

## **QUESTIONS AND ANSWERS ON THE ARREST OF THOMAS LUBANGA DYILO**

### ***Who is Thomas Lubanga Dyilo?***

Thomas Lubanga Dyilo, a Congolese national, has been the president of the Union des Patriotes Congolais (UPC) since its inception in 2000. In September 2002, he established and led the Forces Patriotique pour la Liberation du Congo (FPLC), a military group affiliated with the UPC and dedicated to carrying out its goals using violence. He is alleged to have enlisted and conscripted children to serve as soldiers in this organization.

### ***What is his role in the conflict in the Democratic Republic of the Congo (DRC)?***

The UPC/FPLC is based in the Ituri district of the DRC, one of the most violent regions of the country, and is one of thirteen armed groups that operate in this region. During the war in 2000, Lubanga's organization is alleged to have been responsible in part for many of the massacres and other abuses that took place in the Ituri region. More recently, his group has been involved in disputes to gain control over the mineral wealth of the region.

### ***Who decided to arrest Lubanga?***

While investigating the atrocities in the DRC, Chief Prosecutor Luis Moreno-Ocampo uncovered evidence suggesting that Lubanga was guilty of committing war crimes, as defined in Article 8 of the Rome Statute. He submitted this evidence to ICC Pre-Trial Chamber I (PTC I), which, after determining that there were reasonable grounds to believe that Lubanga had committed the crimes outlined by the Prosecutor, issued a sealed warrant for arrest on February 10, 2006. The Registrar notified the Congolese authorities of the decision on March 14, 2006 and three days later the arrest warrant was unsealed. With the help of the Congolese authorities, France, and the UN peacekeeping force in the Congo (MONUC), Lubanga was transferred to The Hague.

### ***Are the charges against Lubanga in the DRC the same as those brought against him by the ICC?***

No. Lubanga was arrested in the DRC in March 2005 in connection with the assassination of nine Bangladeshi UN peacekeepers. Although very serious, this crime does not fall under the jurisdiction of the ICC. He is currently charged with the conscription of children and the use of children actively in hostilities. However, the Prosecutor has stressed that the investigation of Lubanga is still ongoing and it is possible that additional charges will be brought against him at a later date.

### ***Is Lubanga a legitimate target for the ICC?***

Yes. Lubanga is not only accused of committing serious war crimes, as defined in Article 8 in the Rome Statute, but also, more importantly, PTC I decided that there was enough evidence supporting these accusations to issue an arrest warrant.

### ***On what charges is the ICC planning to indict Lubanga?***

Currently, ICC Prosecutor Luis Moreno-Ocampo plans to charge Lubanga with: (1) the conscription and enlistment of children under the age of 15, and (2) the use of children in hostilities, both serious war crimes under Articles 8(2)(b)(xxvi) and 8(2)(e)(vii) of the Rome Statute.

*Researched and drafted by AMICC Professional Volunteer Associate: Amy K. Rolfvondenbaumen*