

Lubanga trial - Media statement

ICC decision on the Lubanga case - A positive step to end impunity for recruitment of children and their use in hostilities

“This conviction is an important step by the ICC in obtaining justice for the war crime of recruiting children and using them in hostilities. However, in the DRC and elsewhere, too many people are still evading accountability for their actions, denying justice to their victims and perpetuating the use of child soldiers” said Richard Clarke, director of Child Soldiers International.

On 14 March 2012 the Trial Chamber I of the International Criminal Court (ICC) found Thomas Lubanga Dylo guilty of the war crime of enlisting and conscripting children under the age of 15 years and using them to participate actively in hostilities during the armed conflict in the Democratic Republic of the Congo (DRC). The decision may be appealed.

During the trial, the ICC heard testimonies of former child soldiers and of other witnesses, all pointing at the grave crimes committed against children and the long standing suffering that they are enduring. The ICC may now conduct a process to determine whether to order Thomas Lubanga to provide reparation to the victims. In doing so the ICC will need to ensure the proper participation of concerned victims to seek for complete and comprehensive reparation while ensuring victims’ protection and avoiding further stigmatization of victims, especially children.

This decision does not represent an ending of the ICC investigation and prosecution of the grave crimes against children in the DRC or elsewhere. In the other on-going ICC trial on the DRC situation, the two defendants (Germain Katanga and Matthieu Ngudjolo Chui) are charged, *inter alia*, with the war crime of enlisting and conscripting children under 15 years and using them to participate actively in hostilities. Charges of the war crime of recruiting and using children have also been brought in the case against members of the Lords Resistance Army (LRA) (The Prosecutor v. Joseph Kony, Vincent Otti, Okot Odhiambo and Dominic Ongwen), although the individuals are currently at large and Otti presumably dead.

Furthermore, the Special Court for Sierra Leone has already convicted five individuals for enlisting children under the age of 15 years and using them to actively participate in hostilities; and Charles Taylor, the former president of Liberia, is currently on trial charged, *inter alia*, for command responsibility in recruiting and using children.

However, while the ICC and other international tribunals will continue to play a very important role to prosecute those suspected of serious crimes against children, Child Soldiers International remains seriously concerned that at national level, in the DRC and elsewhere, bringing to justice the perpetrators of these crimes is not seen as a priority.

In the DRC, the organization’s own research and the reports of a range of UN human rights mechanisms and other non-governmental organizations point to the failure of the national

authorities to effectively investigate and bring to justice those suspected of recruiting and using children in hostilities.

Indeed, some of the suspected perpetrators continue to be in positions of responsibility. This is notably the case of Bosco Ntaganda, currently a general in the DRC armed forces, despite being subject to an arrest warrant by the ICC for war crimes relating to the recruitment and use of children in hostilities and issued around the same time as Lubanga's one.

Thus, impunity not only denies the right to access to justice and reparations to the victims, but provides the environment for the continuing perpetration of these crimes.

Child Soldiers International calls on the DRC authorities to effectively investigate all reports of serious crimes against child soldiers with the view of bringing to justice those suspected of recruiting children and using them in hostilities, and their accomplices, in proceedings that meet international standards; and to fully collaborate with the International Criminal Court, including in the arrest and surrender of Bosco Ntaganda.

Background

For more information on the situation of child soldiers in the DRC see - Child Soldiers International, Democratic Republic of Congo: OPAC Shadow Report to the Committee on the Rights of the Child (April 2011) - http://www.child-soldiers.org/Child_Soldiers_Coalition_DRC_shadow_Report_13April2011.pdf

The UN Committee on the Rights of Child considered the initial OPAC report of the DRC in January 2012. The Committee made specific recommendations to the DRC authorities to address impunity for child recruitment and use. The concluding observations may be found here: <http://www2.ohchr.org/english/bodies/crc/docs/co/CRC-C-OPAC-COD-CO-1.pdf>

Child Soldiers International (formerly the Coalition to Stop the Use of Child Soldiers) is an international human rights research and advocacy organization that seeks to bring an end to any form of military recruitment or use in hostilities of children below the age of 18. We promote global adherence to the Optional Protocol to the Convention on the Rights of Child on the involvement of children in armed conflicts (OPAC.) We are promoting, with others, a 'straight-18' age restriction on voluntary recruitment. We seek an end to all other human rights abuses resulting from recruitment or use of children, advocating for the release of unlawfully recruited children; promoting their successful reintegration into civilian life; and calling for accountability for those who recruit or use them. We produce in-depth rigorous research on countries of particular concern, working, wherever possible, with civil society and other partners in-country.

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