



**Original: English**

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

**Date: 2 December 2022**

**PRE-TRIAL CHAMBER II**

**Before:**

**Judge Rosario Salvatore Aitala, Presiding  
Judge Antoine Kesia-Mbe Mindua  
Judge Tomoko Akane**

**SITUATION IN UGANDA**

**IN THE CASE OF**

***THE PROSECUTOR v. JOSEPH KONY AND VINCENT OTTI***

**Public**

Decision regarding the ‘Legal Representatives’ Joint Request for an Extension of Time to Respond to the “Prosecution’s Request to Hold a Hearing on the Confirmation of Charges against Joseph Kony in his Absence”

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

**The Office of the Prosecutor**

Mr Karim A. A. Khan  
Mr Mame Mandiaye Niang

**Counsel for the Defence**

**Legal Representatives of Victims**

**Legal Representatives of Applicants**

**Unrepresented Victims**

**Unrepresented Applicants for  
Participation/Reparations**

**The Office of Public Counsel  
for Victims**

Ms Paolina Massidda

**The Office of Public Counsel  
for the Defence**

**States Representatives**

*Amicus Curiae*

**REGISTRY**

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**Registrar**

Mr Peter Lewis

**Counsel Support Section**

**Victims and Witnesses Unit**

**Detention Section**

**Victims Participation and Reparations  
Section**

**Other**

**PRE-TRIAL CHAMBER II** of the International Criminal Court issues this Decision regarding the ‘Legal Representatives’ Joint Request for an Extension of Time to Respond to the “Prosecution’s Request to Hold a Hearing on the Confirmation of Charges against Joseph Kony in his Absence”.

1. On 8 July 2005, the Chamber (in a previous composition) issued the ‘Warrant of Arrest for Joseph Kony’,<sup>1</sup> which was amended on 27 September 2005.<sup>2</sup>
2. On 24 November 2022, the Prosecution requested the Chamber to hold a hearing on the confirmation of charges against Joseph Kony in his absence (the ‘Prosecution’s Request’).<sup>3</sup>
3. On 28 November 2022, Counsel of the Office of Public Counsel for Victims (the ‘OPCV’), appointed to represent a number of victims in the present case,<sup>4</sup> jointly requested an extension of time until 20 January 2023 to file a response to the Prosecution’s Request (the ‘OPCV Request’).<sup>5</sup>
4. The Chamber observes that this is the first time that the Prosecution requests a confirmation of charges hearing to be held in the absence of the person concerned under article 61(2)(b) of the Rome Statute. In addition, besides requesting an extension of time, the OPCV submits that the Legal Representatives are also available to convey the views and concerns of the victims authorised to participate in the Situation in Uganda, and that the views and concerns of victims participating in the *Ongwen* case should also be presented within a deadline set by the Chamber.
5. In these circumstances, the Chamber considers it appropriate to, in due course, issue an order on the conduct of the proceedings related to the Prosecution’s Request

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<sup>1</sup> ICC-02/04-01/05-2-US-Exp, under seal and *ex parte*, only available to the Prosecution (the warrant was unsealed on 13 October 2005, see [Decision on the Prosecutor's Application for Unsealing of the Warrants of Arrest](#), ICC-02/04-01/05-52, public).

<sup>2</sup> Warrant of Arrest for Joseph Kony Issued on 8 July 2005 as Amended on 27 September 2005, ICC-02/04-01/05-28-US-Exp, under seal and *ex parte*, only available to the Prosecution (a public redacted version was issued on 13 October 2005, [ICC-02/04-01/05-53](#)).

<sup>3</sup> Prosecution’s Request to Hold a Hearing on the Confirmation of Charges against Joseph Kony in his Absence, ICC-02/04-01/05-446-Conf-Exp, confidential and *ex parte*, only available to the Prosecution (a public redacted version was issued on the same day, [ICC-02/04-01/05-446-Red](#)).

<sup>4</sup> Only the OPCV requires to be notified for the purposes of the present decision as the matter of legal representation and any prerogatives associated therewith will be addressed at a later stage in these proceedings.

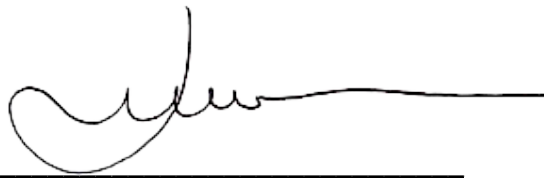
<sup>5</sup> ICC-02/04-01/05-447, public.

so as to determine if any submissions and/or observations require to be sought. Accordingly, it is not necessary to address the OPCV Request at present.

**FOR THESE REASONS, THE CHAMBER HEREBY**

**FINDS** that the OPCV Request need not be considered at present and that an order on the conduct of the proceedings related to the Prosecution's Request will be issued in due course.

Done in English. A French translation will follow. The English version remains authoritative.

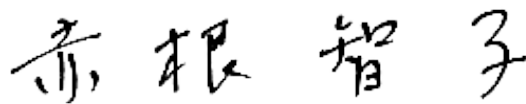


**Judge Rosario Salvatore Aitala**

**Presiding**



**Judge Antoine Kesia-Mbe Mindua**



**Judge Tomoko Akane**

Dated this Friday, 2 December 2022

At The Hague, The Netherlands