Public Annex C

A complete translation of the Confirmation

Ongwen Case

Mr Ongwen's Illegal Plea and Violation of His Right to Translation

Decision was, however, <u>notified</u> to Mr Ongwen and his Defence on 15 Jan 2018. However, on 13 Dec 2017, a complete When Mr Ongwen entered the plea translation of the CoC Decision into Acholi was before TC IX, he had not been registered on the record (after 630 days from its PTC II rejected the provided with a complete translation Prosecution filed of the CoC Decision in Acholi.* issuance in English). Defence request the Document for leave to appeal Containing the On 20 Feb 2018, a translation of J. TC IX held that "Mr Ongwen did not the CoC Decision. Charges, including Brichambaut's Separate Opinion was registered give an unqualified affirmation that he the Acholi on the record and notified to Mr Ongwen (after understood the charges". (J. Brichambaut translation. 623 days from its issuance in English). Dissenting) マケ 13 Dec 2017 (15 Jan 2018) 29 March 2016 11 Dec 2017 & 21 Dec 2015 23 March 2016 & 6 July 2016 8 Jan 2018 24 Jan 2018 6 Dec 2016 20 Feb 2018 29 April 2016 10 Jan 2018 42 On 11 Dec 2017 and 8, 10 Jan TC IX dismissed the three Defence objected to PTC II PTC II held the Confirmation of 2018, the Defence filed three Defence requests to make that lead counsel Ayena Charges hearing on 21-27 Jan objections to TC IX that "[t]o findings on fair trial Odongo was not Mr Ongwen's 2016, and confirmed charges date Mr Ongwen has not been violations in respect to lack of official interpreter and should against Mr Ongwen. No Acholi provided with a complete notice and Acholi translation. not be consider as a substitute translation of the CoC Decision. translation in Acholi of the Acholi translator to ensure Mr ENG version of J. Ongwen's fair trial rights to Confirmation of Charges Brichambaut's Separate decision issued in March 2016". notice and translation. Opinion was provided to the Defence on 6 June 2016).

*Only part of the CoC Decision had been translated (up to para. 145 which was at p.64 in a 104-page long document. The 'operative part' of the CoC Decision (i.e. recitation of the charges from the Document Containing the Charges) is not identical with the <u>Document Containing the Charges</u> filed by the Prosecution on 21 Dec 2015, and read by Mr Ongwen prior to the confirmation hearing in January 2016 (see <u>ICC-02/04-01/15-T-20-ENG</u>, p. 6, lines 9-14). The 'operative part' of the Confirmation Decision contains certain modifications. At least one of them is a modification in terms of the dates of charged crimes, which is a specific element of the notice requirement, see <u>CoC Decision</u>, para. 158, and <u>Decision on Defence Request for Findings on Fair Trial Violations Related to the Acholi Translation of the Confirmation Decision</u>, para. 7.