

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No. ICC-02/04-01/05

Date: 19 June 2024

PRE-TRIAL CHAMBER III

Before:

Judge Althea Violet Alexis-Windsor, Single Judge

SITUATION IN THE REPUBLIC OF UGANDA

IN THE CASE OF

THE PROSECUTOR v. JOSEPH KONY

Public

Order to Appoint Counsel

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

The Office of the Prosecutor

Mr Karim Khan
Mr Mame Mandiaye Niang
Ms Leonie von Braun

Counsel for Mr Kony

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
Ms Sarah Pellet

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

States Representatives

Amicus Curiae

REGISTRY

Registrar

Mr Osvaldo Zavala Giler

Counsel Support Section

Mr Juan Escudero

Victims and Witnesses Unit

Detention Section

**Victims Participation and
Reparations Section**

Other

JUDGE ALTHEA VIOLET ALEXIS-WINDSOR, acting as Single Judge on behalf of Pre-Trial Chamber III of the International Criminal Court,¹ issues this ‘Order to Appoint Counsel’, pursuant to article 67(1)(d) of the Rome Statute, rule 20 of the Rules of Procedure and Evidence, and regulations 74 and 76 of the Regulations of the Court.

1. On 4 March 2024, Pre-Trial Chamber II, *inter alia*, instructed the Registry to commence the process of selecting counsel for Joseph Kony (‘Mr Kony’).²
2. On 2 May 2024, the Single Judge, *inter alia*, authorised the Registry to implement its proposed procedure for selecting counsel, and further ordered the Registry to finalise all related formalities (the ‘2 May 2024 Decision’).³
3. On 14 June 2024, the Registry submitted a report pursuant to the 2 May 2024 Decision (the ‘Registry Report’), which describes the procedure followed by the Registry and provides its recommendation for counsel for Mr Kony.⁴
4. The Single Judge notes that the Registry has not formally appointed counsel for Mr Kony, in view of the fact that the Registry Report, while providing a recommendation, does not refer to any such appointment having been made by the Registry. The Single Judge further notes that the Registry was not only expected to provide a recommendation, but to immediately proceed with the appointment of the most qualified candidate.
5. So as to avoid further delay and for the sake of clarity, the Single Judge instructs the Registry to immediately finalise the appointment of counsel for Mr Kony in accordance with the recommendation contained in the Registry Report and to complete all related formalities, in particular the required rights of access to the materials in the present case. In addition, the Single Judge recalls that, upon appointment, the Registry shall immediately provide counsel with the 2 May 2024 Decision and the materials

¹ [Decision on the designation of a Single Judge](#), 15 March 2024, ICC-02/04-01/05-487, public.

² [Second decision on the Prosecution’s request to hold a confirmation of charges hearing in the Kony case in the suspect’s absence](#), ICC-02/04-01/05-481, public, paras 12, 15.

³ [Decision on the Procedure for Appointing Counsel](#), ICC-02/04-01/05-499, public.

⁴ [Registry’s Report on the implementation of “Decision on the Procedure for Appointing Counsel” dated 2 May 2024 \(ICC-02/04-01/05-499\)](#), ICC-02/04-01/05-501, public, together with Annex I, public, and Annex II, confidential and *ex parte*, only available to the Registry.

required for counsel to provide the submissions ordered by the Single Judge in accordance with the applicable time limits.⁵

FOR THESE REASONS, THE SINGLE JUDGE HEREBY

ORDERS the Registry to immediately appoint counsel for Mr Kony in accordance with the recommendation contained in the Registry Report; and

ORDERS the Registry to submit a public redacted version of Annex II to the Registry Report by no later than 24 June 2024.

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



Judge Althea Violet Alexis-Windsor

Single Judge

Dated this Wednesday, 19 June 2024.

At The Hague, The Netherlands.

⁵ [2 May 2024 Decision](#), paras 26-27.