



Original: English

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

Date: 28 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

With Annex 1

**in confidential *ex parte* version, only available to the Registry
and in public redacted version
and public Annexes 2 and 3**

Registry Report on Legal Representation of Victims

Source: Registry

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

Office of the Prosecutor

Mr Karim A. A. Khan
Mr Mame Mandiaye Niang
Ms Leonie von Braun

Counsel for Mr Kony

Mr Peter Haynes

Legal Representatives of Victims

Legal Representatives of Applicants

Mr Joseph Akwenyu Manoba
Mr Francisco Cox
Ms Paolina Massidda
Ms Sarah Pellet

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

Office of Public Counsel for Victims

Ms Paolina Massidda
Ms Sarah Pellet

**Office of Public Counsel for the
Defence**

Ms Marie O'Leary

States' Representatives

Trust Fund for Victims

REGISTRY

Registrar

Mr Osvaldo Zavala Giler

Counsel Support Section

Mr Juan A. Escudero

Victims and Witnesses Section

Detention Section

**Victims Participation and Reparations
Section**

Mr Philipp Ambach

Country Office

I. Introduction

1. Following the Registry submissions on matters related to the participation of victims in the case of *The Prosecutor v. Joseph Kony* (“Kony case” or “Case”),¹ the Single Judge of Pre-Trial Chamber III (“Single Judge” and “Chamber”, respectively) authorised the Registry to collect information on victims’ preferences as to their legal representation by no later than Friday 28 June 2024 and promptly update the Chamber of any relevant developments which might materialise after that date (“Order of 15 May 2024”).² The Registry thus hereby submits its report on the information collected on victims’ preferences as to their legal representation in the *Kony* case (“Report”).

II. Procedural History

2. On 8 July 2005, Pre-Trial Chamber II, in its previous composition, issued a warrant of arrest against Mr Kony.³ The arrest warrant was amended on 27 September 2005 and unsealed in October 2005, with the issuance of a public redacted version (“Arrest Warrant”).⁴
3. Between 22 August 2006 and 15 February 2013, 128 applications for participation were transmitted in the Case.⁵

¹ Registry, “Registry submissions on matters related to the participation of victims”, 8 May 2024, ICC-02/04-01/05-500, fn. 1.

² Email from Single Judge of Pre-Trial Chamber III to the Registry (Office of the Director, DJS) on 15 May 2024 at 9:14 h.

³ Pre-Trial Chamber II, “Warrant of Arrest for Joseph Kony”, 8 July 2005, ICC-02/04-01/05-2-US-Exp.

⁴ Pre-Trial Chamber II, public redacted version of “Warrant of Arrest for Joseph Kony Issued on 8 July 2005 as Amended on 27 September 2005”, dated 27 September 2005 and registered on 13 October 2005, ICC-02/04-01/05-53. A lesser redacted version was notified on 10 March 2023, ICC-02/04-01/05-456.

⁵ For the transmissions of the original versions of victim applications submitted to the Chamber *see*: Registry, “Application for participation in proceedings number a/0010/06”, dated 21 August 2006 and registered on 22 August 2006, ICC-02/04-01/05-98-Conf-Exp; “Application for participation in proceedings number a/0064/06”, dated 21 August 2006 and registered on 22 August 2006, ICC-02/04-01/05-99-Conf-Exp; “Application for participation in proceedings number a/0065/06”, dated 21 August

4. Between 10 August 2007 and 10 March 2009, Pre-Trial Chamber II issued four decisions on the merits of these applications in the Case.⁶ From these 128 applications, 41 individuals were accepted to participate at the time and are

2006 and registered on 22 August 2006, ICC-02/04-01/05-100-Conf-Exp; "Application for participation in proceedings number a/0066/06", dated 21 August 2006 and registered on 22 August 2006, ICC-02/04-01/05-101-Conf-Exp; "Application for participation in proceedings number a/0067/06", dated 21 August 2006 and registered on 22 August 2006, ICC-02/04-01/05-102-Conf-Exp; "Application for participation in proceedings number a/0068/06", dated 21 August 2006 and registered on 22 August 2006, ICC-02/04-01/05-103-Conf-Exp; "Application for participation in proceedings number a/0069/06", dated 21 August 2006 and registered on 22 August 2006, ICC-02/04-01/05-104-Conf-Exp; "Application for participation in proceedings number a/0070/06", dated 21 August 2006 and registered on 22 August 2006, ICC-02/04-01/05-105-Conf-Exp; "Report to Pre-Trial Chamber II on applications a/0081/06 to a/0104/06 in accordance with Rule 89 paragraph 1 of the RPE, and Regulation 86 paragraph 5 of the Regulations of the Court", 26 October 2006, ICC-02/04-01/05-123; "Report to Pre-Trial Chamber II on applications a/0111/06 to a/0127/06 in accordance with Rule 89 paragraph 1 of the RPE, and Regulation 86 paragraph 5 of the Regulations of the Court", dated 16 November 2006 and registered on 17 November 2006, ICC-02/04-01/05-128; "Report to Pre-Trial Chamber II on applications a/0014/07 to a/0020/07 in accordance with Rule 89 paragraph 1 of the Rules of Procedure and Evidence, and Regulation 86 paragraph 5 of the Regulations of the Court", dated 11 April 2007 and registered on 13 April 2007, ICC-02/04-01/05-241; "Transmission of consolidated applications including supplementary information", 29 February 2012, ICC-02/04-01/05-411; "Transmission of consolidated applications including supplementary information", 29 June 2012, ICC-02/04-01/05-412; and "Transmission of consolidated applications including supplementary information", 15 February 2013, ICC-02/04-01/05-413. Additionally, 22 applications were transmitted only in the Situation in the Republic of Uganda, although they were also considered by Pre-Trial Chamber II for the purpose of the *Kony* case as if they had been filed as well in the Case (See Registry, "Report to Pre-Trial Chamber II on applications a/0192/07 to a/0239/07 and a/0324/07 to a/0326/07 in accordance with Rule 89 paragraph 1 of the Rules of Procedures and Evidence, and Regulation 86 paragraph 5 of the Regulations of the Court", 30 May 2008, ICC-02/04-138-Conf-Exp; and "Second Report to Pre Trial Chamber II on applications a/0192/07 to a/0239/07 and a/0324/07 to a/0326/07 in accordance with Rule 89 paragraph 1 of the Rules of Procedure and Evidence and Regulation 86 paragraph 5 of the Regulations of the Court", dated 30 September 2008 and registered on 1 October 2008, ICC-02/04-157-Conf-Exp. The transmissions of redacted versions of applications are not listed.

⁶ Pre-Trial Chamber II, "Decision on victims' applications for participation a/0010/06, a/0064/06 to a/0070/06, a/0081/06 to a/0104/06 and a/0111/06 to a/0127/06", dated 10 August 2007 and registered on 13 August 2007, ICC-02/04-01/05-252; "Decision on victims' applications for participation a/0010/06, a/0064/06 to a/0070/06, a/0081/06, a/0082/06, a/0084/06 to a/0089/06, a/0091/06 to a/0097/06, a/0099/06, a/0100/06, a/0102/06 to a/0104/06, a/0111/06, a/0113/06 to a/0117/06, a/0120/06, a/0121/06 and a/0123/06 to a/0127/06", dated 14 March 2008 and registered 17 March 2008, ICC-02/04-01/05-282; "Decision on victims' applications for participation a/0014/07 to a/0020/07 and a/0076/07 to a/0125/07", 21 November 2008, ICC-02/04-01/05-356; and "Decision on victims' applications for participation a/0192/07 to a/0194/07, a/0196/07, a/0200/07, a/0204/07, a/0206/07, a/0209/07, a/0212/07, a/0216/07, a/0217/07, a/0219/07 to a/0221/07, a/02228/07 to a/0230/07, a/0234/07, a/0235/07, a/0237/07, a/0324/07 and a/0326/07 under rule 89", 10 March 2009, ICC-02/04-01/05-375.

presently represented by the Office of the Public Counsel for Victims ("OPCV"),⁷ 16 were rejected, 41 were deferred and 30 have not yet been decided upon.

5. On 23 November 2023, following a Prosecution request to hold a hearing on the confirmation of charges against Mr Kony in his absence,⁸ Pre-trial Chamber II found that there is cause to hold such a confirmation of charges hearing.⁹ The hearing, to be held in Mr Kony's absence should he not appear, is presently scheduled for 15 October 2024.¹⁰
6. On 19 January 2024, the Prosecution filed the "Document Containing the Charges" ("DCC").¹¹
7. On 12 March 2024, the Presidency of the Court referred the Case to Pre-Trial Chamber III and recomposed the latter.¹²
8. On 15 March 2024, Pre-Trial Chamber III designated Judge Althea Violet Alexis-Windsor as Single Judge in the Case.¹³
9. On 8 May 2024, the Registry filed its submissions on matters related to the participation of victims.¹⁴

⁷ Pre-Trial Chamber II, "Decision on legal representation of Victims a/0090/06, a/0098/06, a/0101/06 a/0112/06, a/0118/06, a/0119/06 and a/0122/06", 15 February 2008, ICC-02/04-01/05-267; and "Decision on legal representation of Victims a/0065/06, a/0066/06, a/0068/06, a/0088/06, a/0090/06 to a/0096/06, a/0098/06, a/0102/06, a/0103/06, a/0112/06, a/0115/06, a/0117/06, a/0118/06, a/0120/06 to a/0126/06, a/0076/07 to a/0078/07, a/0081/07, a/0082/07, a/0084/07, a/0085/07, a/0090/07 to a/0103/07, a/105/07 to a/0108/07, a/0112/07, a/0115/07, a/0117/07, a/0118/07 and a/0123/07", 9 February 2009, ICC-02/04-01/05-366. The legal representation of the victims is divided by Ms. Pellet – OPCV and by Ms Massidda – OPCV.

⁸ Prosecution, Public Redacted Version of the "Prosecution's Request to Hold a Hearing on the Confirmation of Charges against Joseph Kony in his Absence", 24 November 2022, ICC-02/04-01/05-446-Red.

⁹ 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.

¹⁰ 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.

¹¹ Prosecution, "Document Containing the Charges", 19 January 2024, ICC-02/04-01/05-474.

¹² Presidency, "Decision assigning judges to divisions and recomposing Chambers", 12 March 2024, ICC-02/04-01/05-485; and See "Decision on the designation of a Single Judge", 15 March 2024, ICC-02/04-01/05-487.

¹³ Pre-Trial Chamber III, "Decision on the designation of a Single Judge", 15 March 2024, ICC-02/04-01/05-487.

¹⁴ See fn. 1, *supra*.

III. Classification

10. Pursuant to regulation 23*bis*(1) of the Regulations of the Court (“RoC”) and in accordance with article 68(1) of the Rome Statute, annex 1 to the present submission (“Annex 1”) is classified as confidential *ex parte* only available to the Registry because it contains identifying information.

IV. Applicable Law

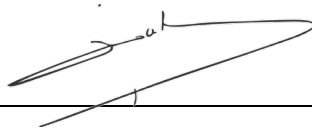
11. The Registry submits the present filing in accordance with the Order of 15 May 2024, article 68(3) of the Rome Statute, rules 16(1) and 90 of the Rules of Procedure and Evidence, regulations 67 and 79 of the RoC, regulations 112 to 113 of the Regulations of the Registry and the new Legal Aid Policy.¹⁵

V. Submissions

12. In accordance with the Order of 15 May 2024, the Registry hereby transmits:
- Annex 1, the report on the information collected on victims’ preferences as to their legal representation in the *Kony* case, in confidential *ex parte* only available to the Registry and public redacted versions;
 - public Annex 2, the written correspondence with the legal representatives of victims of the *Kony* and *The Prosecutor v. Dominic Ongwen* cases and the Situation in the Republic of Uganda; and
 - public Annex 3, the script designed to guide the focus group meetings.

¹⁵ The Registry notes that the new Legal aid policy (ICC-ASP/22/9, 22 November 2023) was adopted by the Assembly of States Parties and entered into force on 1 January 2024.

13. In keeping with the aforesaid Order, the Registry will promptly update the Chamber of any relevant developments which might materialise after this submission.

A handwritten signature in dark ink, appearing to read 'M. Dubuisson', is written over a horizontal line.

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

Dated this 28 June 2024

At The Hague, the Netherlands