

**Cour
Pénale
Internationale**



**International
Criminal
Court**

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No.: ICC-02/04-01/05
Date: **6 September 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 Document

Victims' observations on the date of the confirmation of charges hearing

Source: Office of Public Counsel for Victims

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

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Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

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I. INTRODUCTION

1. Counsel of the Office of Public Counsel for Victims, appointed to represent the victims authorised to participate in the *Kony* case,¹ as well as the victims and applicants in the Situation in Uganda (the “Legal Representatives”),² hereby submit their observations on the date of the confirmation of charges hearing, following the Single Judge’s order.³

II. SUBMISSIONS

2. Victims share the Defence’s position⁴ that the confirmation of charges hearing cannot commence on 15 October 2024 as currently scheduled.⁵ Indeed, in light of the Prosecution’s pending disclosure obligations,⁶ of the fact that the Chamber still has to

¹ See the “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” (Pre-Trial Chamber II), [No. ICC-02/04-101](#) and [No. ICC-02/04-01/05-252](#), 13 August 2007; the “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” (Pre-Trial Chamber II), [No. ICC-02/04-125](#), 14 March 2008; the “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” (Pre-Trial Chamber II), [No. ICC-02/04-01/05-267](#), 15 February 2008; and the “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”, [No. ICC-02/04-176](#) (Pre-Trial Chamber II), 9 February 2009.

² See the “Decision on Victim’s Participation in Proceedings Related to the Situation in Uganda” (Pre-Trial Chamber II, Single Judge), [No. ICC-02/04-191](#), 12 March 2012.

³ See the email from Pre-Trial Chamber III, entitled “ICC-02/04-01/05 – Single Judge Order requesting the parties and participants to submit observations on the date of the confirmation of the charges hearing – public”, 4 September 2024 at 14:27.

⁴ See the “Kony Defence Observations on the Decisions and Registry Report concerning the request to hold a confirmation of charges hearing in the *Kony* case in the suspect’s absence”, [No. ICC-02/04-01/05-517-Red](#), 28 August 2024, para. 43.

⁵ See the “Second decision on the Prosecution’s request to hold a confirmation of charges hearing in the *Kony* case in the suspect’s absence” (Pre-Trial Chamber III), [No. ICC-02/04-01/05-481](#), 4 March 2024.

⁶ See the “Kony Defence Observations on the Decisions and Registry Report concerning the request to hold a confirmation of charges hearing in the *Kony* case in the suspect’s absence”, *supra* note **Error! Bookmark not defined.**, para. 41, referring to the “Prosecution’s Observations on the conduct of the confirmation proceedings *in absentia* and Requests for the adoption of certain protocols and an *in situ* hearing in Uganda”, [No. ICC-02/04-01/05-490](#), 28 March 2024, paras. 9-11, and 25, and Annex A to the “Prosecution’s Observations on the conduct of the confirmation proceedings *in absentia* and Requests for the adoption of certain protocols and an *in situ* hearing in Uganda”, [No. ICC-02/04-01/05-490-AnxA](#), 28 March 2024.

issue important decisions on the conduct of the proceedings – including on victims’ participation and on their concerns on the Document Containing the Charges;⁷ and of the right of the Defence to familiarise with the case record and have enough time to prepare, the date initially set needs to be vacated.

3. However, Victims also expect that proceedings advance as expeditiously as possible, without undue delay, especially given that they have been waiting for twenty years for justice to be done. In this regard, the Legal Representatives recall the need to strike an appropriate balance between the rights of the Suspect and the requirements of a fair trial, on the one hand, and the rights and needs of Victims, on the other hand. Indeed, pursuant to rule 86 of the Rules of Procedure and Evidence, the needs of all victims shall be taken into account when making any direction or order.

4. In light of the above, the Legal Representatives submit that, in the current circumstances, the confirmation of charges hearing should be scheduled, at the latest, at the end of January 2025.

Respectfully submitted,



Paolina Massidda



Sarah Pellet

Dated this 6th day of September 2024

At The Hague, The Netherlands

⁷ See the “Victims’ Response to ‘Defence request for variation of the Deadlines and for Status Conference’ (ICC-02/04-01/05-504)”, [No. ICC-02/04-01/05-507](#), 3 July 2024, para. 12. See also the “Victims’ Concerns on the Document Containing the Charges”, [No. ICC-02/04-01/05-480](#), 27 February 2024.