

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original:

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

Date: 22 April 2025

PRE-TRIAL CHAMBER III

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

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

Public

Prosecution's response to the Defence's request for leave to reply

Source: Office of the Prosecutor

Document 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

M. Zavala Giler, Osvaldo

☐ Counsel Support Section

☐ Victims and Witnesses Unit

☐ Detention Section

☐ Victims Participation and
Reparations Section

☐ Other

I. SUBMISSIONS

1. The Defence's request for leave to reply,¹ in response to the submissions of the Prosecution² and Legal Representative for the Victims Representatives ("OPCV")³ on the Defence's request for reconsideration of the "Decision on the criteria for holding confirmation of charges proceedings *in absentia*,"⁴ should be dismissed.
2. All four of the issues identified as arising from the Prosecution's and OPCV's responses could reasonably have been anticipated by the Defence, and the proposed reply is not necessary for the Chamber's adjudication of the matter. The proposed submissions are merely supplementing or further elaborating arguments already set out in the Request for Reconsiderations. Allowing a reply in these circumstances would unnecessarily prolong the proceedings.
3. In particular, on the *first* issue both Prosecution and OPCV have shown that the information was largely publicly available and could thus have been advanced by the Defence at an earlier stage, within the generous timelines granted by the Chamber.
4. In relation to the *second* issue, the Prosecution merely argued that "it is important to consider these statements in their proper context," and "that this information is at most only potential support for the Defence's own claims."⁵
5. On the *third* issue, given the Chamber's decision,⁶ various submissions by the Registry,⁷ as well as figures from the *Ongwen* case,⁸ the Defence could have reasonably anticipated that a high number of victims is likely to participate in these proceedings.

¹ ICC-02/04-01/05-590-Conf ("Request").

² ICC-02/04-01/05-587.

³ ICC-02/04-01/05-588.

⁴ ICC-02/04-01/05-532 ("Request for Reconsideration").

⁵ ICC-02/04-01/05-587, para. 6.

⁶ ICC-02/04-01/05-540.

⁷ ICC-02/04-01/05-500, para. 12-13; ICC-02/04-01/05-505, para. 12.

⁸ ICC-02/04-01/05-588, para. 30.

6. Similarly, on the *fourth* issue, it could have been reasonably anticipated that the Prosecution would inform the Chamber of information available to Counsel before filing his request for reconsideration.
7. Further submissions on these issues are not required to adjudicate the request for reconsideration.

II. RELIEF SOUGHT

8. The Prosecution respectfully requests the Chamber to dismiss the Defence's request for leave to reply.

A handwritten signature in blue ink, consisting of a stylized 'K' followed by a horizontal line and a dot.

Karim A. A. Khan KC, Prosecutor

Dated this 22nd day of April 2025
At The Hague, The Netherlands