

# AMICC

## PROFILE OF THOMAS LUBANGA DYILO

Thomas Lubanga Dyilo was born in Jiba, Ituri on December 29, 1960. Little is known about his childhood, except that he speaks fluent French, which suggests that he received some form of education either outside of the DRC or at one of the DRC's missionary schools.

During the Second Congo War (1998-2003), Mr. Lubanga served as a military commander in the Congolese Rally for Democracy-Liberation Movement (RCD-ML), a rebel organization with close links to Uganda. In 2000, after splitting from the RCD-ML, Mr. Lubanga created, with assistance from Uganda, the Union of Congolese Patriots (UPC), an ethnic militia dedicated to supporting the Hema Tribe (UPC is primarily funded and backed by politicians and business interests from the Hema group).<sup>1</sup> Within this organization, Mr. Lubanga served as a military commander and the "minister" of defense.<sup>2</sup> In late 2002, tension between Uganda and UPC increased dramatically, leading Lubanga to sever ties with Uganda in January 2003 and form an alliance with the Rwandan-backed RCD-Goma. Later that year, several anti-Lubangist members of UPC defected and joined the Party for Unity and Safeguarding of the Integrity of the Congo (PUSIC), another Ugandan-backed, Hema militia.<sup>3</sup> Also, in 2002, Mr. Lubanga established a military wing of UPC, called the Patriotic Forces for the Liberation of the Congo (FPLC), over which, according to sources, he had "ultimate control."<sup>4</sup>

UPC and Mr. Lubanga, who, to many, became one of the region's "most notorious warlords,"<sup>5</sup> were major players in the Ituri conflict, an interethnic conflict in the Ituri district of the DRC between the Lendu and Hema tribes. Although relations were always tense between these two tribes, violence was generally rare. During the Second Congo War, however, as a result of the actions and decisions of the leaders of the Uganda People's Defense Force (UPDF), which at the time controlled much of the DRC, widespread violence between the two tribes erupted, marking the start of the Ituri Conflict. In June 1999, James Kazini, leader of the UPDF, created the Ituri province and selected a member of the Hema tribe to be governor, which led the Lendu to feel that the Ugandans favored the Hema.<sup>6</sup> Fighting subsided in late 1999 when a neutral party was appointed governor, but resumed again in 2001 when a member of the Hema tribe again assumed

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<sup>1</sup> BBC News, *DR Congo Rebel in Landmark Trial*, March 20, 2006, <http://news.bbc.co.uk/1/hi/world/africa/4824772.stm>.

<sup>2</sup> UN Office for the Coordination of Humanitarian Affairs, *DRC: Who's who in Ituri- militia organizations, leaders*, [http://www.irinnews.org/report.asp?ReportID=46732&SelectRegion=Great\\_Lakes](http://www.irinnews.org/report.asp?ReportID=46732&SelectRegion=Great_Lakes)

<sup>3</sup> *Id.*

<sup>4</sup> UN Integrated Regional Information Networks, *Ituri Warlord Faces First Trial at ICC in the Hague*, March 21, 2006, <http://allafrica.com/stories/200603210148.html>

<sup>5</sup> BBC News, *DR Congo Rebel in Landmark Trial*, March 20, 2006, <http://news.bbc.co.uk/1/hi/world/africa/4824772.stm>

<sup>6</sup> Human Rights Watch, *Background to the Hema-Lendu Conflict in Uganda-controlled Congo*, January 2001, <http://www.hrw.org/backgrounder/africa/hemabckg.htm>.

power. Even when the Second Congo War ended in 2002, violence in the Ituri region did not cease and still continues to this day.

The Ituri conflict was greatly complicated by the presence of various other groups/organizations that sought to gain access to and/or control of the precious natural resources in the area. Several countries, such as Rwanda and Uganda, continued to maintain active military groups in the region even after the Second Congo War had subsided in an attempt to seize control of the region's rich natural resources. Furthermore, large international corporations with interests in these resources developed relationships with various military groups active in the region. For example, Anglo Gold Ashanti, a subsidiary of Anglo American, formed a partnership with the Nationalist and Integrationist Front (FNI), a group composed primarily of members from the Lendu tribe, to facilitate mining operations in the town of Mongbwalu.<sup>7</sup> The resources harvested were then smuggled out of the country, often via Uganda, and sold on the world market. Although UPC was not directly involved in this particular controversy, it has been involved in numerous disputes to control the region's gold mines.<sup>8</sup> Furthermore, according to Amnesty International, Lubanga and the UPC have also been involved in the illegal delivery of arms from Rwanda to the DRC.<sup>9</sup>

After the end of the Second Congo War, in August 2002, UPC seized control of the mining town of Bunia, with help from Ugandan forces and assistance from Rwanda. During this time, UPC also split into two factions, UPC-K, which was led by Kisembo Bahemuka (who is now a newly appointed General in the Armed Forces of the Democratic Republic of the Congo (FARDC), the country's national military<sup>10</sup>), and UPC-L, which was militarily stronger and led by Mr. Lubanga. It was also during this time period that UPC is purported to have committed grave atrocities. From 2002-2003, UPC is alleged to have massacred thousands of civilians. The most infamous of these massacres occurred in the mining village of Mongbwalu, where UPC is said to have murdered more than 800 civilians, the majority members of the Lendu Tribe (possibly in an attempt to wrest control of the village's rich gold mines from the FNI).<sup>11</sup> Furthermore, Mr. Lubanga is alleged to have decreed that all families living in zones under his control had to contribute a cow, money, or a child to support UPC. Both young boys and girls were often seized from their families and sent to special camps designed to train children to be efficient fighters.<sup>12</sup> Mr. Lubanga is also blamed for deliberately stalling peace in the Ituri region when he objected to sign a MONUC agreement on the cessation of hostilities dated February 2003.<sup>13</sup>

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<sup>7</sup> Human Rights Watch, *D.R. Congo: Gold Fuels Massive Human Rights Atrocities*, June 2, 2005, <http://www.hrw.org/english/docs/2005/06/02/congo11041.htm>

<sup>8</sup> International Action Network on Small Arms, *International Criminal Court arrests Congo warlord*, <http://www.iansa.org/regions/cafrica/lubanga-icc.htm>

<sup>9</sup> *Id.*

<sup>10</sup> Human Rights Watch, *D.R. Congo: Army Should Not Appoint War Criminals*, January 14, 2005, <http://hrw.org/english/docs/2005/01/14/congo10014.htm>

<sup>11</sup> Trial Watch, <http://www.trial-ch.org/trialwatch/profiles/en/facts/p294.html>

<sup>12</sup> *Warrant of Arrest against Thomas Lubanga Dyilo*, March 20, 2006, <http://www.scoop.co.nz/stories/WO0603/S00351.htm>

<sup>13</sup> Global Security, *Union of Patriotic Congolese*, <http://www.globalsecurity.org/military/world/para/upc.htm>

In 2004, Mr. Lubanga moved from Bunia to Kinshasa, the capital of the Ituri region, to establish his militia as a political party and succeeded in doing so shortly thereafter.<sup>14</sup> It is unclear whether Mr. Lubanga's decision to establish UPC as a political party reflected legitimate political aspirations or if it was simply a desire to disguise his militia and protect himself from possible prosecution. His decision to, at the pre-trial hearing at the ICC on March 20, 2006, identify himself as a "professional politician"<sup>15</sup> has been cited as evidence of his motivations; however, again, it is possible that he chose to identify in this manner to protect himself from prosecution.

In March 2005, Mr. Lubanga was arrested in Kinshasa in connection with the murder of nine Bangladeshi UN peacekeepers. UPC's Secretary General, John Tinanzabo, was arrested on April 14, 2005, a day after declaring that the party had officially renounced armed struggle,<sup>16</sup> which lends further support to the legitimacy of Mr. Lubanga's (and UPC's) political aspirations.

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<sup>14</sup>The Boston Globe, *Congolese Rebel Leader Extradited to Court*, March 17, 2006,

[http://www.boston.com/news/world/africa/articles/2006/03/17/congolese\\_rebel\\_leader\\_extradited\\_to\\_court/](http://www.boston.com/news/world/africa/articles/2006/03/17/congolese_rebel_leader_extradited_to_court/)

<sup>15</sup> UN Integrated Regional Information Networks, *Ituri Warlord Faces First Trial at ICC in the Hague*, March 21, 2006, <http://allafrica.com/stories/200603210148.html>

<sup>16</sup> UN Office for the Coordination of Humanitarian Affairs, *DRC: Who's who in Ituri – militia organizations, leaders*, [http://www.irinnews.org/report.asp?ReportID=46732&SelectRegion=Great\\_Lakes](http://www.irinnews.org/report.asp?ReportID=46732&SelectRegion=Great_Lakes)