

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: English

No.: ICC-02/04-01/05  
Date: 26 February 2024

**PRE-TRIAL CHAMBER II**

**Before:** Judge Rosario Salvatore Aitala, Presiding Judge  
Judge Tomoko Akane  
Judge Sergio Gerardo Ugalde Godínez

**SITUATION IN UGANDA**

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

**Public**

**With Annex I Confidential, Annex II Under seal *EX PARTE* only available to the Registry and the Office of the Prosecutor, Annex III Confidential *EX PARTE* only available to the Registry and the Office of the Prosecutor, and Annex IV Confidential *EX PARTE* only available to the Registry and the Office of the Prosecutor**

**Corrected version of “Registry’s Report on the implementation of Pre-Trial Chamber II’s “Order to initiate notification efforts and related outreach activities” dated 26 January 2024 (ICC-02/04-01/05-475)” 23 February 2024, ICC-02/04-01/05-479**

**Source:** The Registry

Document 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 the Victims**

**Legal Representatives of the Applicants**

**Unrepresented Victims**

**Unrepresented Applicants  
(Participation/Reparation)**

**The Office of Public Counsel for  
Victims**

Ms Paolina Massidda

Ms Sarah Pellet

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

**States' Representatives**

**Amicus curiae**

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**REGISTRY**

**Registrar**

Mr Osvaldo Zavala Giler

**Counsel Support Section**

**Victims and Witnesses Unit**

**Detention Section**

**Victims Participation and Reparations  
Section**

**Other**

## I. Introduction

1. Pursuant to the “Order to initiate notification efforts and related outreach activities”<sup>1</sup> (“Order”), the Registry hereby submits its report on “the progress of the notification efforts and outreach activities within four weeks”<sup>2</sup> of the issuance of the Order and in relation to the Registry’s Proposed Plan on outreach activities and notification efforts (“Proposed Plan”)<sup>3</sup>.

## II. Procedural history

2. On 23 November 2023, Pre-Trial Chamber II (“Chamber”) 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”),<sup>4</sup> 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.”<sup>5</sup>
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.<sup>6</sup>
4. On 19 January 2024, the Prosecution submitted the document containing the charges (“DCC”).<sup>7</sup>

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<sup>1</sup> Pre-Trial Chamber II, “Order to initiate notification efforts and related outreach activities”, 26 January 2024, ICC-02/04-01/05-475.

<sup>2</sup> *Idem*, para. 6, p. 4.

<sup>3</sup> Registry, “Registry’s Proposed Plan on Outreach Activities and Notification Efforts”, 19 December 2024, ICC-02/04-01/05-473.

<sup>4</sup> 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.

<sup>5</sup> *Idem*, para. 57, p. 20.

<sup>6</sup> Registry, “Registry’s Proposed Plan on Outreach Activities and Notification Efforts”, 19 December 2023, ICC-02/04-01/05-473 + Anxs.

<sup>7</sup> 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,<sup>8</sup> 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 as described in the DCC.

### **III. Classification**

6. Pursuant to regulation 23 *bis* (1) of the Regulations of the Court ("RoC"), the Registry submits the present report as public in line with the classification of the Order. Annex I is classified confidential as it contains information on possible whereabouts of Mr Kony; Annex II is classified as Under Seal, *ex parte*, only available to the Registry and the Prosecution as it contains sensitive and detailed information on possible whereabouts and personal data of Mr Kony; and Annexes III and IV are classified as confidential, *ex parte*, only available to the Registry and the Prosecution as they refer to official communications with State authorities pertaining to the notification efforts conducted by the Registry.

### **IV. Applicable Law**

7. The following provisions are of particular relevance to the present submission: articles 61 (2) and (3) and 67 of the Rome Statute and regulation 14 of the Regulations of the Registry.

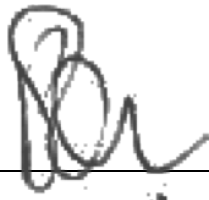
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<sup>8</sup> Pre-Trial Chamber II, "Order to initiate notification efforts and related outreach activities", 26 January 2024, ICC-02/04-01/05-475.

## V. Submissions

8. The Registry submits its reports on the implementation of its Proposed plan regarding the outreach activities and notification efforts in four different Annexes. Annex I contains the report on the outreach activities.<sup>9</sup> Annex II contains the report on the notification efforts to inform the suspect of the DCC.<sup>10</sup> Annex III contains a request for assistance to the authorities of the republic of Uganda (“Uganda”).<sup>11</sup> Annex IV contains the response from the authorities of Uganda.<sup>12</sup>

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Marc Dubuisson, Director of the Division of Judicial Services,  
on behalf of  
Osvaldo Zavala Giler, Registrar

Dated this 26 February 2024

At The Hague, Netherlands

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<sup>9</sup> Annex I.

<sup>10</sup> Annex II.

<sup>11</sup> Annex III.

<sup>12</sup> Annex IV.