

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 21 June 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

With Confidential Annex II and Public Annexes I, III and IV

**Notification of the Appointment of Mr Peter Haynes KC as Counsel for
Mr Joseph Kony**

Source: The Registry

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

The Office of the Prosecutor

Mr Karim A. A. Khan
Mr Mame Mandiaye Niang
Ms Leonie von Braun

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**

Ms Paolina Massidda
Ms Sarah Pellet

**The Office of Public Counsel for the
Defence**

Ms Marie O'Leary

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Mr Osvaldo Zavala Giler

Counsel Support Section

Mr Juan A. Escudero

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

Mr Peter Haynes KC

I. Introduction

1. The Registry hereby informs Pre-Trial Chamber III (“Chamber”) that Mr Peter Haynes KC (“Mr Haynes”) has been appointed as counsel to represent the rights and interests of Mr Joseph Kony (“Mr Kony”) during the confirmation process and the confirmation hearing before the Court. The said appointment was confirmed by letter dated 21 June 2024.

II. Classification

2. In accordance with regulation 23 *bis*(2) of the Regulations of the Court (“RoC”), Annex II to the present submissions is classified as confidential, as it contains confidential information related to the appointment of Mr Haynes and his private contact details.

III. Applicable Law

3. The following provisions are of particular relevance to the present submissions: articles 43 and 67(1)(d) of the Rome Statute, rules 21 and 22 of the Rules of Procedure and Evidence, regulations 23*bis*, 67 of the RoC, regulations 123(1) of the Regulations of the Registry and articles 5, 11, 12, 16 and 22(3) of the Code of Professional Conduct for counsel (“Code”).

IV. Submissions

4. On 4 March 2024, Pre-Trial Chamber II instructed the Registry “to commence the process of selection of counsel to represent the rights and interests of Mr Kony during the confirmation process and the confirmation hearing, should this take place in Mr Kony’s absence”.¹

¹ Pre-Trial Chamber II, “Second decision on the Prosecution’s request to hold a confirmation of charges hearing in the *Kony* case in the suspect’s absence”, 4 March 2024, ICC-02/04-01/05-481, para. 15.

5. On 25 March 2024, the Registry submitted its report to the Chamber, in which it proposed the process on the selection of counsel for Mr Kony.²
6. On 2 May 2024, the Chamber “[authorised] the Registry to implement the [selection procedure] within, at the most, six weeks from the date of the present decision” (“2 May 2024 Decision”).³
7. On 14 June 2024, the Registry submitted a report pursuant to the 2 May 2024 Decision (“Registry Report”), in which it provided the recommendation for counsel for Mr Kony.⁴
8. On 19 June 2024, the Chamber “[instructed] the Registry to immediately finalise the appointment of counsel for Mr Kony in accordance with the recommendation contained in the Registry Report and to complete all related formalities, in particular the required rights of access to the materials in the present case.”⁵
9. On 21 June 2024, following Mr Haynes’s acceptance of the mandate, as required by article 11 of the Code,⁶ the Registry formalised his appointment as counsel to represent the rights and interests of Mr Kony during the confirmation proceedings.⁷
10. Mr Haynes has executed the solemn undertakings as required under the Code, which remain valid throughout the proceedings before the Court.⁸

² Registry, “Registry’s Report on the implementation of ‘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)”, 25 March 2024, ICC-02/04-01/05-488.

³ Decision on the Procedure, para. 26.

⁴ Registry, “Registry’s Report on the implementation of “Decision on the Procedure for Appointing Counsel” dated 2 May 2024 (ICC-02/04-01/05-499)”, 14 June 2024, ICC-02/04-01/05-501 (“Registry Report”).


⁵ Pre-Trial Chamber III, “Order to Appoint Counsel”, 19 June 2024, ICC-02/04-01/05-502, para. 5.

⁶ Public Annex I.

⁷ Confidential Annex II.

⁸ Public Annex III.

11. Mr Haynes confirmed to the Registry that he does not have impediments to the representation of Mr Kony in the proceedings before the Court or a conflict of interest in accordance with articles 12 and 16 of the Code.⁹



Marc Dubuisson, Director, Division of Judicial Services
on behalf of Osvaldo Zavala Giler, Registrar

Dated this 21 June 2024

At The Hague, The Netherlands

⁹ Public Annex IV.