



## PARLIAMENTARIANS FOR GLOBAL ACTION

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CONTACTS:

Shazia Z. Rafi, Secretary General, PGA  
T: + 1 212 687 7755 (ext. 100)  
David Donat Cattin, Legal Advisor, PGA  
T: + 39 333 166 0309 - [donat@pgaction.org](mailto:donat@pgaction.org)

### FIRST PROCEEDINGS AGAINST CONGOLESE WARLORD MARK A NEW PHASE IN INTERNATIONAL CRIMINAL COURT (ICC)'S HISTORY

*New York, March 20, 2005* – The first person accused of war crimes and surrendered to the International Criminal Court (ICC) appeared today before the ICC in The Hague. Mr. Thomas Lubanga, leader of the Union of Congolese Patriots (UPC) and its Hema militia, has been charged by the ICC Prosecutor with the commission of the war crime of enlisting and forcibly conscripting children in the Eastern province of the Democratic Republic of the Congo (“Ituri”). The Hema militia, after having fought with the rival Lendu, terrorised the Ituri province and the city of Bunia in particular during the second half of 2002 and during 2003. The ICC has temporal jurisdiction over these atrocities as they were carried out after 1 July 2002, the date of the entry into force of the Rome Statute.

The arrest warrant against Mr. Lubanga was executed without delay by the DRC authorities, who had arrested him on 21 March 2005 on the basis of national proceedings, as reported by the UN Mission in the DRC, “MONUC”. The international arrest warrant and request for surrender was issued by the Court in January 2006. Last week, the Government of France provided the necessary assistance to transfer the accused from Kinshasa to The Hague.

Parliamentarians for Global Action (PGA) underlines the importance of this development in the evolution and practice of the ICC. As Senator Raynell Andreychuk of Canada (Convenor of the PGA Int’l Law and Human Rights Programme) stated *“the surrender of Mr. Lubanga marks a new phase in the history of the Court, which has now moved to be operational, in conformity with the expectation of being fully functional.”* Sen. Andreychuk made these remarks underscoring that *“the ICC is a permanent judicial institution, and it will not suffer from the geographic and temporal limitations of the Ad Hoc Tribunals for the former Yugoslavia and Rwanda.”*

The President of PGA, Senator Alain Destexhe of Belgium, reflected on the gravity of the DRC conflicts, which are too often neglected by international observers and policy-makers. *“The DRC has been the theatre of the gravest violations of human rights and international humanitarian law in the last ten years, as humanitarian agencies repeatedly reported”*, Sen. Destexhe said. *“The current process towards peace and democracy will benefit from the justice process before the ICC, which is aimed at identifying the individual responsibility of Mr. Lubanga and other leaders who might have utilized crimes against humanity and war crimes as a strategy of conflict”*, he concluded, echoing the declaration of ICC Prosecutor Luis Moreno Ocampo, who announced that other *“persons bearing the greatest responsibility”* for atrocities committed in Ituri and other DRC provinces will be brought to justice, in due course.

PGA Int’l Councilor Dep. Lamine Thiam of Senegal – the first country that joined the ICC Statute – stressed that *“this first case before the ICC might have a preventive effect on other situations in Africa, as it demonstrate the commitment of African States to support the ICC and avoid the repetition of atrocities.”*

The surrender of Mr. Lubanga to the ICC took place on Friday, March 16, 2006, at a time in which Parliamentarians for Global Action was holding a regional parliamentary seminar in the Mexican Senate on “The Impact of the Rome Statute of the ICC in the National Legal Orders”. The event was opened by Mexican Foreign Minister Derbez and chaired by Senate’s Vice-President Jauregui. In its closing statement, Sen. Marita Perceval of Argentina (Chairperson of the Defense Committee and PGA Int’l Councilor) affirmed that *“the ICC is a gift of hope from our generation to future generations, reflecting our determination to put an end to impunity and stop the use of oppressive violence as a method to exercise power.”* Lawmakers from Suriname and Guatemala announced their accession to the Rome Statute within the year 2006, which might bring to 102 the number of ICC Member States and expand further the new system of international criminal jurisdiction. MPs attending the Mexico’s gathering called on all States to cooperate fully with the Court, including by arresting and surrendering the four indictees still at-large, namely, Mr. Joseph Kony and three other leaders of Northern Uganda’s Lord’s Residence Army (LRA), against whom international arrest warrants of the ICC have been pending since July 2005.

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#### **About PGA**

Parliamentarians for Global Action is a network of more than 1300 parliamentarians in 112 countries that, since 1989, has worked in favour of the establishment of a permanent and universal international criminal court. PGA members have contributed to the ratification of the Rome Statute by 57 States Parties, including ratification no. 100 by Mexico. PGA is member of the Steering Committee of the CICC.