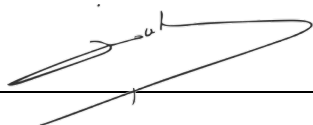
parte, only available to the Registry and the Office of the Prosecutor as it contains sensitive and detailed information on possible whereabouts and personal data of Mr Kony.

IV. Applicable Law

10. The following provisions are of particular relevance to the present submission: articles 61 (2) and 67 of the Rome Statute and regulation 14 of the Regulations of the Registry.

V. Submissions

11. The Registry hereby submits its reports on the implementation of the notification efforts and outreach activities in respect of the date for the commencement of the confirmation of charges hearing of the present case in Annex I detailing the outreach activities,¹¹ and Annex II reporting on the notification efforts.¹²



Marc Dubuisson, Director of the Division of Judicial Services,

on behalf of

Oswaldo Zavala Giler, Registrar

Dated this 28 March 2024

At The Hague, Netherlands

¹¹ Annex I.

¹² Annex II.