

ANNEX 19

PUBLIC

From: Pre-Trial Chamber III Communications
Sent: 19 July 2024 16:01
To: [REDACTED]; OTP Kony Communications; Kony LRV Team OPCV
Cc: [REDACTED]; [REDACTED]; Pre-Trial Chamber III
 Communications; Chamber Decisions Communication; Court Management-
 Court Records; Associate Legal Officer-Court Officer
Subject: ICC-02/04-01/05 - Order regarding the Issues for the Status Conference –
 Public

[ICC] RESTRICTED

Dear Defence, Prosecution, and OPCV,

The Single Judge observes that some of the proposed topics for the status conference have already been addressed in written submissions provided by the Prosecution and the OPCV, while the Defence has been specifically ordered to provide its observations or a response to these topics in written form. So as not to unnecessarily duplicate submissions or allow for multiple rounds of submissions, the following matters shall not be addressed at the status conference, namely: (i) the feasibility assessment regarding the request for an in situ hearing; and (ii) the redactions protocol and protocol on confidentiality. Once the Defence's responses have been received, a written decision will be issued on these matters.

The Single Judge further observes that the Prosecution is requesting guidance on aspects related to the disclosure regime and the form of the pre-confirmation brief. Similarly, since the Defence has been ordered to provide its response to related matters in written form, these matters will not be addressed at the status conference. A written decision containing the Chamber's instructions related to disclosure as well as the Document Containing the Charges and any related documents will be issued in due course.

Therefore, the following topics shall be addressed at the status conference: (i) an update by the Prosecution on disclosure and the use of relevant electronic systems; (ii) the right to audience of members of the Defence team; (iii) the scope of legal representation in in absentia proceedings; and (iv) matters in relation to the participation of victims, provided that such matters are not already set out in the written submissions previously provided by the OPCV.

Best regards,
 Pre-Trial Chamber III, on behalf of the Single Judge

From: [REDACTED]
Sent: Tuesday, July 16, 2024 4:15 PM
To: Pre-Trial Chamber III Communications [REDACTED]
Cc: OTP Kony Communications [REDACTED]; [REDACTED]; Kony LRV Team OPCV
 [REDACTED]
Subject: Kony case: Consolidated list of issues for the status conference

[ICC] RESTRICTED

Dear Single Judge Alexis-Windsor, dear all,

The Defence, the Legal Representatives and Prosecution hereby respectfully provide a consolidated list of issues for the consideration of the Chamber, which we would tentatively like to address during the status conference scheduled for 23 July 2024.

1. **In-situ hearing on the confirmation of charges in absentia in Uganda:** The Defence, the Prosecution and the Legal Representatives would like to request a Registry *assessment on the feasibility* of conducting the confirmation hearing in situ pursuant to rule 100(2) of the Rules. Such assessment would be without prejudice to whether or when a hearing would be held in the coming months. Parties and participants' views could perhaps be integrated into the assessment in form of consultations by the Registry to streamline the process.
2. **Redactions protocol and Protocol on Confidentiality:** Defence agrees to application of two standard protocols.
3. **Disclosure:** The Prosecution would like to update the Chamber, Parties and Participants on Nuix and JWP as disclosure platforms. Furthermore, the Prosecution would like to seek guidance as to whether the practice regarding modalities of disclosure before PTC II is also accepted by PTC III, including on modalities such as the use of external disclosure notes.
4. **Pre-Confirmation Brief/ case summary:** The Prosecution would like to request some guidance from the Chamber as to formalities of such a document.
5. **Right to audience of members of the Defence team**
6. **Scope of legal representation for *in absentia* proceedings**
7. **Matters in relation to the participation of victims, including the Ongwen case victims**

Kind regards,

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