



Original: **French**

No.: **ICC-01/04**
Date: **16 February 2006**

PRE-TRIAL CHAMBER I

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

Registrar: Mr Bruno Cathala

SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO

Under seal

Ex parte only available to the Prosecutor

**Registration in the record of material presented at the *ex parte* closed hearing of
2 February 2006**

The Office of the Prosecutor

Mr Moreno Ocampo
Ms Fatou Bensouda
Mr Ekkehard Withopf
Ms Lyne Decarie

The Registrar of the International Criminal Court (the “Court”);

CONSIDERING that rule 121 (10) of the Rules of Procedure and Evidence provides that the Registrar shall create and maintain a full and accurate record of all proceedings before the Pre-Trial Chamber;

NOTING that at the closed *ex parte* hearing of 2 February 2006 (the “Hearing”) the Prosecutor submitted material thus far not part of the record of the proceedings;

NOTING that the material submitted was registered in the record of the proceedings at the Hearing;

Registers in the record of ICC-01/04 the attached material submitted during the Hearing, under the following reference number:

REDACTED

HNE6-01/04/-US-Exp: Statutes of the *Union des Patriotes Congolais*.¹

[signed]

On behalf of the Registrar

Marc Dubuisson

Head of the Division of Court Services

Dated this 16th day of February 2006

At The Hague, The Netherlands

[Seal of the Court]

¹ T-01/04-8-Conf-Exp-EN, p. 78, line 25.

HNE6-01/06-US-Exp

DEMOCRATIC REPUBLIC OF THE CONGO
UNION DES PATRIOTES CONGOLAIS
UPC

[Signed Ngabo Singo J. Vianney]

STATUTES

PART I: ESTABLISHMENT, APPELLATION, SEAT AND OBJECTIVES

Article 1

A political movement known as the Union des Patriotes Congolais (UPC) is hereby established in Bunia this 15th day of September 2000.

The movement shall be governed by the laws and regulations of the Democratic Republic of the Congo.

It shall be guided by the principles of national unity and democracy.

Article 2

The seat of the UPC shall be established in the city of Bunia, administrative centre of the province of Ituri, Democratic Republic of the Congo, at No. _____ *Avenue Ituri, Quartier Lumumba.*

It may be transferred to any other location further to a decision of the political leadership.

Article 3

The UPC shall be defined as a democratic people's liberation movement.

Article 4

The slogan of the UPC shall be: UNITY - EQUALITY - PROGRESS.

Article 5

The objectives of the UPC shall be to:

1. make the Congolese people take responsibility for their own destiny;
2. combat dictatorship, nepotism, kleptocracy, corruption, intolerance and exclusion and restore to the people their inalienable rights;
3. use democratic institutions to provide the country with political, economic, social and cultural order which will promote moral and spiritual values with a view to achieving sustainable well-being amongst the people;
4. equip the country with an efficient and responsible Public Service based on the meritocracy of senior figures capable of achieving national unity and the harmonious development of the country;
5. make human beings the focus of all development;
6. ensure the development of the individual person, equilibrium and social cohesiveness through the proper administration of justice based on equity and equality before the law;
7. promote economic growth with a view to improving living standards amongst the people by ensuring that they have adequate purchasing power;
8. put public finances on a sound footing, protect the currency, restore and develop the national economy by reorganising and modernising the tools of production;
9. make youth the engine of development and the future of the country by instilling faith in and hope for a promising future by creating an environment of effective moral, spiritual and professional values and a culture of meritocracy and constant endeavour;
10. restructure the education system by improving its quality and directing training and research towards production in order to meet the country's development needs;

11. foster cooperation between the country and all peace-loving States which seek justice and freedom;
12. form a national army capable of protecting and defending the country's territorial integrity.

PART II: MEMBERS AND AFFILIATION

Article 6

Any Congolese national regardless of gender, race, ethnic group, religion or opinion, as provided for in article 5, who supports the programme of the movement shall be entitled to membership of the UPC.

Article 7

The UPC shall be composed of the Founding and Co-Founding Members, Effective Members, Sympathising Members and Honorary Members;

Article 8

Founding Members shall be the movement's original members. They shall together be the officials of the UPC.

Article 9

Co-Founding Members shall be those persons present at the time the Founding Members set up the movement;

Article 10

Effective Members shall be any Congolese adult enjoying civic rights, who agrees with the programme and statutes of the UPC, whose dues have been paid and who undertakes to work actively to achieve the objectives of the movement.

Article 11

Sympathising Members shall be any natural or legal person who supports the objectives of the UPC but who is not a member;

Article 12

Honorary Members shall be any natural or legal person, whether a member or not, whose actions help to promote and achieve the objectives of the UPC.

Article 13

Founding Members and Co-Founding Members shall also be Effective Members.

Article 14

Membership shall expire upon death, resignation or exclusion.

Article 15

Effective Members shall be granted membership in accordance with the conditions and procedure set out in the Rules and Regulations.

Article 16

No natural person admitted to the UPC may be affiliated with any other political association.

Article 17

In view of the UPC's national vocation and democratic ideals, membership shall be open to political organisations and civic groups whose objectives are compatible with the UPC.

Article 18

Merger of the UPC with any other political association shall be decided by the National Directorate in accordance with the conditions set by the Rules and Regulations. The Rules and Regulations shall set out the practical modalities for cooperation between the UPC and other political associations.

PART III RESPONSIBILITIES OF MEMBERSArticle 19

All members of the UPC are equal in respect of responsibilities. These shall include

- 1) striving to achieve the objectives of the movement;
- 2) respecting the principles of the movement and being subject to its discipline;
- 3) demonstrating a spirit of initiative, loyalty and sacrifice in carrying out tasks assigned by the movement;
- 4) working assiduously for the success of the movement in a disciplined, honest and modest fashion;
- 5) engaging in dialogue within the movement with a view to fostering harmony, unity and solidarity;
- 6) denouncing any human rights violations; and
- 7) paying dues.

PART IV RIGHTS OF MEMBERSArticle 20

All members of the UPC shall enjoy equal rights. These include

- 1) participating in the activities of the movement;
- 2) voting in elections and being eligible for election;
- 3) being heard and expressing opinions within the movement; and

- 4) receiving information from the movement.

PART V SANCTIONS

Article 21

Failure to meet the obligations of membership shall be punished by

- reprimand;
- temporary suspension;
- exclusion from the movement.

PART VI ORGANISATION

Article 22

The structure of the UPC shall include national, provincial and local organs.

A NATIONAL ORGANS

Article 23

The UPC shall comprise the following national organs:

1. The Congress
2. The National Directorate
3. The Political Committee
4. The General Secretariat

SECTION I CONGRESS

Article 24

The Congress shall comprise members of the National Directorate, the Political Committee, the General Secretariat and delegates of the provincial and local organs.

Article 25

The Congress shall be the highest organ of the movement. As such, its role shall be to guide, regulate and sanction all national organs.

The Congress shall rule on all issues relating to the structure of the movement. It shall approve the Statutes and the Rules and Regulations.

Article 26

The Congress shall meet in ordinary and extraordinary session. It shall make decisions by “resolution”.

Article 27

The organisation, operation and work of the Congress shall be governed by the Rules and Regulations.

SECTION II NATIONAL DIRECTORATE

Article 28

The UPC National Directorate shall comprise:

1. The President and Vice-President of the movement;
2. The members of the Political Committee
3. The members of the General Secretariat
4. The Provincial Delegates

Article 29

The National Directorate shall be governing organ of the movement. It shall be responsible for establishing, organising and taking decisions on UPC matters. As such it shall

- ensure implementation of the resolutions of the Congress;
- draft the Rules and Regulations of the UPC;
- rule and deliberate on all questions with a view to ensuring the proper functioning of the movement.

Article 30

The members of the National Directorate shall be elected from among the Founding Members and Co-Founding Members for a renewable five-year term. Five Provincial Delegates shall be elected from each province by their respective assemblies.

Article 31

The National Directorate shall be the guarantor of the Union of Congolese Patriots.

Article 32

The National Directorate shall meet in ordinary and extraordinary session. It shall deliberate by “decision”.

Article 33

The organisation and functioning of the National Directorate shall be set by the Rules and Regulations.

SECTION III POLITICAL COMMITTEE

Article 34

The Political Committee shall be the standing board of the National Directorate. It shall be the organ which implements and monitors the National Directorate's decisions under the authority of the President of the movement.

Article 35

The Political Committee shall comprise the following:

1. One President;
2. Three Vice-Presidents;
3. One Secretary-Rapporteur;
4. One Deputy Secretary-Rapporteur.

Article 36

The President shall be elected by the National Directorate from among the Founding Members for a renewable two-year term.

He shall appoint the other members of the Political Committee.

Article 37

The members of the Political Committee shall be the senior officials of the UPC.

Their functions shall be set out in the Rules and Regulations.

SECTION IV GENERAL SECRETARIAT

Article 38

The General Secretariat shall be the permanent organ of the UPC. It shall be responsible for routine management of the movement.

It shall implement the decisions of the Congress, the National Directorate and the Political Committee.

An Executive Secretariat shall assist the General Secretariat in its tasks.

The Executive Secretaries shall be appointed by the President of the movement further to a proposal by the Secretary-General and following approval of the Political Committee.

Article 39

The organisation and functioning of the General Secretariat shall be set out in the Rules and Regulations.

B - PROVINCIAL AND LOCAL ORGANS

Article 40

The UPC provincial and local organs shall be:

1. at province level: the Provincial Assembly and Provincial Committee;
2. at territory level: the Territorial Assembly and Territorial Committee;
3. at collectivity level: the Collectivity Council and the Collectivity Committee;
4. at grouping and collectivity level: the Grouping or Locality Council and the Grouping or Locality Committee.

Their organisation and functioning shall be set out in the Rules and Regulations.

Article 41

The members of the UPC shall be grouped as follows:

- At province and town level in federations;
- At territory level in sections
- At collectivity level in sub-sections;
- At grouping level in base cells;

- At locality, enterprise and general population organisation level, in sub-base cells.

Article 42

The sections, sub-sections, base cells and sub-base cells shall, in their respective areas, be responsible for:

- political action;
- mobilisation and recruitment;
- supervision and education of the general population.

Article 43

The mission of the Provincial Assembly shall be to:

- ensure implementation of the resolutions of the Congress;
- deliberate on the specific issues falling within its ambit.

Article 44

The Provincial Committee shall assume the duty of implementing the decisions of the higher organs.

The provisions of articles 28, 29, 30, 32 and 33 concerning the National Directorate shall apply *mutatis mutandis* to the Provincial Committee.

Article 45

The mission of the Territorial Assembly shall be to:

ensure implementation of the resolutions of the Congress and the Provincial Assembly;
deliberate on the specific issues falling within its ambit.

Article 46

The Territorial Committee is responsible for implementing the decisions of the higher organs.

The provisions of articles 28, 29, 30, 32 and 33 concerning the National Directorate and article 44 concerning the Provincial Committee shall apply *mutatis mutandis* to the Territorial Committee.

Article 47

The mission of the Collectivity Council shall be to:

- ensure implementation of the resolutions of the Congress, the Provincial Assembly and the Territorial Assembly;
- deliberate on the specific issues falling within its ambit.

The provisions of articles 43 and 45 shall apply *mutatis mutandis* to the Collectivity Council.

Article 48

The Collectivity Council shall be responsible for implementing the decisions of higher organs.

The provisions of articles 28, 29, 30, 32 and 33 concerning the National Directorate, article 44 concerning the Provincial Committee and article 46 concerning the Territorial Committee shall apply *mutatis mutandis* to the Collectivity Committee.

Article 49

The mission of the Grouping and Locality Councils shall be to

- ensure implementation of the resolutions of the Congress, the Provincial Assembly, the Territorial Assembly and the Collectivity Council;
- deliberate on the specific issues falling within its ambit.

Article 50

The Grouping and Locality Committee shall be responsible for implementation of the decisions of the higher organs.

The provisions of articles 28, 29, 30, 32, 33, 44, 46, and 48 shall apply.

PART VII GENERAL POPULATION ORGANISATIONS

Article 51

The UPC shall have a specialised branch known as the *Force Juvenile Congolaise* (FJC) [Congolese Youth Force], who deal with the bone and sinew (*forces vives*) of the country.

Article 52

The FJC shall be responsible for

- mobilising, organising and supervising young Congolese who are members of the UCP.
- grounding young Congolese in the need for national awareness and a sense of responsibility for the country's future.

The National Directorate shall draft the Statutes and Regulations governing the FJC.

PART VIII THE RESOURCES OF THE MOVEMENT

Article 53

The resources of the UPC shall be derived from

- members' dues;
- donations and bequests;
- revenue from activities; and
- possible subsidies.

Article 54

Management of the resources of the movement shall be monitored by a Board of Auditors to be designated by the Congress. The Rules and Regulations shall determine how the Board of Auditors is composed and operates.

Article 55

UPC accounts shall be subject to the rules of accounting in force in the country. The amount of dues and when such dues are to be paid shall be set out in the Rules and Regulations.

PART IX TRANSITIONAL AND FINAL PROVISIONSArticle 56

The Founding Members and Co-Founding Members shall form the Constituent Assembly of the UPC.

The Constituent Assembly shall exercise the prerogatives of the Congress until such time as the first congress of the movement can be convened.

It shall set up on a provisional basis a National Directorate, a Political Committee and a General Secretariat.

Article 57

The dissolution of the UPC may be effected by an extraordinary congress convened for this purpose by a two-thirds majority decision of the Effective Members present at the Congress. The said Congress may be convened only further to a proposal of three-quarters of the members of the Constituent Assembly.

Article 58

Rules and Regulations shall supplement these Statutes for any issues not expressly regulated.

Article 59

These Statutes shall enter into force on the date of their approval by the Constituent Assembly of the UPC.

Done in Bunia, 15 September 2000

FOR THE CONSTITUENT ASSEMBLY OF THE UPC

THE FOUNDING MEMBERS

1. Thomas Lubangu [signed]
2. [illegible]
3. Mawaclimani
4. Herve Dj-ka—[illegible]
5. – 13 [illegible]

[Seal of the Court]