



COALITION FOR THE
INTERNATIONAL CRIMINAL COURT

LUBANGA
INFORMAL WEEKLY SUMMARY
28 JUNE - 02 JULY 2010



Situation Case	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.
Hearing Chamber	Trial Proceedings Trial Chamber I: Presiding Judge Fulford, Judge Odio Benito and Judge Blattmann	Alleged crimes: <u>Thomas Lubanga Dyilo</u> is allegedly responsible, as co-perpetrator, of war crimes
Parties	OTP: Ms. Bensouda, Mr. Sachdeva, Ms. Samson, Ms. Struyven and team; Defense: Ms. Mabilie, Mr. Desalliers, Mr. Biju-Duval and team	
Participants	103 victims represented by Legal Representatives of Victims and OPCV	
Start of Trial	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*

- Enlisting and conscripting of 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).

Hearings:

- o 28 June: Status Conference
- o 29 June: Status Conference
- o 30 June: OTP intermediary 321

Topics this week included but were not limited to:

- o Possible appearance of Mr. Lubanga's cousin in Court;
- o The interaction of OTP intermediary 321 with child soldiers.

28 June 2010

Status Conference

The OTP applied to the Chamber to summon to Court an individual known as "Cordo", supposedly Mr. Lubanga's cousin, to give evidence about his alleged role in intimidating witnesses and influencing them to give false testimony. The defense opposed the OTP application, arguing that it was founded on error of fact as "Cordo" had never served as an intermediary to the defense.

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.

29 June 2010

Status Conference

With regard to the OTP's application from the previous day, the Chamber ruled that according to the Rome Statute framework it is entirely up to the defense (and not the Chamber) to call or not to call "Cordo" to testify before the Court. "Cordo's" identity (full name and place of residence) will not be disclosed to the defense.

30 June 2010

The Examination-in-Chief of OTP intermediary 321 by the OTP started.

Ms. Samson, OTP, questioned OTP intermediary 321 on whether he had coached witnesses or told them to lie before Court. The intermediary made the following statements:

- the identity of the children serving as potential witnesses had to be established;
- all statements by the children were recorded on a particular form;
- intermediary 321 worked with an NGO who helped former child soldiers to leave the military and reunify with their families, and assisted the children and their families himself before and after their re-unification;
- he had contact with children who were forcefully conscripted into the armed groups of the UPC and FNI;
- he talked with children about their experiences as child soldiers;
- the children were between 11 and 17 years of age;
- although some children demanded money (like former adult soldiers) as a financial form of assistance, they only received training to learn a trade;
- intermediary 321 never told children to lie before Court or make false statements or influenced them in any way.

Procedural Issues

- On 29 June, the Chamber stressed the importance of a time effective trial to both the Defense and the OTP, asking them to ensure proper timing of witness appearance in the near future and before the ICC judicial summer recess.
- On 30 June, OTP intermediary 321 decided to testify in Swahili and not in French. The Chamber had asked the witness to consider testifying in French in order to avoid previous experiences of difficulties which resulted from Swahili-French-English translations.