

# The Prosecutor v. Thomas Lubanga Dyilo

## Charges (war crimes)

- 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 September 2002 to 13 August 2003 (Article 8(2)(e)(vii))<sup>1</sup>

## Victim participation

A total of **129 victims**, represented by two teams of legal representatives and the Office of Public Counsel for Victims, were granted the right to participate in the trial. Of these victims, 34 are female victims, 95 are male victims.

## Time line of the case

<b>10 February 2006</b>	Arrest Warrant issued (under seal), following the application by the Prosecutor on 12 January 2006
<b>17 March 2006</b>	Arrest and surrender to the ICC by the DRC authorities
<b>20 March 2006</b>	First appearance before Pre-Trial Chamber I
<b>9-28 November 2006</b>	Confirmation of charges hearing
<b>29 January 2007</b>	Decision on the confirmation of charges confirming the two charges of war crimes relating to the enlistment, conscription of children under the age of 15 and using them to participate actively in hostilities.
<b>13 June 2008</b>	First stay of proceedings due to the Prosecution's failure to disclose documents to the Defence, which caused the Trial Chamber to issue a formal stay of proceedings until the disclosure issues were resolved. <b>Total length of stay: 5 months.</b> <ul style="list-style-type: none"><li>- <b>2 July 2008:</b> Trial Chamber I ordered that Lubanga be released unconditionally</li><li>- <b>7 July 2008:</b> Appeals Chamber suspended Lubanga's release pending Prosecution appeal against the stay of proceedings</li><li>- <b>21 October 2008:</b> Appeals Chamber decision on stay of proceedings,</li></ul>

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<sup>1</sup> Up to the point of conviction, Lubanga was charged with two counts of war crimes, relating to both an international (Article 8(2)(b)(xxvi) and a non-international armed conflict (Article 8(2)(e)(vii)). When convicting Lubanga for the war crimes of conscripting and enlisting children under the age of 15 and using them to participate actively in hostilities from 1 September 2002 to 13 August 2003, pursuant to Regulation 55 the Trial Chamber changed the legal characterisation of the facts to charges relating only to a non-international armed conflict.



ruling that Trial Chamber had been correct to stay the proceedings, but not in ordering Lubanga's release. The Prosecution was given time to come up with a reasonable solution.

<b>18 November 2008</b>	Lift of stay of proceedings by Trial Chamber I
<b>26 January 2009</b>	Start of trial before Trial Chamber I
<b>28 January – 14 July 2009</b>	Presentation of Prosecution case <ul style="list-style-type: none"><li>- At least 21 out of 25 prosecution witnesses testified in open court about girl soldiers, and at least 15 prosecution witnesses also testified about gender-based crimes, in particular rape and sexual slavery within the UPC</li></ul>
<b>22 May 2009:</b>	Regulation 55 request by LRVs to Trial Chamber I to consider modifying the legal characterization of facts presented by the Prosecution, adding inhuman and cruel treatment and sexual slavery to the existing characterisation <ul style="list-style-type: none"><li>- <b>14 July 2009:</b> Trial Chamber I, Judge Fulford dissenting, issued a decision giving notice to the parties and participants that the legal characterization of facts may be subject to change</li><li>- <b>2 October 2009:</b> Trial Chamber I adjourned the trial and presentation of evidence in the case pending the appeal on Regulation 55</li></ul>
<b>8 December 2009</b>	Appeals Chamber reversed Trial Chamber's decision regarding Regulation 55. Effectively, the Regulation 55 proceedings put the trial <b>on hold for 7 months</b> although a formal stay of proceedings was not issued.
<b>7 January 2010</b>	Resumption of trial with testimony by expert witness Radhika Coomaraswamy
<b>January 2010</b>	Testimony by three participating victims
<b>27 January 2010</b>	Start of Defence case
<b>8 July 2010</b>	Second stay of proceedings due to the Prosecution's refusal to disclose the identity of an intermediary to the Defence <ul style="list-style-type: none"><li>- <b>15 July 2010:</b> Trial Chamber I ordered Lubanga's unconditional release</li><li>- <b>23 July 2010:</b> Appeals Chamber suspended Lubanga's release pending Prosecution appeal against the stay of proceedings</li><li>- <b>8 October 2010:</b> Appeals Chamber reversed the stay of proceedings and the order to release Lubanga, ruling that a stay of proceedings was too 'drastic' and an 'exceptional' remedy and that the Trial Chamber should have resorted to issuing sanctions.</li></ul>
<b>8 October 2010</b>	Lift of stay of proceedings; <b>total length of stay: 3 months</b>
<b>10 December 2010</b>	Defence application for abuse of process, concerning the role of

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intermediaries, requesting a permanent stay of proceedings and immediate release of the accused

**2 March 2011**

Trial Chamber I issued a decision refusing to grant a permanent stay of proceedings, but reserving its right to deal with these issues in its final judgement

**20 May 2011**

Presentation of evidence stage officially closed by Trial Chamber I

**25-26 August 2011**

Closing arguments by the parties and participants in the trial

- Information provided by the Court, over the course of 204 days of hearings, the Chamber heard a total of **67 witnesses**: 36 witnesses called by the Office of the Prosecutor, including 3 experts, 24 witnesses called by the Defence and 3 witnesses called by the LRVs. The Chamber also called 4 experts to testify.

**14 March 2012**

Trial Chamber I convicted Lubanga of the war crimes of conscripting and enlisting children under the age of 15 and using them to participate actively in hostilities from 1 September 2002 to 13 August 2003

