



Original : French

No.: ICC-01/04-01/06
Date: 10 February 2006

PRE-TRIAL CHAMBER I

Before: Judge Claude Jorda, Presiding Judge
Judge Akua Kuenyehia
Judge Sylvia Steiner

Registrar: Mr Bruno Cathala

**SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO
IN THE CASE OF
THE PROSECUTOR
v. THOMAS LUBANGA DYILO**

Under seal

WARRANT OF ARREST

The Office of the Prosecutor

Mr Luis Moreno Ocampo
Ms Fatou Bensouda, Deputy Prosecutor
Mr Ekkehard Withopf, Senior Trial Lawyer
Ms Lyne Décarie, Trial Lawyer

PRE-TRIAL CHAMBER I of the International Criminal Court (“the Court”);

HAVING EXAMINED the Prosecution’s Application for a warrant of arrest for Mr Thomas Lubanga Dyilo filed on 13 January 2006;

HAVING EXAMINED the evidence and other information submitted by the Prosecution;¹

NOTING articles 19 (1) and 58 (1) of the Rome Statute;

HAVING FOUND that, on the basis of the evidence and information provided by the Prosecution, the case against Mr Thomas Lubanga Dyilo falls within the jurisdiction of the Court and is admissible;

HAVING FOUND that there are reasonable grounds to believe that a protracted armed conflict took place in Ituri from July 2002 until the end of 2003 at least;

HAVING FOUND that there are reasonable grounds to believe that from July 2002 to December 2003 members of the FPLC carried out repeated acts of enlistment into the FPLC of children under the age of fifteen who were trained in the FPLC training camps of Bule, Centrale, Mandro, Rwampara, Bogoro, Sota and Irumu;

¹ See the Prosecution’s Submission of Further Information and Materials, filed by the Prosecution on 25 January 2006; the Prosecution’s Submission of Further Information and Materials, filed by the Prosecution on 27 January 2006 and the Transcript of the Hearing held on 2 February 2006.

HAVING FOUND that there are reasonable grounds to believe that from July 2002 to December 2003 members of the FPLC carried out repeated acts of conscription into the FPLC of children under the age of fifteen who were trained in the FPLC training camps of Bule, Centrale, Mandro, Rwampara, Bogoro, Sota and Irumu;

HAVING FOUND that there are reasonable grounds to believe that, during the relevant period, members of the FPLC repeatedly used children under the age of fifteen to participate actively in hostilities in Libi and Mbau in October 2002, in Largu at the beginning of 2003, in Lipri and Bogoro in February and March 2003, in Bunia in May 2003 and in Djugu and Mongwalu in June 2003;

HAVING FOUND that there are reasonable grounds to believe that the alleged UPC/FPLC's policy/practice of enlisting into the FPLC, conscripting into the FPLC and using to participate actively in hostilities children under the age of fifteen was implemented in the context of and in association with the ongoing conflict in Ituri;

HAVING FOUND that there are also reasonable grounds to believe that Mr Thomas Lubanga Dyilo has been President of the UPC since its foundation on 15 September 2000, that in early or mid-September 2002 Mr Thomas Lubanga Dyilo founded the FPLC as the military wing of the UPC and that he immediately became its Commander-in-Chief and remained in that position until the end of 2003 at least;

HAVING FOUND that there are reasonable grounds to believe that Mr Thomas Lubanga Dyilo (i) exercised *de facto* authority which corresponded to his positions as President of the UPC and Commander-in-Chief of the FPLC, (ii) that he had ultimate control over the adoption and implementation of the policies/practices of the

UPC/FPLC – a hierarchically organised armed group – between July 2002 and December 2003, including the enlistment into the FPLC, the conscription into the FPLC and the use to participate actively in hostilities of children under the age of fifteen, and (iii) that he was aware of his unique role within the UPC/FPLC and actively used that role;

HAVING FOUND that for the above reasons there are reasonable grounds to believe that Mr Thomas Lubanga Dyilo is criminally responsible under article 25 (3) (a) of the Statute for:

- (i) the war crime of enlisting children under the age of fifteen punishable under article 8 (2) (b) (xxvi) or article 8 (2) (e) (vii) of the Statute;
- (ii) the war crime of conscription of children under the age of fifteen punishable under article 8 (2) (b) (xxvi) or article 8 (2) (e) (vii) of the Statute; and
- (iii) the war crime of using children under the age of fifteen to participate actively in hostilities punishable under article 8 (2) (b) (xxvi) or article 8 (2) (e) (vii) of the Statute;

HAVING FOUND that, under article 58 (1) (b) of the Statute, the arrest of Mr Thomas Lubanga Dyilo appears necessary at this stage to ensure his appearance at trial and to ensure that he does not obstruct or endanger the investigation or the court proceedings;

FOR THESE REASONS,

HEREBY ISSUES:

A WARRANT OF ARREST for **Mr THOMAS LUBANGA DYILO**; a male whose photographs are annexed; who is believed to be a national of the Democratic Republic of the Congo; born on 29 December 1960 in Djiba, Utcha Sector, Djugu Territory, Ituri District, Orientale Province, Democratic Republic of the Congo; son of Mr Mathias Njabu and Ms Rosalie Nyango; married to a Ms Matchosi and father of six children; who is the alleged founder of the UPC and the FPLC, the alleged former Commander-in-Chief of the FPLC and the alleged current President of the UPC; and who was last known to be detained in the *Centre Pénitentiaire et de Rééducation de Kinshasa*.

Done in both English and French, the French version being authoritative.

M. le juge Claude Jorda
Juge président

Mme la juge Akua Kuenyehia

Mme la juge Sylvia Steiner

Dated this Friday 10 February 2006

At The Hague

The Netherlands