

International Federation for Human Rights (FIDH)
Association africaine des droits de l'homme (ASADHO)
Ligue des électeurs
Groupe Lotus

Press Release

DRC / ICC
Case of The Prosecutor v. Thomas Lubanga Dyilo

**Opening of the confirmation of charges hearing against
Thomas Lubanga Dyilo: Hope of a first trial**

**Other high level perpetrators of grave crimes in the Democratic Republic of Congo
must be pursued**

Paris, Kinshasa, The Hague, 9 November 2006 – FIDH and its three member organisations in the Democratic Republic of Congo (DRC), Association africaine des droits de l'homme (ASADHO), Ligue des électeurs and Groupe Lotus, welcome the opening today of the confirmation of charges hearing against Thomas Lubanga Dyilo, before the Pre-trial Chamber I of the International Criminal Court (ICC).

“This hearing represents a decisive step in bringing justice to the victims of the conflict in Ituri”, declared Sidiki Kaba, President of FIDH. Former leader of the militia, the Union of Congolese Patriots (UPC), in Ituri, in the North-East of the DRC, Thomas Lubanga Dyilo is accused of enlisting, conscripting and using children as soldiers, acts which constitute war crimes under the Rome Statute.

The confirmation of charges hearing, which is scheduled to take place between 9 and 28 November 2006, will be the occasion for the Pre-Trial Chamber I to determine whether sufficient evidence exists to justify a trial against Thomas Lubanga Dyilo on the basis of the charges brought by the Prosecutor. Four victims, authorised by the Pre-trial chamber to participate in the case of The Prosecutor v. Thomas Lubanga Dyilo, will be represented by their legal counsel, who will be able to submit observations during the hearing. This voice given to the victims is a major development in the history of international criminal justice.

However, the prosecution policy of the Prosecutor raises significant concerns. FIDH and its Congolese member organisations have expressed their concerns related to the scope of the charges against the former leader of the UPC[1]. Since the beginning of the war in Ituri, the UPC has been responsible for numerous other grave crimes, including summary executions, acts of torture and crimes of sexual violence.

According to estimates of the United Nations, in the past six years more than 60,000 people have been slaughtered in Ituri alone. Recognizing the challenges posed by the precarious security situation in Ituri at the present time, FIDH and its member organisations in the DRC call upon the Prosecutor to reinforce the teams dedicated to investigation and prosecution in the DRC to make available an adequate number of staff members.

FIDH and its member organisations in the DRC urge the Office of the Prosecutor to continue investigations against Thomas Lubanga Dyilo and other high level Congolese perpetrators of international crimes. It is essential that the cases brought before the ICC are representative of the grave crimes committed, in order to contribute to effectively putting an end to the culture of impunity that reigns in the DRC.

FIDH and its member organisations are also concerned by the restrictive interpretation by the Pre-trial Chamber I of the criteria of victims' participation in this case. Pre-trial Chamber I, in its decision of 20 October 2006, rejected the requests for participation of certain victims on the ground that the current worsening of the security in the DRC does not permit effective protection of victims and consequently prevents their effective participation in this case. Yet, FIDH and its leagues underline that pursuant to Article 68 (1) of the Statute of the ICC, every organ of the Court, and the Pre-trial Chamber in particular, is obliged to put in place adequate protection measures and programmes.

Furthermore, FIDH and its members request the ICC to disseminate information on the on-going proceedings in the DRC in order to facilitate the access of victims and the Congolese population to truth and justice.

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note : [1] Open letter dated of 2 August 2006 of NGOs presenting their concerns about the suspension of the OTP investigation in the Thomas Lubanga Dyilo case. See FIDH website: http://www.fidh.org/article.php3?id_article=3622

As a reminder:

20 October 2006: Decision of the Pre-trial Chamber I recognizing the right of a fourth victim, father of a child soldier, to participate in the case of The Prosecutor v. Thomas Lubanga Dyilo (in French), available on ICC website at: http://www.icc-cpi.int/library/cases/ICC-01-04-01-06-601_French.pdf

28 July 2006: Decision of the Pre-trial Chamber I recognizing the right of three victims, parents of child soldiers, to participate in the case of The Prosecutor v. Thomas Lubanga Dyilo, available on ICC website at: <http://www.icc-cpi.int/library/cases/ICC-01-04-01-06-228-tEnglish.pdf>.

28 June 2006: Temporary suspension of the Office of the Prosecutor's investigation in the case against Thomas Lubanga Dyilo. Communication available on ICC website at: http://www.icc-cpi.int/library/cases/ICC-01-04-01-06-170_English.pdf

20 March 2006: First appearance hearing in open session of Thomas Lubanga Dyilo.

17 March 2006: Transfer to the ICC and imprisonment of Thomas Lubanga Dyilo at the prison of Scheveningen, The Hague.

10 February 2006 : Issuance of the warrant of arrest against Thomas Lubanga Dyilo for the war crimes of enlisting, conscription and using children under the age of fifteen. Arrest warrant available on ICC website at: http://www.icc-cpi.int/library/cases/ICC-01-04-01-06-2_tEnglish.pdf

17 January 2006: Decision of the Pre-trial Chamber I authorizing the first six victims to participate in the proceedings before the ICC, concerning the DRC, available on ICC website at: http://www.icc-cpi.int/library/cases/ICC-01-04-101_tEnglish-Corr.pdf

23 June 2004: Opening by the Office of the Prosecutor of the investigation in the DRC.

19 April 2004: Referral to the ICC by the DRC of the situation on the entire territory of the DRC.

See further:

· Open letter dated of 2 August 2006 of NGOs presenting their concerns about the suspension of the OTP investigation in the Thomas Lubanga Dyilo case. See FIDH website: http://www.fidh.org/article.php3?id_article=3622

· FIDH press release on 20 March 2006, “the International Criminal Court issues the first arrest warrant in its investigation in the Democratic Republic of Congo”, available on FIDH website under: http://www.fidh.org/article.php3?id_article=3163

· FIDH press release on 19 January 2006, “First victims recognised by the International Criminal Court, available on FIDH website under: http://www.fidh.org/article.php3?id_article=2998