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Trial of Congolese militia leader to open at ICC*Sexual and gender-based crimes among charges against Bosco Ntaganda*

New York/The Hague—The long-awaited opening of the trial of militia leader Bosco Ntaganda at the International Criminal Court (ICC) is a significant step in the fight against impunity and sexual violence in the Democratic Republic of Congo (DRC), the Coalition for the ICC said today.

The trial, which opens in The Hague on 2 September, will revolve around two attacks in the DRC's Banyali-Kilo and Walendu-Djatsi districts in 2002-03. It marks the first time a militia leader faces sexual and gender-based charges for crimes against child soldiers under their command.

"This is a very important case not just for the ICC and the communities affected by the crimes for which Ntaganda is charged, but also for fields of international humanitarian and criminal law," **said Brigid Inder, executive director of Women's Initiatives for Gender Justice.** "For the first time, a commander, Ntaganda, has been charged with rape and sexual slavery committed against children within his own militia group and under his command."

"This case, more than any other to have reached a trial stage of proceedings, addresses the use of sexual violence in conflict as a means to intimidate, control and harm both the civilian population as well as children illegally enlisted and conscripted into Ntaganda's militia group," **Inder added.**

Ntaganda was a commander in various armed rebel groups in the DRC's troubled eastern provinces from the late 1990s onwards, including the Patriotic Forces for the Liberation of Congo and, most recently, M-23. He also served as a general in the Congolese army from 2009 to 2012.

Ntaganda has been wanted by the ICC since 2006, while a second arrest warrant was issued in 2012. He is charged with 13 counts of war crimes and five counts of crimes against humanity, including using child soldiers, murder, rape and sexual slavery allegedly committed in 2002 and 2003.

"The trial of Bosco Ntaganda, who spent years as a member of the Congolese armed forces while wanted by the ICC, marks the beginning of the end for impunity in the DRC," **said Clément Capo-Chichi, Africa regional coordinator for the Coalition for the ICC.** "With accountability comes an opportunity to end the cycle of violence that has claimed millions Congolese lives since 1998."

Ntaganda's trial will open at the seat of the ICC in The Hague, though judges considered holding proceedings in the DRC in order to be closer to the victims and communities affected by the case. That plan was dropped due to security concerns.

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At least 1,120 victims are participating in the case through two legal representatives.

“For victims, the trial of Ntaganda is a long time coming, and provides not only hope for justice, but an opportunity for healing,” **said André Kito, coordinator of the DRC National Coalition for the ICC.**

In 2013, Ntaganda surrendered to the United States embassy in Rwanda and asked to be transferred to the ICC, reportedly as a result of conflict within the leadership of the M-23.

Ntaganda’s trial was due to open on 7 July this year, but was postponed after the defense requested additional time to prepare its case.

In June, the DRC national assembly adopted a bill incorporating the ICC Rome Statute into national law, providing for more effective cooperation with the Court. It must now be passed by the senate before becoming law.

Background: The ICC is the world’s first permanent international court to have jurisdiction over war crimes, crimes against humanity, and genocide. Central to the Court’s mandate is the principle of complementarity, which holds that the Court will only intervene if national legal systems are unable or unwilling to investigate and prosecute perpetrators of genocide, crimes against humanity and war crimes.

There are currently nine active investigations before the ICC: the Central African Republic I & II; DRC; Darfur, Sudan; Kenya; Libya; Uganda; Côte d’Ivoire and Mali. The ICC has publicly issued 31 arrest warrants and nine summonses to appear. Two trials are ongoing. There have been two convictions and one acquittal.

Nine preliminary examinations are currently ongoing, including into situations in Palestine, Honduras, Ukraine, Iraq, Afghanistan, Colombia, Georgia, Guinea and Nigeria. The Office of the Prosecutor has concluded preliminary examinations relating to Venezuela, Palestine, the Republic of Korea and the Comoros referral, declining in each case to open an investigation.

The Coalition for the International Criminal Court is a global network of civil society organizations in over 150 countries working in partnership to strengthen international cooperation with the ICC; ensure that the Court is fair, effective and independent; make justice both visible and universal; and advance stronger national laws that deliver justice to victims of war crimes, crimes against humanity and genocide. www.coalitionfortheicc.org.

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