

THOMAS LUBANGA DYILO

INFORMAL SUMMARY

CLOSING ORAL STATEMENTS

25TH & 26TH AUGUST 2011



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. Mabille, 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:	118 victims represented by Legal Representatives for Victims and OPCV.	
<p><u>Thomas Lubanga Dyilo</u>: 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

25th August 2011

The Prosecution presented its closing oral arguments and the Legal Representatives of Victims (LRVs) presented their closing observations

Presentation of OTP Closing Arguments

Deputy Prosecutor Ms. Fatou Bensouda summed up the key elements of the Prosecution case:

- Through the presentation of documentary and video evidence, the OTP has proved not only beyond any reasonable doubt, but beyond any possible doubt that Thomas Lubanga is guilty of war crimes.
- Mr. Lubanga, under a common plan, systematically recruited children under 15 for the UPC¹ and FPLC² and used them in hostilities. Children were trained in about 20 camps around Ituri and they were used to fight in conflicts, to kill, rape, and pillage throughout the 12-month period of the charges.
- The crimes committed required Mr. Lubanga's essential contribution in the planning and organisation as well as Mr. Lubanga's will for them to be executed.

¹ The *Union des Patriotes Congolais*, (UPC). English: The Union of Congolese Patriots, is a Hema armed rebel group in Ituri, northeastern Democratic Republic of the Congo of which Thomas Lubanga was an alleged founder

² The *Forces Patriotiques pour la libération du Congo* (FPLC) is commonly referred to as the armed wing of the UPC

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- During the trial, the OTP called 25 witnesses, 7 of whom were former members of the UPC/FPLC. Some witnesses were commanders, foot-soldiers, and 9 witnesses were former child soldiers.
- Most witnesses living in Ituri were protected by the Court, but some are exposed to retaliation. The trial helped witnesses to realise that they are not alone and that the failure to protect them would not be repeated.
- Mr. Lubanga had a fair trial which is a cornerstone of the ICC
- **Key Evidence: Rwampara Video** - in the video, filmed at the UPC/FPLC Rwampara training camp on 12 February 2002, Mr Lubanga makes a voluntary and public confession of the crimes and charges before the Court. The Prosecution submitted that this was a taped confession of Mr. Lubanga.
- The OTP evidence showed that girls were particularly singled out for abuse. They were either raped by fellow soldiers or were handed over to Lubanga's commanders as sexual slaves and forced to be wives to commanders.
- The OTP submitted that their evidence proves that Mr. Lubanga has individual responsibility for the crimes committed against the people of Ituri and that his conviction, will give justice to thousands of victims and will send a clear message that there will be no impunity for those who recruit children.

Ms. Nicole Samson (OTP) highlighted some of the testimonies and documents of the allegations that were presented as evidence by the OTP:

- Ms. Samson stated there was a deliberate and clearly conceived plan to enlist, conscript and use children under the age of 15 approved by Thomas Lubanga which reached hundreds of children across Ituri.
- Inside the largest of Thomas Lubanga's 20 military training camps, the Court heard that around 35 per cent of the recruits from an estimated 2500 to 5000 were under the age of 15.
- Recruitment happened at different places and different locations throughout the region over which the UPC/FPLC had control. The plan to recruit children took place at least between 24 September 2002 and 13 August 2003.
- One witness had explained that Mr. Lubanga had escorts under the age of 15 in his own body-guard. The witness explained that everyone in the UPC/FPLC had children as body-guards as a conscious choice.
- Ms. Samson submitted that children were victims of coercive recruitment campaigns and were conscripted. Former child soldiers had testified that they were abducted by UPC soldiers, trained and used to participate in hostilities.
- The UPC also allegedly conscripted children by forcing families to give up their children or face military punishments or fines. If parents did not send their children, it was at the risk of their own life.
- Ms. Samson submitted that children were violently trained and at the end of their training, they were given weapons and military uniforms.
- **Participation:** The OTP case submitted that active participation in hostilities does not only mean direct participation in combat. Active participation encompassed combat-related activities such as scouting, spying, being a messenger, and guarding military check-points.
- Children were also allegedly sent to arrest girls so that UPC commanders could sleep with them. This also constituted active participation in hostilities.

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- Ms Samson then spoke of the **reliability of the OTP's evidence**. She submitted that this could be shown through :
 - i. The testimony of critical insider witnesses and of those who worked closely and assisted child soldiers throughout Bunia and Ituri, including former child soldiers and former UPC/FPLC military commanders
 - ii. Video evidence where child soldiers and impartial witnesses have given evidence on the age of the children concerned in the videos.
 - iii. Several neutral witnesses and observers who had identified and assisted child soldiers and whose evidence was supported by contemporaneous documents.
 - iv. Scientific assessments of childrens' bone and dental growth and growth maturity corroborated by parents or by other witnesses had enabled an accurate assessment of childrens' ages.

- Ms Samson then submitted that the OTP's evidence was **credible**:
 - i. The Prosecution's witnesses inside the UPC held different and unrelated positions throughout the chain of command including soldiers, commanders and political officers. All of these witnesses described in detail that the UPC recruited and used children under the age of 15.
 - ii. NGO and UN witnesses were neutral observers and they recorded what they saw.
 - iii. The evidence of former child soldier witnesses was consistent on all material facts and the former child soldiers corroborated each other in their testimony, and this is corroborated by the 20 other witnesses

Judge Fulford asked for a point of clarification that if an individual was sent out to select young women for commanders to sleep with, whether that would constitute participating actively in hostilities. Ms. Samson submitted that the OTP was not saying that selecting young women by itself constituted participating in hostilities, but by looking at the position in the round, this would constitute active participation.

Mr. Manoj Sachdeva (OTP), submitted evidence of the **individual responsibility** of Thomas Lubanga including his **knowledge and intention** to commit the crimes.

- Mr Sachdeva submitted that Thomas Lubanga intended crimes to take place.
- Thomas Lubanga made an essential contribution to the realisation of the crimes through his leadership and functional control over the UPC/FPLC. The common plan to recruit child soldiers could only have been conceived and implemented if it was endorsed and willed by Thomas Lubanga.
- The OTP has submitted that the evidence showed that Thomas Lubanga had full **de facto control** over the UPC/FPLC as demonstrated by the following points:
 - i. Mr. Lubanga defined the strategy and made all final decisions in relation to the UPC/FPLC.
 - ii. Mr. Lubanga appointed his military commanders.
 - iii. Thomas Lubanga would hold regular meetings with his Chief of Staff, Floribert Kisembo and his Deputy Chief of Staff, Bosco.
 - iv. Mr. Lubanga was integrally involved in the planning of military operations in arranging the logistics and finance for military operations.

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- Thomas Lubanga was directly and personally involved in the commission of the crimes which demonstrates both his **intention and knowledge** to commit the crimes charged and his **essential contribution to their commission**. This can be demonstrated by:
 - i. Thomas Lubanga was personally involved in using children under the age of in his own personal protection unit.
 - ii. Thomas Lubanga personally took charge of all recruitment activities which were continuous and widespread.
 - iii. The video of Mr. Lubanga's address at the Rwampara training camp on the 12th of February, 2003 in full military attire demonstrates his knowledge and intention to commit the crimes. Thomas Lubanga is seen flanked by his top military commanders and he addresses an FPLC/UPC unit that included new recruits and children under the age of 15 in uniform. This amounts to an admission of responsibility for the crimes charged.
 - iv. The demobilisation orders issued by Thomas Lubanga were used as a cover-up for the crimes that were being committed before and after the decrees were issued and they show that Thomas Lubanga was on notice that there were child soldiers in his army.

Ms. Olivia Struyven (OTP) presented a summary of the videos that were presented as evidence to prove Thomas Lubanga's guilt.

- Ms. Struyven submitted that the videos shown in the trial show:
 - i. The absolute authority of Thomas Lubanga over the UPC and FPLC.
 - ii. That Thomas Lubanga's militia recruited and used children under 15.
 - iii. That Thomas Lubanga knew of, approved of and participated in the crimes.
- A video of Thomas Lubanga addressing the Rwampara training camp on 12th of February 2003 was shown.
- A video shot in June 2003 showing Thomas Lubanga addressing young people, whilst holding a Kalashnikov, to take up arms and to join the army.
- Videos from the 11th January and 5th June 2003 showed child soldiers at a public rallies attended by Thomas Lubanga.
- A video was shown of child soldiers escorting a UPC delegation who debriefed Thomas Lubanga on the 14th of January 2003.
- A video of armed child soldiers in uniform at Thomas Lubanga own office on the 24th of February was shown.
- Finally a documentary clip was shown with a child showing a journalist that he is capable of using heavy weaponry.

Mr. Tim McCormack (OTP Special Adviser on IHL) presented the OTP's position on the legal character of the armed conflict ongoing in the DRC and how the crimes were part of a national armed conflict. Mr. McCormack submitted:

- I. The conflict in which the UPC was engaged is properly characterised as a **non-international armed conflict** and that the Chamber should recharacterise the conflict as such.
 - The involvement of Rwanda, Uganda, and the Congolese government did not render the armed conflict international. An international armed conflict only

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- exists where the armed forces of two or more states are engaged in military hostilities against each other.
- Uganda's occupation has no consequence for the legal characterisation of the conflict.
 - On a factual basis, Uganda's occupation was limited to the area of the Bunia airport, and because of this highly limited territorial scope, the occupation could not have altered the character of the separate armed conflict occurring across a wide geographic area.

II. The **non-international armed conflict did not end in May 2003** with the withdrawal of Ugandan forces but continued at least until the end of the period of the charges.

Mr. Benjamin Ferencz concluded the OTP case by **analysing the gravity of child recruitment** and showing the gravity of Mr. Thomas Lubanga's crimes.

- Mr Ferencz alleged that Mr. Lubanga's command moved through as many as 20 training camps, some holding between up to 1600 children under 15.
- Mr Ferencz stated that words and figures could not adequately portray the physical and psychological harm inflicted on vulnerable children who were brutalised and who lived in constant fear.
- Mr Ferencz alleged that all girls recruited could expect to be sexually violated.
- Mr. Ferencz concluded by stating "Let the voice and the verdict of this esteemed global court now speak for the awakened conscience of the world".

Judge Odio Benito asked the Prosecution the question of how sexual violence is relevant to the case, and how the OTP expected the Trial Chamber to refer to the sexual violence allegedly suffered by girls if this is not described in the charges against Mr. Lubanga Dyilo. In response the Prosecutor submitted that ordering the abduction of girls, in order to rape them, amounts to an order to use children in hostilities.

Presentation of Victims Representatives Closing Arguments

The Office of Public Counsel for Victims (OPCV) and the Legal Representatives for Victims made their closing statements:

Ms Paolina Massidda (Principal Counsel OPCV) presented on behalf of the OPCV and victims in the case:

- Ms. Massidda stated that the Lubanga trial as the first trial at the ICC gave rise to tremendous expectations and hopes for victims. In particular, the hope of victims to be able to be heard and contribute to justice and truth.
- It was stated that overall the trial has fully satisfied victims' expectations.
- Victims also benefited from the possibility to present evidence regarding the guilt of the accused, to contest the admissibility or probative value of certain evidence and also the possibility to be able to participate in person in the trial itself.
- Ms. Massidda spoke of the categories of victims who participated in this trial: child soldiers who were recruited at a very early age, often under the age of 10 who were enlisted, forced to take part in military training in inhumane and degrading

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conditions and then forced to participate actively in hostilities, often in the front line. Ms. Massidda commented that the parents of child soldiers were also victims.

- Ms. Massidda stated that girls were also particularly victimised, and who, beyond traditional military tasks were used for sexual purposes and became sexual slaves for the UPC commanders.
- It was asserted that former child soldiers can only be considered as victims of crimes and can in no case be considered responsible for acts that they committed in that context.
- On the damage to former child soldiers, Ms Massidda stated that many participating children had suffered psychological damage as well as physical damage and a wide range of injuries from violent acts including sexual violence.
- Ms Massidda stated that many victims had often sacrificed their own security to participate in the proceedings and had relied on protective measures in order to testify.

Ms. Carine Bapita Buyangandu (LRV) presented three main points on the **historical context** of the conflict seen by the victims, the **training camps** and the ill-treatment of children under 15, and the **specific situation of girls** in training camps.

- Ms Bapita described the ill-treatment which children endured throughout their stay in training camps. In particular the extreme mistreatment and physical exercise which the child-soldiers endured.
- Ms. Bapita alleged that Children under the age of 15 were taught how to use fire weapons, to kill, to face death, and to loot.
- Allegedly, children in the training camps also raped and were raped.
- Ms Bapita concluded by emphasising the specific situation of girls in the training camps and their participation in the hostilities:
 - Girls under the age of 15 in armed groups underwent the exact same procedures and the same kind of training as boys.
 - Girls under the age of 15 were allegedly used as sexual slaves and were deflowered at a very early age.
 - Girls sometimes became pregnant and had unwanted children.
 - Girls were also allegedly used in armed operations, in particular as scouts, in looting operations, killing, and fighting.
 - Ms. Bapita stated that criminal acts carried out against girls under the age of 15 should be considered as aggravating circumstances to the crimes charged.

Mr. Paul Kabongo Tshibangu (LRV) presented on the **recruitment of children in practice and their participation in combat** as “cannon fodder”.

- Mr. Kabongo stated that to determine the type of recruitment applicable in the case, is necessary to review;
 - the evidence related to the acts required of the children;
 - the circumstances of the childrens’ enlistment and;
 - the circumstances under which the children were separated from their families and their communities.
- Mr Kabongo alleged that many children under the age of 15 were forced either at home, on their way to school, in school itself or even in the market to join the FPLC.

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- Other children under the age of 15 voluntarily joined the FPLC or were put at the disposal of that movement by their parents in response to an appeal for mobilisation launched by the UPC.
- Some of children joined the FPLC out of a desire to exact vengeance for the loss of a relative allegedly killed by militia groups fighting against the FPLC.
- In relation to participation of the child soldiers in combat, Mr. Kabongo stated that participating actively in combat does not only relate to direct participation in fighting.
- Other activities related to combat include reconnaissance, espionage, sabotage, the use of children as body-guards for commanders, scouts, errand boys or using children to man military check-points or to transport ammunition.
- Mr Kabongo alleged that after children were recruited and trained they participated at the front lines as “cannon fodder” in many battles in Ituri.

Mr. Joseph Keta Orwinyo (LRV) stated that the right to justice and truth was the primary concern of the victims when they sought to participate in proceedings at the ICC even though the Rome Statute also grants them the right to reparations.

- Mr Keta stated that the testimonies of his clients were reliable, because they were corroborated by the testimonies of other Defence witnesses and also were consistent in their nature.
- Mr. Keta also dismissed the Defence argument that his client victims had falsified their identities.

Mr. Franck Mulenda (LRV) commented on civil status registration in the DRC and the policies and expectations of the victims, as well as their experiences of the trials.

- Mr. Mulenda stated that civil status registration in the DRC is in an advanced stage of degradation and therefore it has been difficult to ascertain the status of certain victims, however, Mr. Mulenda provided a number of possible means which had been used to ascertain the civil status of a number of victims.
- Mr. Mulenda pointed out that in accepting to participate in trial the victims had taken a risk and a number of victims and witnesses had been threatened.
- Mr Mulenda continued that by being admitted into the protection programme of the court, victims and witnesses had seen their way of life severely affected.

Mr. Luc Walley (LRV) discussed the guilt and individual criminal responsibility of Mr. Lubanga:

- Mr Walley stated that many victims had dismissed the claim that Mr. Lubanga was a ‘human rights activist’ who had ‘resisted oppression’.
- Mr. Walley alleged that for the victims, Thomas Lubanga was a real and charismatic military leader, whose authority could not be challenged by anyone.
- Mr. Walley discussed the responsibility of Mr. Lubanga to prevent children under the age of 15 from participating in his militia. It was stated that Mr. Lubanga had the ultimate responsibility to prevent children under 15 from participating, and that Mr. Lubanga had knowledge of the presence of child soldiers in the UPC.
- Mr Walley stated that military commanders who undertake the recruitment of children below the age of 15 and encourage the participation in hostilities are responsible as co-perpetrators and not simply as accomplices.

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The Defence presented its closing oral arguments and Mr. Lubanga made an unsworn statement at the end of the closing submissions.

Presentation of Defence Closing Arguments

Ms. Catherine Mabilie presented on the reliability of the evidence presented by the Prosecution on the alleged crimes:

- Ms. Mabilie commenced by discussing the **two previous stays of proceedings**. One which was ordered because of a confidentiality agreement wrongly signed by the OTP, and the second which Ms Mabilie stated stemmed from the fact that the Prosecutor deliberately obstructed the implementation of a Court decision which ordered the disclosure of the identity of an OTP intermediary to the Defence team.
- Ms. Mabilie stated that, contrary to the claims of the OTP, existence of the crimes charged has not been proved beyond all reasonable doubt.
- Ms Mabilie alleged that **all the individuals presented as former child soldiers without exception lied** before the Chamber:
 - It was alleged that eight of them had never served within the ranks of the FPLC and the ninth of them was enrolled in 2003, and continually lied about his true age and the circumstances of his enlistment.
 - It was alleged that all the child-soldier witnesses lied about their age.
 - It was alleged that following Defence investigations, the claims by former child soldier witnesses as to their ages and that they had been abducted outside their schools were untrue and could not be substantiated. This could be shown by the Defence in many documents.
 - Ms. Mabilie stated that the Defence had called family members of witnesses who had testified before the Court who had told the Chamber that some witnesses had never served as child soldiers, or that parents whom it had been claimed had been killed were alive.
 - Ms. Mabilie alleged that the testimonies of the nine alleged child soldiers raised a large number of inconsistencies.
- That **Prosecution witnesses allegedly lied** was then discussed:
 - Ms. Mabilie alleged that certain witnesses may have been seduced by the prospect of receiving some financial gain or education or relocation.
 - Ms. Mabilie alleged that people 'protected by the seal of anonymity' and certain NGOs had asked witnesses to lie before the Court.
 - Intermediaries and 'operatives' of the OTP had allegedly prepared and manipulated witnesses to give false accounts before the Court.
- Ms Mabilie then discussed **intermediaries** and alleged that they had arranged for **false testimony** to be brought before the Court and had themselves lied when called to give testimony:

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- Intermediaries 316 and 321 were alleged to have given financial inducements to witnesses and arranged for false testimony by the witnesses.
- Intermediary 316 allegedly lied to the OTP on his activities and also allegedly lied before the Court when called to give testimony.
- Ms Mabilie alleged that the Congolese government intervened, directly or indirectly, in the investigations as well as in the judiciary process this could be shown as:
 - Intermediary 316 was allegedly a direct agent of the Congolese government and a person in a high level of authority in a governmental agency.
 - Two witnesses who were presented as former child soldiers came before the Court under a false identity, and the third witness who organised the false testimony, called by the LRVs, was a person in a high-level position within a party which supports President Kabila.
- Ms. Mabilie alleged that the Prosecutor did not carry out proper investigations and this could be evidenced because:
 - The Prosecution had an obligation to verify and test its own inculpatory evidence and to ensure the reliability of the information provided to the Chamber by its own witnesses, and the Defence alleges that this was not done.
 - An example was provided by the Defence of age verification, which the Defence stated had not been properly carried out by OTP investigators.
 - It was alleged that OTP investigators did not carry out the necessary investigations into child soldiers and their families.
 - Nor, it was alleged, did OTP investigators verify information in the schools from where children claimed they had been abducted.

Mr. Jean-Marie Biju-Duval discussed the **alleged individual criminal responsibility of Thomas Lubanga as a co-perpetrator**. It was alleged by the Defence that this criminal responsibility must be assessed in light of the DRC government's influence on the OTP.

- Mr Biju-Duval discussed Mr. Lubanga's role as a **co-perpetrator**.
 - Mr. Biju-Duval submitted that in only charging Mr. Lubanga as a co-perpetrator, despite other alleged co-perpetrators, serious doubt was cast on the impartiality of the Prosecution.
 - It was alleged that Floribert Kisembo (Chief of Staff of the FPLC) was the person directly responsible for the military wing of the FPLC and was one of the principal co-perpetrators. Allegedly however, Mr Kisembo had not been charged for political reasons.
- Mr Biju-Duval discussed Mr. Lubanga's alleged **individual criminal responsibility**.
 - Mr Biju-Duval submitted that Thomas Lubanga was not involved in the creation of the FPLC which acknowledged him as president at the beginning of September 2002.
 - It was strongly denied that Thomas Lubanga personally contributed to the organisation and leadership of the armed FPLC force that took over control of

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- Bunia in August 2002 and imposed the systematic enlistment of the children of Ituri.
- Mr. Lubanga's role in the FPLC in September 2002 was merely political. He was not needed in the FPLC to recruit children or continue military activities.
 - The Defence did not dispute that Thomas Lubanga was the political representative of the FPLC. However, the fact that he was the de jure the Commander-in-Chief did not make him liable for crimes committed.
- Mr. Biju-Duval then addressed the **orders which Thomas Lubanga was alleged to have given** to recruit children under 15.
 - It was stated that no orders were issued by Thomas Lubanga relating to the recruitment and training of soldiers because Thomas Lubanga did not intervene in military affairs with regard to recruitment or military operations.
 - It was submitted that the only instructions issued by Thomas Lubanga to military leaders concerned the prohibition of the recruitment of minors and demobilisation
 - Mr. Biju-Duval submitted that in videos allegedly showing Mr. Lubanga giving orders, his speeches were in fact only political - urging support for the UPC.
 - The allegation that Mr. Lubanga had **effective control** over the FPLC was then rejected by Mr. Biju-Duval.
 - It was submitted that Mr. Lubanga did not have effective control because soldiers only followed the orders of Thomas Lubanga if they agreed. If they did not agree, they took contrary action.
 - Mr. Biju-Duval stated that Mr. Lubanga's **individual responsibility**, arising from him **having created circumstances or conditions that were conducive to the perpetration of crimes and creating the risk that children may be enlisted**, was unfounded:
 - Thomas Lubanga was only concerned with the restoration of peace, which carried an inherent risk that children under the age of 15 would successfully attempt to enlist themselves in the FPLC.
 - Thomas Lubanga 'took up the challenge of peace'. He organised meetings in Bunia, in the villages and everywhere to try and reconcile the communities.
 - Thomas Lubanga challenged the enlistment of minors in the armed forces that were operational in Ituri and never stopped trying to end the recruitment of minors.
 - Discussing the **legal definition of Thomas Lubanga's criminal responsibility**, Mr Biju-Duval submitted that it must be demonstrated that the accused was aware that his conduct in the normal course of events (a virtually certain consequence) would necessarily have led to the enlistment of children under the age of 15. Secondly, it is necessary to prove that Thomas Lubanga was aware that a crime was a necessary consequence of his conduct and that he accepted and tolerated this consequence. This could not be shown to be the case:
 - Mr Lubanga issued measures and demanded reports in order to stop the recruitment of children under 18.

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- Mr Lubanga issued a rule prohibiting the recruitment of child soldiers, and used his authority, as a political leader, to enforce the rule.
- Mr. Biju-Duval then turned to the **Rwampara video** of 12 February 2003 stating that the Prosecution had misinterpreted the video:
 - Contrary to the submission of the OTP, that Mr. Lubanga was addressing troops as a military commander, Mr Lubanga had gone to Rwampara because a report into the disarmament of child soldiers had not been forthcoming and he had wished to assess the situation himself.
 - The allegation of the OTP, that Mr. Lubanga had visited Rwampara previously, was rejected, as the Defence submitted that Mr. Lubanga had only previously been at Rwampara as an imprisoned UPC detainee.

Unsworn Statement of Mr. Thomas Lubanga Dyilo

"Thank you, your Honour, for giving me the floor.

Your Honours, I am taking the floor at this stage in the proceedings not because I want to present any arguments or to give a superfluous pleading after the final conclusions which have been tendered by my counsel. I would like to express to you the feelings I have at the end of this trial.

Throughout the course of this trial before this august Chamber, it has been impossible for me to recognise myself within the context of the actions ascribed to me and the intentions attributed to me. It is true that what happened within the tragic context of Ituri from September 2002 to June 2003 is that I, with the consent of other citizens, assumed certain responsibilities. I did so only with a view to combatting the inhumane treatment to which all Congolese citizens in Ituri were subjected. I did so only with a view to trying to save what is dearest to every man, to every human, namely life, and I did this within a spirit of reconciliation.

I accepted those responsibilities, and I assumed them, bearing in mind the convictions and the noble values that had been inculcated in me all through my education which fashioned my personality. It was only those convictions and those values which have always guided me in all the actions which I implemented at that point in time, during that period, and in particular, with respect to the actions which I undertook against the recruitment of minors.

Today I defer to the wisdom of your august Court. I appeal to you, your Honours, to understand that all through the terrible moments which we experienced in Ituri in 2002 and 2003, I never had the feeling that I failed or did not act consistently with the values I talked about."

Judge Fulford brought the hearings to a close.

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