

ANNEX 3

PUBLIC

From: Pre-Trial Chamber III Communications <[REDACTED]>
Sent: 26 August 2025 09:43
To: D35 Kony Defence team
Cc: OTP Kony Communications; Kony LRV Team OPCV; Associate Legal Officer-Court Officer; Chamber Decisions Communication; Pre-Trial Chamber III Communications
Subject: ICC-02/04-01/05 – Single Judge Decision on the Defence request to partially address the Chamber in Acholi during the opening statements – public

Dear Counsel,

The Single Judge, having noted the Defence request for authorisation for one of its members to address the Chamber in Acholi for no longer than ten to fifteen minutes as part of the Defence opening statements, considers the request adequately justified within the meaning of article 50(3) of the Statute, in particular in light of the limited amount of time requested, the availability of interpretation from and into Acholi at the hearing and the fact that Acholi has been used throughout these proceedings as the appropriate language to ensure the maximum reach of the Court's activity in this case.

Accordingly, the Defence request is granted.

The Single Judge also considers it appropriate to reclassify the Defence email request, the Prosecution and the CLRV responses as public.

Thank you and kind regards.

On behalf of Judge Alexis-Windsor, Single Judge

From: Kony LRV Team OPCV [REDACTED]
Sent: 26 August 2025 09:13
To: Pre-Trial Chamber III Communications [REDACTED]
Cc: Kony LRV Team OPCV [REDACTED]; OTP Kony Communications [REDACTED]; D35 Kony Defence team [REDACTED]
Subject: RE: ICC-02/04-01/05 – Defence enquiry regarding use of Acholi during the confirmation of charges hearing – confidential

[ICC] CONFIDENTIAL

Dear All,
 The CLRV supports the Prosecution's position.

Kind regards,
 CLRV KONY Team

From: OTP Kony Communications <[REDACTED]>
Sent: 21 August 2025 15:02
To: D35 Kony Defence team <[REDACTED]>; Pre-Trial Chamber III Communications

<[REDACTED]>

Cc: OTP Kony Communications <[REDACTED]>; Kony LRV Team OPCV

<[REDACTED]>

Subject: RE: ICC-02/04-01/05 – Defence enquiry regarding use of Acholi during the confirmation of charges hearing – confidential

[ICC] CONFIDENTIAL

Dear Pre-Trial Chamber, dear all,

The Prosecution defers to the Chamber but respectfully submits that the following aspects should be considered.

The working languages of the Court are French and English (article 50) and that with good reason. Counsel taking part in the hearing are all admitted to the List of Counsel of the ICC, or at minimum in the process of being admitted, where proficiency in one of the two working languages is a requirement. While the Statute and Rules foresee the possibility for the Chamber to allow a party to use a language other than English or French such authorisation must be adequately *justified* (article 50(3)).

In this regard, the Defence submission, that Acholi is the nominal language Mr Kony speaks, is irrelevant in the Prosecution's view as he is not present. Further, from the evidence, Mr Kony speaks and understands English as well. Before taking a decision, the Prosecution respectfully submits that clarification should be sought from the Registry whether a party addressing the court in Acholi would be adequately understood by people speaking Lango or Ateso languages or whether additional interpretation and logistical efforts would be required for the Court's effective outreach. Further, as the French is also a working language of the Court, it would not seem sufficient to only have Acholi to English translation in the court room, but the Court would also need to offer Acholi to French. If additional resources and logistical efforts have to be made to accommodate the request, this would have a bearing on the factors to be weighed by the Chamber.

Kind regards, OTP KONY Team

From: D35 Kony Defence team <[REDACTED]>

Sent: 20 August 2025 18:05

To: Pre-Trial Chamber III Communications <[REDACTED]>

Cc: OTP Kony Communications <[REDACTED]>; Kony LRV Team OPCV

<[REDACTED]>; D35 Kony Defence team <[REDACTED]>

Subject: ICC-02/04-01/05 – Defence enquiry regarding use of Acholi during the confirmation of charges hearing – confidential

[ICC] CONFIDENTIAL

This email is classified as confidential as it contains information on Defence team members.

Dear Pre-Trial Chamber,

The Defence respectfully writes with regard to the upcoming confirmation of charges hearing in the *Kony* case.

We wondered whether it would be acceptable to the Chamber and the other parties and participants if Counsel Anyuru addressed the Chamber in Acholi which of course is the nominal language of the suspect,

as well as that of the many northern Ugandans who will be watching live streams organised by the Court's outreach section.

It is anticipated that this address will last no longer than ten to fifteen minutes and will form part of the Defence opening statement. CMS has already confirmed that simultaneous interpretation from Acholi into English will be available.

Whilst we appreciate that Acholi is not an official or working language of the Court or this case, we would hope in the unusual circumstances that obtain that this course of action would excite no objection.

Sincerely,
Kony Defence Team

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