

LUBANGA DYILO

INFORMAL WEEKLY SUMMARY
APRIL 11TH - APRIL 15TH 2011



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| Situation Case | Democratic Republic of Congo 01/04-01/06 The Prosecutor vs. Thomas Lubanga Dyilo | <i>du Congo</i> (FPLC), since September 2002 and at least until the end of 2003; Alleged President of the UPC. |
| Hearing Chamber | Trial Proceedings Trial Chamber I: Judge Sir Adrian Fulford (Presiding Judge), Judge Odio Benito and Judge Blattmann | Alleged crimes: <u>Thomas Lubanga Dyilo</u> is allegedly responsible, as co-perpetrator of 3 war crimes: |
| Parties: | OTP: Ms. Bensouda, Mr. Sachdeva, Ms. Samson, Ms. Struyven and team Defence: Ms. Mabilie, Mr. Desalliers, Mr. Biju-Duval and team | <ul style="list-style-type: none"> ○ Enlisting and conscripting children under the age of 15 years into the FPLC and using them to participate actively in hostilities in the context of an international armed conflict from early September 2002 to 2 June 2003 (punishable under article 8(2) (b) (xxvi) of the Rome Statute; ○ Enlisting and conscripting children under the age of 15 years into the FPLC and using them to participate actively in hostilities in the context of an armed conflict not of an international character from 2 June 2003 to 13 August 2003 (punishable under article 8(2) (e) (vii) of the Rome Statute). |
| Participants: | 120 victims represented by Legal Representatives for Victims and OPCV. | |
| <p>Thomas Lubanga Dyilo: born in 1920 in Djiba, Ituri district, Eastern Province; National of the DRC; Alleged founder of <i>Union des Patriotes Congolais</i> (UPC) and the <i>Forces Patriotiques pour la liberation</i></p> | | |
| | | Start of Trial: 26 January 2009 |

This week, the last Defense Witness concluded testimony, meaning that the evidence phase of the Lubanga trial came to completion. Four witnesses testified:

Witness 11 - Mr. Michel Angayika Baba, was Mr. Lubanga's Private Secretary in the UPC.

Witness 7 - Mr. Origen Lokana Nyamutale Katekpa was a coordinator of multiple self defence committees in the Ituri region between the period of 1999 and 2004.

Witness 37 - Mr. Pierre Zuto Munji, was an officer in charge of administrating a platoon within the UPC army in 2002. He joined the FPLC in 2002 where he exercised various military functions throughout the period of 1999-2004, including, Secretary for the General Chief of Staff responsible for Operations in the FPLC, Commander Bosco Ntaganda.

Witness 19 - Mr. Meteso Lomba is the Chief of Lopidi Avenue. His role is to promote peace amongst different communities of his neighbourhood by helping resolve conflicts and advising people during a conflict.

April 11th 2011 - No hearing.

April 12th 2011 - The Prosecution completed its cross-examination of **Witness 11**, Mr. Michel Angayika Baba. **Witness 7**, Mr. Origen Lokana Nyamutale Katekpa was sworn in and the Defence began its examination-in-chief.

The Prosecution finished questioning the witness regarding matters of a UPC rally in 2003. The witness confirmed that there were **children** at the rally but would not confirm that they were part of the UPC.

Witness 7 was sworn in and the Defence began its examination-in-chief:

- **Presence of Minors:** The witness alleged self-defence committees did not take account of age when recruiting members.
- **Meeting with Lubanga:** Lubanga held a meeting with the witness, members of the UPC and the self defence committees because he wanted to “establish criteria [restricting] children from carrying firearms and participating in fighting”. The self defence committees allegedly agreed to disarm all children.

During the cross-examination by the Prosecution, Witness 7 provided insight on:

- The witness testified that he was the **coordinator** of self defence committees of the Hema ethnic group.
- **UPC training:** The witness could not confirm whether the UPC trained self defence groups but confirmed that young boys from villages underwent training at UPC training camps, but none were under the age of 15. The witness admitted however that he was not present when villagers were recruited for UPC training camps.
- **UPC:** The witness testified that the UPC did not fight alongside self defence groups in the attacks on Hema villages.

The Legal Representatives for Victims did not have any questions.

April 13th 2011 - Witness 37, Mr. Pierre Zuto Munji was sworn in.

During the Defence’s examination-in-chief the witness provided insight on:

- **Witness’ departure from the APC:** The witness testified he was a member of the APC from 2000, but eventually left the APC because when the fighting intensified against the Hema community, the Hema soldiers within the APC were subjected to inhumane treatment. After a while, the witness joined a group that was created in Mandrow in order to defend the Hema community. This group was eventually come to be known as the FPLC (the armed wing of the UPC).
- **The Witness' Position within the FPLC:** The witness testified that his position within the FPLC was Secretary to the General Chief of Staff responsible for operations (Commander Bosco Ntaganda). In this role the witness was responsible for drafting letters and documents and orders. The witness then indicated that after July 2003, he was appointed the Head of G1.

The Prosecution began its cross-examination of the witness who provided further insight on:

- **Structure of the Central Staff of the FPLC:** the witness testified that the main staff of the FPLC was composed of a department for administration (known as G1), department for Intelligence (G2), department for operations (G3), department for logistics (G4), and a department for moral and discipline (G5). These departments were all ultimately answerable to the Chief of Staff General

This is a very informal summary. Please note we were unable to verify the spelling of some of the persons and locations mentioned. Please do not forward without prior consent from CICC staff.

Kisembo. The witness then indicated he had joined the FPLC in 2002, but back then the FPLC did not yet exist, it was only known as a force in Mandrow. It was only when the RCD-KML was chased out of Bunia that the commanders concluded with the UPC on the creation of the FPLC.

- **Minors in military groups:** The witness testified that he was unaware of the presence of minors in military groups.
- **Documents concerning Children:** The witness testified that when he had drafted a document with the term "children", the term referred to people under the age of 18.
- **Presence of minors:** The witness confirmed that there were people under the age of 18 who were recruited within the FPLC but stated that it was "too difficult to say" whether any of them were under the age of 15. The witness admitted that he never had the chance to visit the training camps and denied that Bosco Ntaganda had children less than 15 years of age in his entourage.
- **Documents of disarmament of children:** The witness denied that such documents were drafted to allay the concerns of the international community.
- **Lubanga's recruitment:** The witness denied that Lubanga recruited children to go to UPC training camps.

April 14th 2011 - The Prosecution completed its cross-examination of **Witness 37**. **Witness 19**, Mr. Meteso Lomba was sworn in and the Defence began its examination-in-chief.

Witness 19 was sworn in and the Defence began its examination in chief:

- **Document of the village population:** The witness explained that every 6 months, he drafts a document/list detailing all the people from his neighbourhood. He mentioned children on the list and insisted that no children on the list were ever recruited as child soldiers.

The rest of the day was spent in private session.

April 15th 2011 - The Prosecution cross-examined **Witness 19**

The Prosecution began its cross examination of Witness 19:

- **Training program for demobilised youth:** The witness stated he participated in a seminar for sensitizing young people about recruitment of child soldiers.
- **Age of demobilised youth:** The witness refused to confirm that some of the demobilised youth from the UPC were 12, 13 and 14 years old.
- **Training Camps:** The witness admitted that he never had the opportunity to visit any UPC military training camps.

April 18th 2011 - The Defense counsel questioned **Witness 19**

Witness 19 finished giving evidence in private session.