



COALITION FOR THE  
INTERNATIONAL CRIMINAL COURT

LUBANGA  
INFORMAL WEEKLY SUMMARY  
25 - 29 OCTOBER 2010



<b>Situation Case</b>	Democratic Republic of Congo 01/04-01/06 The Prosecutor vs. Thomas Lubanga Dyilo	(UPC) and <i>the Forces patriotiques pour la libération du Congo</i> (FPLC); Alleged former Commander-in-Chief of the FPLC, since September 2002 and at least until the end of 2003; Alleged president of the UPC.
<b>Hearing Chamber</b>	Trial Proceedings Trial Chamber I: Presiding Judge Fulford, Judge Odio Benito and Judge Blattmann	<b>Alleged crimes:</b> <u>Thomas Lubanga Dyilo</u> is allegedly responsible, as co-perpetrator, of 3 war crimes
<b>Parties</b>	OTP: Ms. Bensouda, Mr. Sachdeva, Ms. Samson, Ms. Struyven and team; Defense: Ms. Mabilille, Mr. Desalliers, Mr. Biju-Duval and team	
<b>Participants</b>	103 victims represented by Legal Representatives of Victims and OPCV	
<b>Start of Trial</b>	26 January 2009 Beginning of Defense case: 27.01.2010	

Thomas Lubanga Dyilo: born in 1960 in Djiba, Ituri district, Eastern Province; National of the DR C; Alleged founder of *Union des Patriotes Congolais*

**25 October 2010** - Interrogation of an OTP liaison office in Bunia through video-link was concluded. Questions focused on the OTP's work and relationship with intermediaries, and in particular on the method of financial compensation for the intermediaries' work. Due to internal communication constraints between the OTP and the VWU about the attendance of witnesses in Court, the number of hearings was shortened this week.

**The hearing focused on the interrogation of a Witness by the Defence team**, led by Maître Mabilille. The number of the Witness was not mentioned, but it appears to be an investigator or field employee of the OTP who has testified previously in the week of 14 June 2010. The interrogation was carried out through video link, the witness being located in Bunia, in the DRC.

Maître Mabilille showed the witness several confidential documents pertaining to the screening of child-soldiers, and asked him a series of questions about the exchanges he had with his superiors in The Hague on a list of child-soldiers given by a certain Mr. X., and whether he had been the one carrying out the screening for each of them in 2007.

Questions about the Witness' relationship with Mr. X. continued, as the Defence tried to ascertain the OTP's working methods with such intermediaries, and in particular the financial relationship. Questions were also asked about alleged complaints made by

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Mr. X. to MONUC, and the relationship with X., a certain Mr. Y. whose identity was not revealed, and Intermediary 143 - whose name came up repeatedly.

After Maître Mabilie's interrogation, the Prosecution cross-examined the Witness. Questions were asked pertaining to two matters: the **lists of child-soldiers and the effective screening**. The first matter was dealt with in private session. Once private session was lifted, the Prosecutor asked the witness to identify by their numbers the names of child-soldiers on a confidential document that he had screened.

After the end of the interrogation of today's witness, Presiding Judge Fulford discussed with the Prosecution certain outstanding procedural issues:

- The **timetable for future testifying witnesses**: the next witness, Witness P321, is expected to testify at the next hearing;
- Modalities regarding the interrogation of Witness 582 were discussed;
- Judge Fulford raised the question of a timetable for disclosure of certain statements of witnesses that will soon testify before the Court. Prosecution explained that they themselves were still not in possession of said statements signed, but are working to obtain them as soon as possible.

Lastly, Maître Mabilie raised the issue of **expurgations in several documents** before the Court, arguing that the Defence's work amounted to "assembling a puzzle blindfolded due to their unjustified high number." The Prosecution replied that it would look at the issue - especially regarding Witness 321 who is testifying next - but that some redactions are pending decisions from the Chamber. Judge Fulford said that the Chamber would take a look at these issues.

**26 October 2010 - Position of the OTP on several witnesses** was discussed during the hearing. Due to a misunderstanding between the OTP and the VWU, Intermediary P321 will only testify next week

Intermediary P321 was expected to testify today. However, the OTP explained that there was a misunderstanding between the OTP and the VWU, and that the witness needs 5 days to familiarize with his previous testimony and statements. The Prosecution suggested that they move the witness's taking of testimony to next week. Presiding Judge Fulford made it clear that these communication errors were not acceptable.

The hearing moved on to focus on the timetable for future testimony:

- Witness P38 was supposed to testify next week. Mr. Sachdeva (OTP) indicated that it seems to be more likely that he will appear in the week of the 8th of November due to delays in obtaining a passport and visa;
- Witness P555 will not be testifying next week. Mr. Sachdeva stated that the OTP had failed to contact P555 for the time being and was still considering whether to have him testify;
- Witness P582 will not be able to testify before a few weeks due to the technical requirements necessary to organize a secure video link;
- Possibility that Witness P316 might testify earlier than initially planned.

The OTP stated that it might apply to have another witness testify. The Chamber stated that the fairness of the situation needed to be looked at, especially if Witness 555 will not testify.

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There will be no more hearings this week. The testimony of Intermediary 321 will commence next Monday.

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