



NO PEACE WITHOUT JUSTICE

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ICC issues DRC warrant against Thomas Lubanga; Charges include recruitment and use of child soldiers

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The Office of the Prosecutor of the International Criminal Court (ICC) has issued the first arrest warrant for the DRC, alleging the recruitment and use of child soldiers, a war crime prohibited under the Rome Statute of the ICC. No Peace Without Justice welcomes this historic event as a step toward ending impunity in the Democratic Republic of Congo (DRC) and as a signal of growing international determination to end the use of child soldiers.

The Office of the Prosecutor officially opened its investigation in the DRC in June 2004, acting on the referral from President Joseph Kabila. The ongoing violence in the DRC dates back to a conflict beginning in 1996, however, the ICC investigation focuses only on crimes that occurred after the Rome Statute entered into force in July 2002.

The near global ratification of the Additional Protocols of the Geneva Conventions and the Convention of the Rights of the Child has established customary law prohibiting the recruitment or use of child soldiers under the age of fifteen. This applies to both state and non-state entities, regardless of whether they have ratified these instruments. Since the early 1990s, there has been a push to raise the minimum age, with numerous international treaties recommending that state parties prohibit the use or recruitment of children in the armed forces below the age of eighteen. Despite these positive steps, child soldiers are currently used in more than thirty countries.

Statement by Sergio Stanzani and Gianfranco Dell’Alba, President and Secretary-General of NPWJ:

“Since 2002, the number of children recruited to national armies and other armed groups has increased alarmingly. By some estimates, children under age fifteen comprise forty percent of armed forces. Many children volunteer as a means of seeking protection, while others view the army as a last resort after their families are killed, but the majority of child soldiers have been forcibly recruited, abducted from their homes and schools. The boys are mainly used as front line soldiers and often suffer higher casualty rates than adult soldiers: they are forced to commit human rights abuses against civilians, sometimes even killing their own family members. Girls are forced into sexual slavery: those who survive the repeated rapes suffer severe psychological and physical harm.

“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. However, the crime of conscription should not be viewed in isolation: the recruitment or use of child soldiers is inextricably linked with overall strategies of warfare that violate international humanitarian law. The charge of conscription should be included in each and every indictment where there is evidence it has been committed, to underscore the pervasive recruitment or use of child soldiers. 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.

“The focus of these indictments on the recruitment and use of child soldiers makes it likely that some children will testify against those named in the warrants. We strongly urge that all appropriate measures are employed for the protection of their safety, physical and psychological well-being, dignity and privacy, as required by the Rome Statute. All children affected by this conflict, and particularly children who appear before the ICC, should also be provided with services for their recovery and reintegration. Today’s warrants are a significant advance towards enforcing the rights of all children affected by conflict.”

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No Peace Without Justice (NPWJ) is an international non-profit organisation, working for the protection and promotion of human rights, democracy and the rule of law.