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**International
Criminal
Court**

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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 vs. THOMAS LUBANGA DYILO**

Public Redacted Version

Document Containing the Charges, Article 61(3)(a)

The Office of the Prosecutor

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The Prosecutor of the International Criminal Court, pursuant to his authority under Article 61(3)(a) of the Rome Statute (Statute) charges

Thomas LUBANGA DYILO

with **WAR CRIMES**, as set forth below:

THE ACCUSED

1. **Thomas LUBANGA DYILO** was born on 29 December 1960 in Jiba, in the then République du Congo. He is of Hema-Gegere ethnicity.
2. **Thomas LUBANGA DYILO** is the President of the Union des Patriotes Congolais (UPC) and was the Commander-in-Chief of its former military wing, the Forces Patriotiques pour la Libération du Congo (FPLC). He has a university degree in psychology.
3. In late 1999/early 2000, soon after **Thomas LUBANGA DYILO** became involved in politics, he was elected Member of the Assembly of the Province of Ituri. In early 2001, he became the Deputy National Secretary for Youth and Sports of the Front de Libération du Congo (FLC). Later, **Thomas LUBANGA DYILO** was appointed Defence Minister of the Rassemblement Congolais pour la Démocratie - Kisangani / Mouvement de Libération (RCD-K/ML), a position he held until about February 2002.

4. On 15 September 2000, **Thomas LUBANGA DYILO**, together with others, mostly of Hema-Gegere ethnicity, founded the UPC, a self-declared “political-military movement”. **Thomas LUBANGA DYILO** was appointed its first President, a position he maintained at all times relevant to the present charges, and up until today.
5. In mid September 2002 at the latest, **Thomas LUBANGA DYILO**, together with others, founded the FPLC as the military wing of the UPC. Upon its creation, he became its Commander-in-Chief and held this position throughout the period relevant to the present charges.

GENERAL ALLEGATIONS

6. All acts alleged in this Document Containing the Charges occurred between 1 July 2002 and 31 December 2003 in the district of Ituri, Province Orientale, Democratic Republic of the Congo (DRC).
7. The crimes occurred in the context of an armed conflict not of an international character.
8. At all times relevant to the present charges, **Thomas LUBANGA DYILO** was aware of the existence of an armed conflict in Ituri.

BACKGROUND

9. From its foundation, the UPC, from its headquarters in Bunia, developed into a structured political-military movement in the region of Ituri. Beginning in

August 2002, the UPC gradually expanded its influence throughout Ituri, allowing **Thomas LUBANGA DYILO**, who had successfully lobbied a range of actors for political, financial and military support, to form a UPC-controlled Government in September 2002. By the end of 2002, from its seat in Bunia, the UPC controlled much of the district of Ituri, resulting in **Thomas LUBANGA DYILO** becoming the counterpart for regional, national and international actors with an interest in the conflict in Ituri.

10. The daily work of the UPC Government was carried out through a "Secrétariat Général". The various portfolios such as "Interior", "Finances and Budget", "Justice", "Foreign Affairs" and "Economy" were assigned to UPC "national secretaries", equivalent to the positions of ministers.
11. **Thomas LUBANGA DYILO**, as President of the UPC, at all times relevant to the present charges, fully exercised the powers he was entrusted with by the UPC Statute. In practice, his powers went even beyond what was envisioned in it, making **Thomas LUBANGA DYILO** the ultimate authority within the UPC, and the recipient of merely "technical advice" from the "national secretaries", whom he appointed, suspended, dismissed and expelled. Consequently, **Thomas LUBANGA DYILO** fully controlled the UPC and its members.
12. Over time, the UPC became an organization which only exceptionally included non-Hema. Under the direction of **Thomas LUBANGA DYILO**, the UPC aimed at establishing Hema dominance and control in Ituri by military means and by way of violence. The UPC, under **Thomas LUBANGA DYILO**'s leadership, supported violent ethnic division and targeted the non-Hema population in Ituri.

13. In mid-summer 2002 at the latest, and in order to achieve the aims of the UPC, **Thomas LUBANGA DYILO**, together with other UPC leaders and FPLC commanders, defined a strategy to engage in the armed conflict against the non-Hema militias, in particular the Lendu militia which later on emerged as the Lendu-dominated Front Nationaliste Intégrationniste (FNI), and to spread violence amongst the Lendu civilians and civilian members of other ethnic groups associated with the Lendu in Ituri.

14. From its inception, the UPC had soldiers, arms and ammunition at its disposal. In September 2002, **Thomas LUBANGA DYILO**, as President of the UPC, founded the FPLC as its military wing. From the beginning, the FPLC - commonly referred to simply as "the UPC" - was mainly comprised of Hema. By incorporating, *inter alia*, members of the pre-existing Hema militia as soldiers and officers, the FPLC shortly after its creation had several thousands of troops in arms, including a significant number of children under the age of fifteen years.

15. From the formation of the FPLC, and at all times relevant to the present charges, **Thomas LUBANGA DYILO**, who at the end of 2000 had received military training in Uganda, was the FPLC Commander-in-Chief.

16. Within weeks of its creation, **Thomas LUBANGA DYILO**, together with others, established organized military structures within the FPLC. These structures included a General Staff, with a Chief of the General Staff and two deputies, one in charge of military operations and organisation and the other in charge of administration and logistics. Staff officers for personnel, intelligence, operations, logistics and civilian-military relations reported to the General Staff. Resembling the organisation of well-structured armies, the FPLC included a number of military sectors. Each sector was comprised of

hierarchically structured military units, including brigades and battalions, commanded by trained military officers. The FPLC was able to adjust its structure in response to specific requirements of its military objectives, and repeatedly did so.

17. The FPLC had extensive means of communication at its disposal, such as satellite phones, mobile phones, Motorola radios and other radios. These means of communication allowed FPLC officers to maintain contact with each other, to report to **Thomas LUBANGA DYILO**, and permitted effective ordering and reporting within the FPLC chain-of-command. In addition, the means of transportation available to the FPLC allowed its commanders and **Thomas LUBANGA DYILO** to deploy throughout Ituri, and enabled **Thomas LUBANGA DYILO**'s immediate subordinate commanders to report to him in person at the FPLC headquarters on a regular basis. Thus, **Thomas LUBANGA DYILO** was in a position to exercise command and control over subordinate military units on a permanent basis, and to stay informed about the general situation in Ituri, in particular about FPLC military operations and the situation in the FPLC military training camps.

18. **Thomas LUBANGA DYILO**, at all times relevant to the present charges, exercised authority over the FPLC, both *de iure* and *de facto*, which he demonstrated by, *inter alia*, issuing orders, instructions and directives to subordinate commanders.

19. During the second half of 2002 and throughout 2003, the FPLC under the command of **Thomas LUBANGA DYILO** repeatedly conducted large-scale military operations in Ituri, predominately against the Lendu militia forces, Lendu civilians, and, after its creation in December 2002, against the Lendu-

dominated FNI. In these military operations, the FPLC repeatedly used children under the age of fifteen years to participate actively in hostilities.

MODE OF LIABILITY

20. **Thomas LUBANGA DYILO** committed the crimes of enlisting and conscripting children under the age of fifteen years and using them to participate actively in hostilities as co-perpetrator, jointly with other FPLC officers and UPC members and supporters, including, *inter alia*, the FPLC officers named below.
21. Based on the intent shared by **Thomas LUBANGA DYILO** and the other joint perpetrators to enlist and conscript children under the age of fifteen years and to use them in hostilities, he, in pursuing the common goal, coordinated their efforts, and controlled the execution of the common plan.
22. **Thomas LUBANGA DYILO** and the other joint perpetrators contributed to the common plan according to their respective functions and powers within the FPLC military structure and the UPC. **Thomas LUBANGA DYILO**, as a key actor, in his position as both President of the UPC and Commander-in-Chief of the FPLC, played an overall coordinating role by providing the organizational, infrastructural and logistical framework: He appointed the higher ranks within the FPLC, thus ensuring the existence and coherence of the military structure into which the children were incorporated. In line with the UPC Statute, **Thomas LUBANGA DYILO** guaranteed the continuity of the UPC and the FPLC by securing their financial means. Thus, he made it possible for the FPLC to recruit children, to set up FPLC military camps and to militarily train the children. Furthermore, **Thomas LUBANGA DYILO**

repeatedly negotiated the provision of weapons and other military equipment, including such as would be used by the children in hostilities.

23. **Thomas LUBANGA DYILO** lent his authority to the common goal in a variety of ways: He repeatedly inspected various FPLC training camps to encourage children and prepare them for combat. In addition, **Thomas LUBANGA DYILO** maintained close contact with those subordinate FPLC commanders known as being active in recruiting, training and using children in hostilities, including, *inter alia*, the Deputy Chief-of-Staff Bosco NTAGANDA, commander TCHALIGONZA, and Deputy National Secretary for Defence Yves KAHWA PANGA. Furthermore, he encouraged Hema families to provide their children to the FPLC. Moreover, by his own use of children as bodyguards, **Thomas LUBANGA DYILO** set an example about the ways in which children could be used.

24. In doing so, **Thomas LUBANGA DYILO**, in his leadership role, coordinated the efforts of the other FPLC officers, some of whom, as co-perpetrators, contributed to the common goal by recruiting children under the age of fifteen years themselves or through subordinates. Others transported the children or arranged for their transportation to the FPLC military training camps, whilst others provided military training to the children and/or equipped them with weapons. Then, the FPLC combat unit commanders placed the children into their respective military units and ordered them into combat. Often, the same FPLC officers commanded the FPLC military training camps, provided the military training, and ordered the children to participate in FPLC military operations.

CHARGES

ENLISTING AND CONSCRIPTING CHILDREN UNDER THE AGE OF FIFTEEN YEARS AND USING THEM TO PARTICIPATE ACTIVELY IN HOSTILITIES

FPLC policy of enlisting and conscripting children under the age of fifteen years and using them to participate actively in hostilities

25. With the foundation of the UPC, **Thomas LUBANGA DYILO** started to pursue his political, military and economic aims by using Hema members of pre-existing militia groups and selected trained officers, including some officers of other ethnic and geographical origins. Soon, the UPC recruited in large numbers men, women and children and provided them with extensive military training.

26. Prior to the foundation of the FPLC, and since 2001 at the latest, the UPC actively recruited children under the age of fifteen years in significant numbers and subjected them to military training in its military training camp in Sota, amongst other places. **Thomas LUBANGA DYILO** was directly involved in these recruitment activities, including forcible recruitment. The compound of his house in Bunia was used as a distribution centre for sending new recruits, including children under the age of fifteen years, to various UPC military training centres.

27. After the foundation of the FPLC, throughout the remainder of 2002 and throughout 2003, **Thomas LUBANGA DYILO**, in pursuing the UPC policy, jointly with a variety of high-level and mid-level subordinate FPLC commanders, continued to enlist and conscript children systematically and in large numbers, including children under the age of fifteen years, to militarily

train them, and to use them to participate actively in hostilities. FPLC senior commanders repeatedly participated directly in the recruitment of children under the age of fifteen years.

28. **Thomas LUBANGA DYILO** continued the earlier practice that each Hema family contribute to the war efforts by providing children to the Hema militia. Accordingly, Hema families brought forward children, including children under the age of fifteen years, who were enlisted by the FPLC. As a result, the number of children amongst the recruits in the FPLC's training camps was significant.

29. In addition, both the UPC and the FPLC from August 2002 onwards, launched repeated campaigns to recruit children, including by force. The features of these campaigns included, *inter alia*: (a) making available pick-up cars to specific "émissaires" who were promised money for successful recruitment; (b) senior FPLC military commanders organizing the recruitment of children by participating in meetings with the local Hema communities, including in Bunia, during which gatherings they ordered Hema families to enrol their children in the FPLC, threatening to recruit the children by force; and (c) the imposition of a special, almost weekly, tax on all civilians, irrespective of their ethnic background by the UPC Government in Ituri, led and controlled by **Thomas LUBANGA DYILO**, with the particular purpose of funding the military training of children and in order to facilitate the coordinated efforts in recruiting children.

Pattern of the FPLC in enlisting and conscripting children under the age of fifteen years and using them to participate actively in hostilities

Enlisting children

30. The UPC, and the FPLC from its foundation and throughout 2002 and 2003, admitted children under the age of fifteen years into their ranks. These children included children who by their physical appearance were manifestly under the age of fifteen years.

31. For various reasons, these children, mostly boys but also girls, in high numbers either “voluntarily” joined the FPLC or were made available by their parents. The willingness of the children to join the FPLC was determined by, *inter alia*, the desire for revenge of orphans whose families were killed or allegedly killed by the militias opposing the FPLC, the wish to acquire social status, and/or the coercive circumstances in which the children found themselves, such as basic, urgent needs for protection and food. The FPLC exploited these circumstances in implementing its policy of enlisting children under the age of fifteen years.

Conscripting children

32. During 2002 and 2003 and throughout Ituri, FPLC commanders forcibly recruited children, including children who by their physical appearance were manifestly under the age of fifteen years. FPLC forces systematically abducted mainly boys, but also girls, and forcibly incorporated them into the ranks of the FPLC.

Using children to participate actively in hostilities

33. Immediately after their recruitment, the children, both boys and girls, were forced to march, in some instances long distances, or were driven, in usually larger groups, by FPLC soldiers in trucks and other vehicles to FPLC training camps in Ituri.

34. The training camps included the training camps in Centrale, Mandro, Rwampara, Irumu and Bule. Almost all training camps were located close to **Thomas LUBANGA DYILO's** permanent headquarters in Bunia: Centrale is located to the North of Bunia, at a distance of 12 km. Mandro is situated to the East of Bunia, at a distance of 15 km. Rwampara is located to the Southwest of Bunia, at a distance of 13 km. Irumu is located to the Southwest of Bunia, at an aerial distance of about 40 km and at a road distance of 55 km. Bule is located to the Northeast of Bunia, at an aerial distance of about 55 km and at a road distance of 110 km.

35. It was common practice that the day following their arrival at the military training camps, the organised and systematic military training of the children by FPLC officers began. The aim of the training was to prepare the children for active participation in hostilities. Training lasted up to two months and included daily full-day practical physical exercises like saluting, marching, running, and taking positions. In addition, the children received intensive training in the use of firearms. The instructors sought to boost the morale of the children by compelling them to sing aggressive military songs, including songs disparaging or threatening the Lendu.

36. The children in the FPLC training camps were subjected to strict military discipline. A detailed system of severe sanctions for misconduct was imposed on them, including beatings, detention and execution.
37. FPLC senior commanders regularly visited FPLC training camps where children under the age of fifteen years were trained. **Thomas LUBANGA DYILO** himself repeatedly visited the training camps. He saw the children being trained, spoke to them, and encouraged their fighting morale.
38. Regularly, after completion of the training, FPLC commanders provided each of the children with a military uniform and a personal weapon, usually a gun.
39. Soon after the completion of the basic military training, FPLC commanders, including senior ones, regularly ordered children, boys and girls, including those under the age of fifteen years, to fight at the frontlines. FPLC commanders gave the children instructions to kill all Lendu, without any instruction to differentiate between soldiers and civilians. Reluctant children, fearing to get killed during battle, were forced to participate in the hostilities by threats of execution. Afraid for their lives, they obeyed the orders, and repeatedly killed Lendu, both soldiers and civilians. Whilst fighting at the frontlines, many children fighting for the FPLC were killed. Others were seriously wounded.
40. Furthermore, it was common for children to be used by FPLC military commanders, including **Thomas LUBANGA DYILO**, as bodyguards. Their tasks included, *inter alia*, guaranteeing the commanders' close physical protection, including during military deployments. Furthermore, the children used as bodyguards were ordered to protect the headquarters of the General Staff in Bunia and the commanders' private houses. The number of children

guarding FPLC commanders depended on the commander's rank, and ranged from one child to more than ten children, both boys and girls.

Individual cases

Enlistment of the ten-year-old REDACTED in late 2002, and using him and other children under the age of fifteen years to participate actively in the FPLC attack on Lipri in February and March 2003

41. REDACTED, born in REDACTED, in about December 2002 met FPLC soldiers in REDACTED. Since Lendu soldiers had allegedly killed his mother in Lipri, he agreed to follow the FPLC troops to receive military training and to fight the Lendu. FPLC troops brought him to the FPLC military camp in REDACTED, where he joined some sixty children of his age, mainly boys but also girls.
42. On the first day, all new arrivals were provided with military uniforms and weapons, including guns. The daily military training for both boys and girls started the following day, under the command of FPLC commander TSHITSHA. In addition to basic physical training, the children were taught how to use their weapons.
43. Soon, REDACTED. In February 2003, REDACTED acting pursuant to TSHITSHA's orders, REDACTED participated in the FPLC attack on Lipri. REDACTED killed at least one person.

44. The day after the attack, the FPLC troops under the command of TSHITSHA were inspected by Chief-of-Staff Floribert KISEMBO and Deputy Chief-of-Staff Bosco NTAGANDA at the FPLC headquarters in Mongbwalu. Bosco NTAGANDA ordered the troops to re-attack Lipri and told the boys of REDACTED's age to follow their commanders to the frontline. In complying with the order, REDACTED and the other children fought in Lipri.

Conscription by abduction of the eleven-year-old REDACTED and REDACTED in early 2003 in REDACTED

45. REDACTED, born in REDACTED, and REDACTED, born in REDACTED, were abducted in early 2003 by FPLC troops from their parents' house in the village of REDACTED. In fear of being killed, neither of their families offered any resistance. On the same day, REDACTED, the FPLC abducted many other children, boys and girls, of REDACTED's age.

46. REDACTED and REDACTED, together with the other abducted children, were transported in a vehicle to the FPLC military training camp in REDACTED. They were closely monitored by FPLC soldiers in order to prevent their escape.

47. In REDACTED, the children were divided into groups of about fifty new recruits, comprised of both adult soldiers and children. The children included boys and girls.

48. The next day, the daily military training started. It was mainly of practical nature, and included saluting, marching and climbing. In addition, the recruits were taught how to shoot with firearms.

49. **Thomas LUBANGA DYILO** repeatedly inspected the FPLC training camp in REDACTED. During these visits, he addressed the new recruits. On one occasion, **Thomas LUBANGA DYILO** told the children to closely follow the trainers' instructions in order to be in a position to attack and kill the enemies.

50. After about two months, once the military training was completed, REDACTED, REDACTED and the other trained children were supplied with a military uniform and a gun. In addition, six magazines of ammunition were provided to each child.

51. FPLC commander **KASANGAKI** soon REDACTED. FPLC commander **PITCHEN** REDACTED. In addition, he was assigned REDACTED.

Using REDACTED and other children under the age of fifteen years to actively participate in the FPLC attack on Lipri and hostilities in Bogoro in February 2003

52. After about two to three months, the recruits from REDACTED were distributed to the military camps in Centrale, Mandro and Bogoro. REDACTED and other children were deployed in Centrale, where they were visited by Deputy Chief-of-Staff **Bosco NTAGANDA**. **Bosco NTAGANDA** had come to address the FPLC troops and bolster their morale prior to the FPLC attack on Lipri.

53. Acting pursuant to the order of FPLC commander **KASANGAKI**, REDACTED, together with other children and adult soldiers, participated in the FPLC attack on Lipri. The fighting lasted for about four hours and REDACTED, fearing being killed by his commander if he did not fire, shot a person for the first time.

54. Whilst fighting at the frontline in Lipri, REDACTED sustained a wound to one of his feet. After his wound had healed, REDACTED was again ordered by Commander KASANGAKI to participate in hostilities in Bogoro. Following this order, REDACTED again fought at the frontline.

Using REDACTED and other children under the age of fifteen years to actively participate in the FPLC attack on Lipri in February and March 2003

55. In February 2003, FPLC commander PITCHEN ordered REDACTED to accompany him to fight in Lipri, REDACTED. In compliance with the order, REDACTED followed commander PITCHEN and fought with him in Lipri. Prior to leaving for Lipri, PITCHEN told REDACTED to kill the Lendu fighters, and to plunder their houses. PITCHEN also told the recruits that they were allowed to rape the Lendu women.

56. Whilst fighting in Lipri, REDACTED killed a number of persons. He suffered a wound to his left foot.

57. After the military campaign in Lipri, REDACTED, now eleven years old, was REDACTED at the FPLC military camp in Mandro, REDACTED. These children were brought to Mandro, received military training, and were ordered to fight for the FPLC. Whilst in Mandro, REDACTED was also required to retrieve airdropped weapons.

Conscription by abduction of the thirteen-year-old REDACTED at the end of 2002/beginning of 2003 in REDACTED and using children under the age of fifteen years to participate actively in the FPLC attack on Lipri in February and March 2003

58. REDACTED, born in REDACTED, was abducted by FPLC troops from her parents' house in REDACTED, at the end of 2002 or at the beginning of 2003. Under the threat of death, REDACTED's mother, who was present during the abduction, did not offer resistance. The same day, the FPLC abducted other children, boys and girls, of REDACTED's age in REDACTED.
59. REDACTED, together with the other abducted children, was forced to walk to a FPLC military training camp REDACTED. In order to prevent their escape during the march, the female children were closely guarded by FPLC soldiers, whilst the male children were tied up.
60. In the military training camp, which was commanded by FPLC commander TCHALIGONZA, the children were divided into various groups. REDACTED's group was comprised of boys and girls, including some of her age, with the majority being boys.
61. The next day, the FPLC started the military training of the new recruits. The training was mainly practical and included physical exercises such as running, climbing and crawling. In addition, the recruits were trained in loading and unloading firearms and taught to shoot. After about a month, they each received a personal weapon.
62. In February 2003, after completion of their military training, REDACTED and other recruits were ordered by their commander to participate in the FPLC

military attack on Lipri. Their commanders instructed them to kill all Lendu including both combatants and civilians.

63. Whilst REDACTED managed to avoid participating in the attack on Lipri, other children, both boys and girls, following the orders of the FPLC commander, fought at the frontlines at Lipri. REDACTED saw that three boys and one girl were killed in the course of the attack.

Conscription by abduction of the thirteen-year-old REDACTED in about August 2002 on the road REDACTED and using her and other children under the age of fifteen years to participate actively in the FPLC attacks in or about October 2002 on Libi and Mbau, and, in June 2003, on Djugu and on Mongbwalu

64. REDACTED, born in REDACTED, was abducted by FPLC troops on the road REDACTED in or around August 2002. The same day and at the same location, the FPLC abducted other children, both boys and girls, including children aged between ten and fourteen years.
65. REDACTED, together with the other abducted children, was brought by foot to the FPLC military camp in REDACTED. Whilst marching to the camp, in order to prevent their escape, the children were closely guarded by FPLC soldiers.
66. Together with REDACTED, about 135 new recruits, many of them of her age, were brought to the FPLC military training camp in REDACTED. The training camp was commanded by FPLC commander PEPE.

67. After arrival, the new recruits were divided into three groups of the same size, REDACTED 's group being comprised of about thirty-five boys and about ten girls, all of about her age.
68. The military training lasted almost two months. For the first two weeks, the training was mainly practical and included a wide variety of physical exercises. Later, the training was expanded to also cover the use of firearms.
69. During the two-month training, the REDACTED training camp was inspected once by **Thomas LUBANGA DYILO**, and twice by Deputy Chief-of-Staff Bosco NTAGANDA. Both addressed the recruits, including the children. Whilst encouraging them, they also threatened them to be killed if they attempted to flee the camp.
70. After completion of the training, REDACTED and the other recruits received military uniforms, guns and three magazines of ammunition each. Deputy Chief-of-Staff Bosco NTAGANDA distributed the uniforms.
71. After completion of the training, REDACTED and the other recruits were instructed, including by Deputy Chief-of-Staff Bosco NTAGANDA, to kill all Lendu, including men, women and children. No distinction was made between combatants and civilians. In or about October 2002, REDACTED and other recruits, following the respective orders of Bosco NTAGANDA, participated in the attack on Libi. During combat, REDACTED shot at people, emptying two magazines of ammunition.
72. As a result of the attack on Libi, four girls and six boys fighting for the FPLC were killed.

73. After the attack on Libi, REDACTED, following the orders of Deputy Chief-of-Staff Bosco NTAGANDA, participated in the FPLC attack on Mbau in about October 2002. Prior to the attack, led by Bosco NTAGANDA and FPLC commander Salumu MULENDA, Bosco NTAGANDA ordered once again that the FPLC soldiers were to kill all Lendu, irrespective of their status as combatants or civilians.

74. In the course of the attack on Mbau, many children, both boys and girls, were killed. REDACTED was seriously injured by a shot to her leg.

75. Once recovered, REDACTED, together with other children, REDACTED. REDACTED. In addition, REDACTED was ordered to accompany Bosco NTAGANDA to retrieve weapons between Bunia and Libi.

76. After some months, REDACTED, again following orders of, *inter alia*, Deputy Chief-of-Staff Bosco NTAGANDA, fought once more on the frontlines, this time participating in FPLC attacks in June 2003 on Djugu and Mongbwalu.

Conscription by abduction of the thirteen-year-old REDACTED during the second half of 2002 in REDACTED and using her and other children under the age of fifteen years to participate actively in the FPLC attacks in the beginning of 2003 on Langu and in May 2003 on Bunia

77. REDACTED, born in REDACTED, was abducted by FPLC troops during the second half of 2002 on the road in REDACTED. On the same occasion, the FPLC abducted two boys of her age. The children were told that they would be killed if they did not follow the orders to mount on a truck.

78. REDACTED and the other abducted children were driven to the FPLC military training camp in REDACTED. The next day, following the order of FPLC commander KIBLO, REDACTED and about twenty-five new recruits, mostly boys, including five boys under the age of fifteen years, were brought to REDACTED. At REDACTED, they were subjected to military training, including physical training and training in the use of bayonets and daggers, and fighting with sticks. The recruits were told that they would be captured and killed if they tried to escape.

79. The military training at REDACTED, supervised by FPLC commander MUREFU, lasted two months. In the course of these two months, REDACTED was ordered by commander KIBLO to take part in guarding a military checkpoint at Simbiliabo, on the road between Mandro and Bunia, for about one week. At the end of the training, the new recruits were each provided with a military uniform, a personal weapon and two magazines of ammunition.

80. During REDACTED's military training, FPLC commander KIBLO, who was in charge of recruitment at the REDACTED military camp during that time, repeatedly recruited children for the FPLC, by taking them from the streets or from schools.

81. After the training, REDACTED and a boy under the age of fifteen years, together with older soldiers, REDACTED.

82. Early in 2003, REDACTED was ordered by FPLC commander KIBLO to participate in the FPLC attack on Largu, a Lendu village North of Bunia. REDACTED's unit was joined by another unit, comprised of adult troops and

some children, commanded by Deputy Chief-of-Staff Bosco NTAGANDA. During combat, REDACTED was wounded REDACTED in her left leg.

83. Whilst fighting at Largu, FPLC commander KIBLO ordered REDACTED to tie up the testicles of a Lendu prisoner with a wire. REDACTED, threatened to be shot by FPLC commander KIBLO, executed the order. The Lendu prisoner died as a result of the maltreatment.

84. After about two months, in May 2003, REDACTED was again ordered by FPLC commander KIBLO to participate in a FPLC attack, this time at Bunia, fighting the Uganda People's Defence Force (UPDF) and the alliance between the FNI and the Forces de Résistance Patriotique en Ituri (FRPI). The battle lasted four days.

IMPACT ON THE CHILDREN'S LIVES

85. The conscription and enlistment in the ranks of the FPLC and/or the use in hostilities of REDACTED, REDACTED, REDACTED, REDACTED, REDACTED and REDACTED had immediate consequences upon their lives and affected their physical, mental and emotional development.

86. Whilst taking part in hostilities, REDACTED, REDACTED, REDACTED and REDACTED were wounded. Following their escape from the FPLC or their demobilisation, REDACTED, REDACTED and REDACTED were unable to re-establish contacts with their families and friends; REDACTED, REDACTED and REDACTED did not continue their education. REDACTED and REDACTED reported having had nightmares. REDACTED reported being fearful of loud noises and people crying.

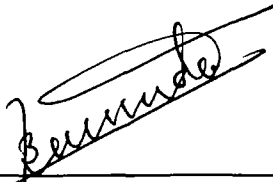
87. The children's experiences are representative of those of other children enlisted, conscripted and used by the FPLC. These experiences are also consistent with the scientific research showing that children who have suffered trauma become prone to psychological disorders which contribute to their alienation and add to the problems in their society.

By these acts, **Thomas LUBANGA DYILO** committed:

Count 1: CONSCRIPTING CHILDREN INTO ARMED GROUPS, a **WAR CRIME**, punishable under Articles 8(2)(e)(vii) and 25(3)(a) of the Rome Statute.

Count 2: ENLISTING CHILDREN INTO ARMED GROUPS, a **WAR CRIME**, punishable under Articles 8(2)(e)(vii) and 25(3)(a) of the Rome Statute.

Count 3: USING CHILDREN TO PARTICIPATE ACTIVELY IN HOSTILITIES, a **WAR CRIME**, punishable under Articles 8(2)(e)(vii) and 25(3)(a) of the Rome Statute.



 ‡ Luis Moreno-Ocampo
 Prosecutor

Dated this 28th day of August 2006
 At The Hague, The Netherlands