Public Annex A

Ongwen Case

Violation of Mr Ongwen's Right to Counsel and of His Right to Remain Silent

PTC II issued warrant of arrest against Mr Ongwen, and requests to Uganda and the Central African Republic (CAR) for the arrest and surrender of Mr Ongwen to the ICC.

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ICC Registry appointed Ms Hélène Cissé as duty counsel to represent Mr Ongwen before the Court by letter dated 12 Jan 2015.

In the letter, the Registry informed Ms Cissé that her mandate requires her to assist Mr Ongwen between 12-14 Jan 2015 in Bangui, CAR.

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At the UPDF Operational HQ in Obo, CAR, Mr Ongwen was provided with multiple documents. UPDF Commander of anti-LRA ops informed him that he is an ICC indictee, being held on charges of war crimes. He was asked to sign a document with his thumbprint (at least two documents were signed).

No legal representation was made available to Mr Ongwen during this process (UGA-OTP-0283-1449).

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On 20 Jan 2015, the Registry delegation left Bangui with Mr Ongwen and arrived on 21 Jan 2015 at Rotterdam Airport.

Mr Ongwen was transferred from the airport to the ICC-DC on the same day.

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8 July 2005

27 Dec 2014 to 6 Jan 2015

12 Jan 2015

14 Jan 2015

16 Jan 2015 (Obo, CAR) 16 Jan 2015 (Bangui, CAR) 20-21 Jan 2015

26 Jan 2015 & 24 Feb 2015

Mr Ongwen <u>escaped</u> from the LRA and voluntarily surrendered to a rebel group called Aboro. Aboro surrendered him to Janjaweed. Janjaweed handed Mr Ongwen over to Séléka rebels, who then transferred him to the US Special Forces' custody.

Mr Ongwen <u>remained</u> in the custody of the US Special forces for approximately eight days (6-14 Jan 2015).*

Mr Ongwen was <u>transferred</u> from the custody of the US Special Forces to the custody of UPDF authorities at the UPDF Operational HQ in Obo, CAR.

No legal representative or counsel was made available to Mr Ongwen at this time.

At 17.55h: Mr Ongwen <u>arrived</u> in Bangui and was handed to the CAR authorities by the UPDF/AU forces. CAR authorities <u>identified</u> Mr Ongwen, <u>notified</u> to him the arrest of warrant, and <u>questioned</u> him as to his voluntary surrender.

At 18.35h: CAR authorities handed Mr Ongwen to the ICC officials. At this point, Mr Ongwen was for the first time <u>asked</u> whether he would want the assistance of a lawyer. Following this, Mr Ongwen was <u>introduced</u> to his duty counsel, Ms Cissé.

On 26 Jan 2015, Mr Ongwen made his first appearance before PTC II.

On 24 Feb 2015,
Appointment of lead
counsel Mr Krispus
Ayena Odongo lead
Termination of Ms
Cissé as duty counsel.

^{*} See Registry's Confidential Report on Mr Ongwen's arrest and transfer to the Court: ICC-02/04-01/15-189-Conf-Anx10.