

Media Advisory – 17 March 2006

First Arrest for International Criminal Court *New Permanent Court Unseals DRC Arrest Warrant*

WHAT: On Friday, 17 March 2006, the International Criminal Court (ICC) in The Hague announced that its Pre-Trial Chamber I had unsealed an arrest warrant concerning the situation in the Democratic Republic of Congo (DRC) for the leader of a political and military movement, the Union of Congolese Patriots (UPC), Thomas Lubanga Dyilo. The ICC also announced that Mr. Lubanga was arrested and transferred to the The Hague. This is the first arrest for the new permanent Court. This is the first unsealed arrest warrant issued for the DRC situation, but it is expected to lead to subsequent requests for arrest warrants as the Prosecutor continues his investigation.

HOW: The Office of the Prosecutor (OTP) submitted an application for the issuance of this arrest warrant on 12 January 2006. The Pre-Trial Chamber issued the DRC arrest warrant on 10 February 2006 under seal and the Registrar communicated this decision to Congolese authorities on 14 March 2006. Thomas Lubanga has been in custody in Makala, Kinshasa since his arrest on 19 March 2005. Following an appearance before the Congolese judiciary and due to the cooperation of national authorities, the French government, and MONUC, Mr. Lubanga was transferred to The Hague. Mr. Lubanga's arrest and transfer is likely to result in him being the subject of the ICC's first trial.

WHO: The leader of the UPC and the commander-in-chief of its military wing, the Forces patriotiques pour la libération du Congo (FPLC), Thomas Lubanga was named in the arrest warrant. He is alleged to have been involved in forcefully enlisting and conscripting children under the age of fifteen and using them to participate actively in hostilities, a serious war crime under Articles 8(2)(b)(xxvi) or 8(2)(e)(vii) of the Rome Statute of the ICC.¹

COMMENT AND BACKGROUND: Experts from human rights organizations are available for background information and comment and can be reached through the list on the following page. Quotes from several of these experts are also included.

COURT INFORMATION: The ICC's press release on the DRC arrest warrants can be found on the Court's website at: <http://www.icc-cpi.int/press/pressreleases/132.html>. The OTP press release is available at <http://www.icc-cpi.int/press/pressreleases/133.html>.

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Important notice: CICC's policy on the referral and prosecution of situations before the ICC: The Coalition, an independent NGO movement, is dedicated to the establishment of the International Criminal Court as a fair, effective, and independent international organization. The CICC will continue to provide the most up-to-date information about the ICC and to help coordinate global action to effectively implement the Rome Statute of the ICC. The Coalition will also endeavor to respond to basic queries and to raise awareness about the ICC's trigger mechanisms and procedures, as they develop. The Coalition as a whole, and its secretariat, do not endorse or promote specific investigations or prosecutions or take a position on situations before the ICC. However, individual CICC members may endorse referrals, provide legal and other support on investigations, or develop partnerships with local and other organizations in the course of their efforts. The Coalition is *not* an organ of the International Criminal Court.

Note for Editors:

- The Court is currently investigating cases in Darfur, Sudan; the Democratic Republic of Congo; and Uganda. The ICC Prosecutor's office is also analyzing five other situations on four continents including the Central African Republic and Cote d'Ivoire. The ICC unsealed its first arrest warrants for five top leaders of the Ugandan Lord's Resistance Army (LRA) on 13 October 2005.

¹ Over 10,000 children have been recruited and used as child soldiers in the DRC since 1996. (WITNESS, "A Duty to Protect: Justice for Child Soldiers in the DRC," Association des Jeunes pour le Developpement Integre-Kalundu (AJEDI-Ka), Congo, available at http://www.witness.org/option.com_rightsalert/Itemid.178)

HUMAN RIGHTS EXPERTS ON THE INTERNATIONAL CRIMINAL COURT'S
ARREST WARRANTS IN THE DRC

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"This was our main goal in producing the documentary, 'A Duty to Protect, Justice for Child Soldiers in the DRC.' It is an ideal step in the protection of children. We encourage the ICC to continue in this way. Since the conscription of child soldiers concerns all parties in the DRC conflict, we hope to see the ICC issue other warrants for other parties in this conflict on such a charge. This is really a victory in the fight against impunity, but the battle is not over."

Dr. Karine Bonneau, Director of the International Justice Program, Fédération Internationale des Ligues des Droits de L'Homme (FIDH - International Federation for Human Rights)

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"The fight against impunity in the DRC must continue, and this arrest warrant must be only the first step towards the arrest of other Congolese criminals, in respect of other serious crimes which continue to pervade Ituri and the whole of the DRC" - Sidiki Kaba, President of FIDH

Richard Dicker, International Justice Program Director, Human Rights Watch

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"Thomas Lubanga's arrest offers victims of the horrific crimes in Ituri some hope of seeing justice done at last. [...] Forcing young children to participate in warfare is a serious crime, but the ICC prosecutor must also press additional charges against militia leaders for massacres, torture and rape. [...] Chief Prosecutor Ocampo should also investigate those who armed and supported militia groups operating in Ituri, including key players in power in Kinshasa, Kampala and Kigali."

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(French)

“We welcome this first concrete ICC action in our country. It is an important and symbolic step. This demonstrates the willingness of all the actors involved in the search for justice, i.e. the DRC government, MONUC and the Court itself, to cooperate for that goal. However, we believe that this is a very small harvest for the Court and we are hoping that other arrest warrants for top leaders responsible for the worst crimes will follow.”

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(French)

“This is good news for justice in general but we believe that most of the Congolese victims of atrocities, including mass killings, will be disappointed that the ICC only targeted the issue of child soldiers in its first arrest warrant. We also believe that Thomas Lubanga’s involvement in the killing of UN soldiers played an important role in this decision, which makes us wonder...”

Roger Muchuba, Director, Héritier de la Justice

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“This arrest warrants came at the right time, a time when the Congolese are starting to doubt the effectiveness of the ICC. We also believe that this action sends a clear signal that justice can be done against the war lords who committed serious crimes in our country. Targeting the enlisting and conscripting of children under the age of fifteen and their use in participating actively in hostilities seems very essential to us given that the issue of child soldiers is a real plague in the DRC conflict, a real danger for the future of the country. However, we believe that the Court will not stop here...”

William R. Pace, Convenor, International NGO Coalition for the ICC (CICC)

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Alison Smith, Legal Counsel and Coordinator International Criminal Justice Program, No Peace Without Justice

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“The prohibition of the recruitment and use of child soldiers under age fifteen in the Rome Statute signals the gravity of this crime; the issue is given greater weight by these arrest warrants. [...] We hope and believe that the ICC will follow these arrest warrants with further indictments for the serious crimes committed against the people of the DRC. [...]” - Sergio Stanzani and Gianfranco Dell’Alba, President and Secretary-General of NPWJ.