



Coalition for the International Criminal Court
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**GLOBAL COALITION FOR THE ICC SAYS COURT'S FIRST TRIAL A LANDMARK
OPPORTUNITY FOR VICTIMS IN NEW INTERNATIONAL JUDICIAL ORDER**

*Case against Congolese Warlord Thomas Lubanga Dyilo Highlights Gravity of
Recruitment, Enlistment and Conscripting of Child Soldiers*

On 26 January 2009, the Hague-based International Criminal Court (ICC) will open its first trial in the case of *The Prosecutor vs. Thomas Lubanga Dyilo*.

The Lubanga trial is the first for the ICC, which is in turn the world's first permanent international court set up to prosecute war crimes, crimes against humanity and genocide. In addition, Lubanga was the first person charged in the Democratic Republic of Congo (DRC) situation as well as the Court's first detainee. The trial marks a turning point for the Rome Statute, the ICC's founding treaty, which entered into force only six years ago.

"The beginning of the trial of Thomas Lubanga represents another landmark for the ICC," said William R. Pace, Convener of the Coalition for the ICC (CICC). "Due process, disclosure, fair trial issues have already been resolved in pre-trial proceedings that will impact future arrests and prosecutions by the ICC. The Lubanga proceedings will be the first test of formal victim participation in an international criminal trial.

In the last six months, millions of people have been terrorized by warlords utilizing child soldiers in the DRC. Until those who conscript children are prosecuted, we cannot expect these horrible crimes to end."

Members of the Coalition briefed the media on the eve of the trial's opening.

"Children in the Congo deserve justice," said **Bukeni T. Wazuri**, Program Coordinator, WITNESS and former director of Ajedi-Ka, an NGO in eastern DRC that works to demobilize and rehabilitate child soldiers. "Child soldiers are encouraged to smoke marijuana to get 'military spirit,' they use witchcraft to make these children believe that they are untouchable, some children have been required to go and kill relatives to get 'military spirit' and rank. They sleep outside in the cold. They don't eat properly, they are given marijuana instead of food (to 'give strength'). These practices and their experience complicate their reintegration. Some of them told me 'I want to go home but how will I go?'"

Katharine Orlovsky, Legal Officer at the Women's Initiatives for Gender Justice, highlighted the central role of rape and other forms of sexual violence in the enlistment and conscription of girl soldiers: "The DRC has one of the world's highest rates of sexual violence. Rape was a regular occurrence for the victims we worked with."

Orlovsky also expressed concern for the safety of those cooperating with the court as well as the victims participating in the Lubanga case. "It is clear the ICC cannot work in situations like the DRC without strong support and information from those who have survived this conflict. However, this cooperation and engagement puts victims and intermediaries at risk from both perpetrators who may be under investigation or fear investigation by the ICC, and their supporters."

Lorraine Smith, Program Manager, International Bar Association, also spoke at the Coalition's briefing. "Managing victims' participation is key to managing the trial," she said. "We welcome the steps by the Trial Chamber to ensure that defendants are not made to feel as if they are facing two prosecutors. This is important to ensuring that the trial is fair and expeditious."

BACKGROUND ON THE CASE AGAINST THOMAS LUBANGA DYILO

On Monday, 29 January 2008 in The Hague, Pre-Trial Chamber I of the International Criminal Court (ICC) confirmed the charges against Mr. Thomas Lubanga Dyilo, sending the case against him to trial. The Chamber found sufficient evidence to establish substantial grounds to believe that Mr. Lubanga is criminally responsible as a co-perpetrator for all three charges made against him for the period beginning September 2002, when the Force Patriotiques pour la Liberation du Congo (FPLC) was founded, and ending 13 August 2003.

The Prosecutor of the ICC has charged Mr. Lubanga with three war crimes: 1) enlisting children under the age of fifteen; 2) conscripting children under the age of fifteen; and 3) using children under the age of fifteen to participate actively in hostilities.

Thomas Lubanga Dyilo is the alleged founder and leader of the Union of Congolese Patriots (UPC) and Commander-in-Chief of the UPC's military wing, the (FPLC) in the Democratic Republic of Congo. Mr. Lubanga was arrested in March 2005, and subsequently imprisoned in the DRC capital, Kinshasa. He was transferred to the ICC on 16 March 2006

To date, the ICC has issued twelve arrest warrants for investigations in four of the most brutal conflicts of our time: the Central African Republic; Darfur, Sudan; Uganda and the Democratic Republic of Congo. Four suspects have been arrested. The Court is also monitoring at least eight other situations on four continents. A second trial is likely to start in 2009 against Congolese rebel leaders Germain Katanga and Mathieu Ngudjolo Chui for alleged war crimes and crimes against humanity.

FOR MORE INFORMATION: Experts from DRC human rights organizations and international NGOs are listed on the following pages for comment and background on the trial. See <http://www.iccnnow.org/?mod=drctimelinelubanga> for more.

In addition, on 26 January 2009 the Coalition for the ICC will be launching a **blog** on the Lubanga trial entitled *In Situ: See Justice through the Eyes of Civil Society*; to follow the discussion please view our redesigned website at www.iccnnow.org or www.togetherforjustice.org. To read the blog, see www.iccnnow.org/blog

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***Important notice:** The Coalition for the International Criminal Court (CICC), an independent NGO movement, is dedicated to the establishment of the International Criminal Court as a fair, effective, and independent international organization. The Coalition as a whole, and its secretariat, does 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.*

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