



Original: English

No. ICC-02/04-01/05

Date: 13 March 2025

PRE-TRIAL CHAMBER III

Before:

**Judge Althea Violet Alexis-Windsor, Presiding Judge
Judge Iulia Antoanella Motoc
Judge Haykel Ben Mahfoudh**

SITUATION IN THE REPUBLIC OF UGANDA

IN THE CASE OF

THE PROSECUTOR v. JOSEPH KONY

Public

Decision on the notification of the date of the confirmation hearing

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

☒ The Office of the Prosecutor

☒ 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

☐ The Office of Public Counsel
for the Defence

☐ States' Representatives

☐ Amicus Curiae

REGISTRY

Registrar
Mr Osvaldo Zavala Giler

☐ Counsel Support Section

☐ Victims and Witnesses Unit

☐ Detention Section

☐ Victims Participation and Reparations
Section

☐ Other

PRE-TRIAL CHAMBER III of the International Criminal Court (the ‘Court’) issues this ‘Decision on the notification of the date of the confirmation hearing’, pursuant to article 61(2)(b) of the Rome Statute (the ‘Statute’).

I. PROCEDURAL HISTORY

1. On 8 July 2005, Pre-Trial Chamber II issued a warrant of arrest against Joseph Kony (‘Mr Kony’), which was amended on 27 September 2005.¹

2. On 24 November 2022, the Prosecution submitted a request to hold a hearing on the confirmation of charges against Mr Kony in his absence.²

3. On 23 November 2023, Pre-Trial Chamber II issued its ‘Decision on the Prosecution’s request to hold a confirmation of charges hearing in the Kony case in the suspect’s absence’, thereby *inter alia*: (i) finding that Mr Kony qualifies as a person who ‘cannot be found’ within the meaning of article 61(2)(b) of the Statute, all reasonable steps to secure his appearance had been taken, and, under the prevailing circumstances, there would be cause to hold a confirmation of charges hearing against him, in his absence; (ii) ordering the Prosecution to submit a document containing the charges, should it wish to proceed with the Request; (iii) instructing 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; and (iv) deferring the final decision on whether to proceed with a confirmation of charges hearing in the absence of Mr Kony.³

4. On 19 December 2023, Pre-Trial Chamber II received the ‘Registry’s Proposed Plan on Outreach Activities and Notification Efforts’ (the ‘Registry Plan on Outreach and Notification’).⁴

¹ Warrant of Arrest for Joseph Kony Issued on 8 July 2005 as Amended on 27 September 2005, 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](#)).

² Request to Hold a Hearing on the Confirmation of Charges against Joseph Kony in his Absence, ICC-02/04-01/05-446-Conf, confidential (a public redacted version was provided on the same day, [ICC-02/04-01/05-446-Red](#)).

³ [Decision on the Prosecution’s request to hold a confirmation of charges hearing in the Kony case in the suspect’s absence](#), ICC-02/04-01/05-466, public.

⁴ [ICC-02/04-01/05-473](#), public, with annex I, confidential and annex II, under seal and *ex parte*, only available to the Registry and the Prosecution.

5. On 19 January 2024, the Prosecution submitted the ‘Document Containing the Charges’ (the ‘DCC’).⁵
6. On 26 January 2024, Pre-Trial Chamber II issued the ‘Order to initiate notification efforts and related outreach activities’, thereby instructing the Registry to take all reasonable steps to inform Mr Kony of the charges as described in the DCC.⁶
7. On 23 February 2024, Pre-Trial Chamber II received the ‘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)’.⁷
8. On 4 March 2024, Pre-Trial Chamber II issued the ‘Second Decision on the Prosecution’s request to hold a confirmation of charges hearing in the *Kony* case in the suspect’s absence’, thereby *inter alia*: (i) finding ‘that all reasonable steps to inform Mr Kony of the charges against him as set out in the DCC have been taken, within the meaning of article 61(2)(b) of the Statute’; (ii) deciding ‘that the confirmation of charges hearing, to be held in Kony’s absence should he not appear, will commence on 15 October 2024’; (iii) instructing the Registry to initiate notification efforts and outreach activities in respect of the date for the commencement of the confirmation of charges hearing, proceeding ‘in the same manner as it recently ha[d] for the notification of the charges’, and report within four weeks of the notification of the decision.⁸
9. On 28 March 2024, the Registry submitted a report detailing the outreach activities and the notification efforts carried out in respect of the date of the forthcoming confirmation of charges hearing, as set in the Second Decision (the ‘28 March 2024 Registry Report’).⁹
10. On 12 September 2024, the Chamber issued the ‘Decision Postponing the Confirmation of Charges Hearing’, vacating the 15 October 2024 date and postponing

⁵ [ICC-02/04-01/05-474](#), public.

⁶ [ICC-02/04-01/05-475](#), public.

⁷ [ICC-02/04-01/05-479](#), public, with annex I, confidential, annex II, under seal and *ex parte*, only available to the Registry and the Prosecution, annex III and IV, confidential and *ex parte*, only available to the Registry and the Prosecution (on 21 August 2024, annex III was reclassified as confidential).

⁸ [ICC-02/04-01/05-481](#), public.

⁹ [Registry’s Report on the implementation of the “Second decision on the Prosecution’s request to hold a confirmation of charges hearing in the Kony case in the suspect’s absence” dated 4 March 2024 \(ICC-02/04-01/05-481\)](#), ICC-02/04-01/05-491, public, with annex I, confidential, and annex II, under seal and *ex parte*, only available to the Registry and the Prosecution; a public redacted version of annex I and II was filed on 25 June 2024, [ICC-02/04-01/05-491-AnxI-Red](#) (‘Annex I to the 28 March 2024 Registry Report’) and [ICC-02/04-01/05-491-AnxII-Red](#).

the confirmation of charges hearing until further notice pursuant to rule 121(7) of the Rules.¹⁰

11. On 29 October 2024, the Chamber issued the ‘Decision on the criteria for holding confirmation of charges proceedings in absentia’ (the ‘29 October 2024 Decision’),¹¹ determining *inter alia* that all requirements set forth in article 61(2)(b) of the Statute to hold a confirmation of charges hearing were met in the present case and instructing the Registry, once a new date for the confirmation of charges hearing would be set, to immediately undertake notification and outreach activities of the same nature, variety and range as the ones carried out in respect of the date initially set, to complete them within 30 days and to report to the Chamber within one week of their completion.

12. On 12 December 2024, the Chamber issued the ‘Decision Setting the Date of the Confirmation of Charges Hearing and Related Time Limits’,¹² setting 9 September 2025 as the date for the confirmation hearing and instructing the Registry to: (i) commence its outreach and notification activities regarding the new date of the commencement of the confirmation of charges hearing, as of 6 January 2025; (ii) complete these activities by no later than 7 February 2025; and (iii) report to the Chamber by no later than 14 February 2025.

13. On 14 February 2025, the Registry submitted a report detailing the outreach activities and the notification efforts carried out in respect of the new date of the confirmation of charges hearing (the ‘14 February 2025 Registry Report’).¹³

II. SUBMISSIONS

14. In the 14 February 2025 Registry Report, the Registry indicates having carried out notifications efforts and outreach activities of the same nature, variety and range as those conducted in relation to the original date of the confirmation hearing, as set by

¹⁰ [Decision Postponing the Confirmation of Charges Hearing](#), ICC-02/04-01/05-526, public.

¹¹ [ICC-02/04-01/05-532](#), public.

¹² [ICC-02/04-01/05-539](#), public.

¹³ [Registry’s Report on the Implementation of Pre-Trial Chamber III’s “Decision Setting the Date of the Confirmation of Charges Hearing and Related Time Limits” dated 12 December 2024 \(ICC-02/04-01/05-539\)](#), ICC-02/04-01/05-563, public, with annex I, confidential, and annex II, confidential and *ex parte*, only available to the Registry and the Prosecution. Public redacted versions of annex I and II were filed on 17 February 2025, [ICC-02/04-01/05-563-AnxI-Red](#) (‘Annex I to 14 February 2025 Registry Report’) and [ICC-02/04-01/05-563-AnxII-Red](#). (‘Annex II to 17 February 2025 Registry Report’).

Pre-Trial Chamber II (15 October 2024), on the basis of the Registry Plan for Outreach and Notification, with additional outreach activities engaging with the media, and focusing on the new date of the confirmation hearing.¹⁴ More specifically, it reports having initiated and conducted, between 6 January and 7 February 2025, a wide-ranging mass-media campaign, utilising social media platforms and conducting targeted and informative face-to-face meetings with relevant individuals, communities and stakeholders in both northern Uganda, with a focus on strategically significant locations with strong links to Mr Kony, where his affiliates and members of his network are and/or have been known to reside, and in the Central African Republic (the ‘CAR’).

15. It indicates that the new date for the confirmation hearing was included in the following outreach activities: (i) pre-recorded messages broadcast on a mix of national and local radio channels, in relevant local languages;¹⁵ (ii) several interactive live programmes, reaching an estimated population of eight million people across the Acholi, Lango, West Nile sub-regions in northern Uganda, and border area of Southern Sudan and the Democratic Republic of Congo;¹⁶ (iii) interaction with journalists;¹⁷ (iv) a radio campaign in the CAR, focusing on relevant locations;¹⁸ (v) publication of a Q&A paper, addressing the most frequently issues expressed by the public regarding the current proceedings, in key national and local newspapers, both in their paper and online versions, widely shared on platforms relevant to civil society, legal and academic communities, victims’ associations and media groups;¹⁹ (vi) engagement with relevant clan and communities leaders in northern Uganda through face-to-face meetings to share the information via word of mouth, as one of the most effective means to reach Mr Kony;²⁰ (vii) engagement with representatives involved in the transitional justice process in the region;²¹ (viii) use of the ICC social media platforms;²² (ix) supplementation of the dedicated page on the ICC website, adding all new relevant documents in relation to the case.²³ According to the Registry, both the available data

¹⁴ [Annex I to 14 February 2025 Registry Report](#), para. 2.

¹⁵ [Annex I to 14 February 2025 Registry Report](#), paras 11-12.

¹⁶ [Annex I to 14 February 2025 Registry Report](#), paras 13-16.

¹⁷ [Annex I to 14 February 2025 Registry Report](#), para. 17.

¹⁸ [Annex I to 14 February 2025 Registry Report](#), para. 18-19.

¹⁹ [Annex I to 14 February 2025 Registry Report](#), paras 20-26.

²⁰ [Annex I to 14 February 2025 Registry Report](#), paras 27-31.

²¹ [Annex I to 14 February 2025 Registry Report](#), paras 32-35.

²² [Annex I to 14 February 2025 Registry Report](#), paras 36-37.

²³ [Annex I to 14 February 2025 Registry Report](#), paras 38-39.

relating to the attendance to and participation in the various initiatives and estimates as regards their individual and overall reach suggest that several million people were potentially able to access the information.²⁴ Finally, the Registry indicates that it will continue with its regular outreach activities in the present case (*e.g.* radio broadcasts in Uganda and the CAR) and that the information displayed in the ICC website will remain available on a permanent basis and updated as proceedings progress.²⁵

16. Furthermore, the Registry indicates that it transmitted the Chamber's decision setting the new date of the confirmation hearing to the authorities of Uganda, the CAR and South Sudan for their information and further dissemination.²⁶

III. DETERMINATION

17. The Chamber recalls its 29 October 2024 Decision, in which it determined that the notification efforts and outreach activities carried out by the Registry to inform Mr Kony of the former date set for the commencement of the confirmation hearing (15 October 2024), as detailed in the 28 March 2024 Registry Report, were 'adequately extensive, as well as appropriately focussed and targeted on relevant audiences and geographical areas'.²⁷ As such, the Chamber considered these efforts to have satisfactorily fulfilled the requirement that 'all reasonable steps' be taken to try to inform Mr Kony of the date of the confirmation hearing, pursuant to article 61(2)(b) of the Statute.²⁸

18. In its 29 October 2024 Decision, in anticipation that a new date for the commencement of the confirmation hearing would be set, the Chamber instructed the Registry to 'undertake and carry out notification efforts and outreach activities of the same nature, variety and range' as those carried out in respect of the original date set for the commencement of the confirmation hearing (15 October 2024), once the new date was scheduled.²⁹ The Chamber further indicated that it expected these activities to have the same features and be conducted along modalities already found adequate,

²⁴ [Annex I to 14 February 2025 Registry Report](#), para. 10.

²⁵ [Annex I to 14 February 2025 Registry Report](#), para. 44.

²⁶ [Annex II to 14 February 2025 Registry Report](#), para. 2.

²⁷ [29 October 2024 Decision](#), para. 64.

²⁸ [29 October 2024 Decision](#), para. 65.

²⁹ [29 October 2024 Decision](#), para. 70.

and that, accordingly, it would not address the legal requirement anew, but only consider the adequacy of the measures taken, unless specific issues arising from the Registry report required otherwise.³⁰

19. The Chamber considers that the notification efforts and outreach activities conducted by the Registry to inform Mr Kony of the new date set for the commencement of the confirmation hearing (9 September 2025), as indicated in the 14 February 2025 Registry Report, replicate those carried out with respect to the former date set for the hearing (15 October 2024). Indeed, the nature, variety and range of said activities mirror those already found adequate by the Chamber in its 29 October 2024 Decision, in some instances increasing in number and reaching larger audiences.³¹ The Chamber further notes the Registry's indication that it followed a more focused approach in the CAR by choosing 'key local community radios in locations where it is believed there are communities close to Mr Kony',³² as well as the additional activity of engaging with the media with a specific focus on the 9 September 2025 date.³³

20. Having found that the notification efforts and outreach activities conducted by the Registry to inform Mr Kony of the new date set for the commencement of the confirmation hearing mirror those carried out in respect of the date originally set, and found adequate by the Chamber in its 29 October 2024 Decision, the Chamber determines that the third and final requirement of article 61(2)(b) of the Statute has been met in respect of the date of the hearing (9 September 2025).

³⁰ [29 October 2024 Decision](#), para. 70.

³¹ Compare [Annex I to 14 February 2025 Registry Report](#), para. 10 with [Annex I to the 28 March 2024 Registry Report](#), para. 11. For instance, pre-recorded messages in the form of short radio programmes rose from 320 to 430; the number of community members and stakeholders engaged in meetings surged from 622 to 875; and the updated ICC website, which had previously received 812 page views by 600 visitors, received 2,022 page views by 1,451 visitors in the period between 6 January and 7 February.

³² [Annex I to 14 February 2025 Registry Report](#), para. 6. See also paras 18-19.

³³ [Annex I to 14 February 2025 Registry Report](#), para. 2. See also para. 17.

FOR THESE REASONS, THE CHAMBER HEREBY

FINDS that the requirement that all reasonable steps are taken to inform Mr Kony of the new date of the confirmation hearing, as set in article 61(2)(b) of the Statute, is met.

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



Judge Althea Violet Alexis-Windsor

Presiding Judge



Judge Iulia Antoanella Motoc



Judge Haykel Ben Mahfoudh

Dated this Thursday, 13 March 2025

At The Hague, The Netherlands.