



Coalition for the International Criminal Court

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**FOR IMMEDIATE RELEASE**

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**Thomas Lubanga Sentenced to 14 Years Imprisonment in First ICC Trial**  
*Global Coalition Welcomes Sentencing as a Milestone in Fight against Impunity in eastern DRC*

**The Hague**—Trial Chamber I of the International Criminal Court (ICC)—the world’s first permanent international court to prosecute individuals for war crimes, crimes against humanity and genocide—today sentenced former Congolese rebel leader Thomas Lubanga to 14 years imprisonment in the Court’s first landmark trial. The Coalition for the ICC welcomed the sentencing as a milestone in the fight against impunity in the troubled Kivu provinces of eastern Democratic Republic of Congo (DRC).

“This sentence sends out a stark warning across the world to those engaged in the use of child soldiers that their criminal actions will land them in prison,” **said Armel Luhiriri, Francophone Africa situations liaison for the Coalition for the ICC**—a global network of more than 2,500 civil society organizations in 150 countries advocating for a fair, effective and independent ICC and improved access to justice for victims of genocide, war crimes and crimes against humanity. “As important as this day is for the ICC and the victims it seeks to assist, we must not forget that Lubanga’s co-accused, Bosco Ntaganda, remains at large and despite an ICC arrest warrant issued against

him”, added Lahiriri. “Ntaganda allegedly continues to commit crimes in eastern DRC. The Coalition therefore reiterates its call to States and the UN Security Council to do all it can to ensure that ICC fugitives such as Ntaganda are held accountable and brought before the ICC.”

Presiding Judge Adrian Fulford stated that the majority of the Chamber had decided to sentence Lubanga to 14 years imprisonment in total for the conscription, enlistment and use of children as soldiers. A combination of mitigating factors – including the cooperation of the defendant - and a lack of aggravating factors, including an absence of evidence presented to the Chamber regarding sexual and gender-related violence, meant that a maximum sentence of 30 years would be inappropriate according to the judges. He further explained that the some six years Lubanga has already served in detention in The Hague since March 2006 had been taken into account in the Chamber’s decision and would be deducted from the total sentence. This means Lubanga will serve a total of eight years in prison. The Chamber declined to deduct the period between 2003-2006 Lubanga spent in detention in the DRC, stating that there was insufficient evidence he was detained for the same crimes. The Chamber also found that it would be inappropriate to impose a fine given the financial situation of Lubanga.

Judge Odio Benito gave a dissenting opinion on the sentencing, disagreeing with the decision saying it disregards the damage caused to victims and their families, particularly as a result of the harsh punishments and sexual violence suffered and believing that the sentence should be 15 years.

Although a number of states—including Austria, Belgium, Denmark, Finland, United Kingdom and Serbia—have declared their willingness to accept sentenced persons by the ICC, it has not yet been decided where Lubanga will serve out his sentence.

Earlier this month ICC judges heard aggravating and mitigating factors to determine the sentence to be imposed, with the prosecutor requesting a 30 year sentence, or 20 years should Lubanga submit a genuine apology and commit to working to prevent future crimes and promoting peace in communities affected by his crimes.

In March of this year Lubanga was found guilty of the war crimes of enlisting and conscripting children under the age of 15 years and using them to participate actively in hostilities in the DRC between September 2002 and August 2003.

Although the judgment today brings the Court’s first-ever trial closer to a final conclusion, Lubanga still has the right to appeal his guilty verdict and sentence.

ICC judges are expected to order soon that victims be awarded reparations for the harm they have suffered as a consequence of Lubanga’s criminal actions. It will be the first time that the Court will act on its groundbreaking reparations mandate, a first in international criminal jurisdictions.

“The DRC Coalition for the ICC welcomes the decision of the judges to sentence Lubanga to 14 years in prison,” **said André Kito, coordinator of the DRC Coalition for the ICC.** “That said, civil society organizations and victims still regret that the scope of charges was not broad enough since other crimes perpetrated such as sexual violence, summary executions and pillage were excluded. We are also frustrated that sexual

violence was not considered at sentencing as an aggravating factor due to the absence of any evidence presented to the Chamber.”

“It is essential that the ICC undertakes adequate and swift outreach to victims and affected communities to explain the sentence and what the next steps are, including reparation proceedings. It is important that justice is done, but also that victims see and understand that justice is done,” **said Carla Ferstman, director of REDRESS.** “Protection measures need to remain in place for those who had the courage to come forward and participate in the trial. Victims had a significant contribution during the trial. Their testimonies, in which they recounted how they were conscripted, the grueling training they received and the terrible abuses inflicted upon them but also inflicted by them painted a vivid picture of the horrors of using child soldiers in combat, helping bring international attention to the plight of child soldiers,” **Ferstman added.**

“The Chamber in the Lubanga case is yet to indicate the approach, principles and criteria it will apply in relation to the reparation of Lubanga’s victims. REDRESS hopes that whatever approach is taken to determine reparation for Lubanga’s victims is participatory: involving victims in the process leading to reparations is the first step in helping to re-establish their dignity and agency, both of which are crucial to helping them to move beyond their victimization,” **Ferstman continued.**

Thomas Lubanga has been detained since 17 March 2006. Two successive suspensions of the proceedings contributed to delays in the trial, which lasted twice as long as the first cases at the International Criminal Tribunal for the former Yugoslavia and the International Criminal Tribunal for Rwanda. However, proceedings in the second and third ICC trials are advancing at a faster pace.

The Lubanga trial is a milestone for the Rome Statute which entered into force ten years ago. The Lubanga case is one of the few international criminal cases in history to charge an individual with acts of enlistment and conscription of child soldiers. As such, the trial has done much to highlight the gravity of the crime of using child soldiers and has helped to bring the issue into international focus. During the proceedings, ten former child soldiers testified, as did a number of expert witnesses.

Some 5.4 million people are reported to have died in the DRC since August 1998, making the conflict one of the world’s deadliest since World War II. For many years, victims and civil society in the DRC have demanded accountability. The opening of the Lubanga trial was considered a huge step forward for justice, but there is still a long way to go until peace is achieved in the country. The Lubanga trial and today’s sentencing, along with the ICC’s involvement in the country in general, has sent a strong signal to future criminals and armed groups in the DRC that impunity will no longer be tolerated. However, a mutiny earlier this year led by ICC suspect Bosco Ntaganda, among others, has precipitated a surge in violence in eastern DRC in recent months causing renewed suffering in the region.

**Background:** As the leader of the Union of Congolese Patriots and the commander-in-chief of its military wing, the Forces Patriotiques pour la Libération du Congo, Thomas Lubanga was charged with having committed the war crimes of enlisting and conscripting children under the age of 15 years and using them to participate actively in hostilities in Ituri, a district in the eastern province of the DRC, between September 2002 and August 2003.

Lubanga was the first person charged in the DRC situation as well as the Court's first detainee. He was surrendered and transferred to the Court on 17 March 2006, following the issuance of an ICC arrest warrant under seal on 10 February 2006. His trial started on 26 January 2009. Trial Chamber I deliberated on the applicable law and on evidence submitted during the trial since the presentation of closing statements on 25 and 26 August 2011, and on 14 March 2012 found Lubanga guilty of having committed the war crimes of enlisting and conscripting children under the age of 15 years and using them to participate actively in hostilities.

*The ICC is the world's first permanent international court to prosecute war crimes, crimes against humanity, and genocide. Central to the Court's mandate is the principle of complementarity, which holds that the Court will only intervene if national legal systems are unwilling or unable to investigate and prosecute perpetrators of genocide, crimes against humanity and war crimes. There are currently seven investigations before the Court: the Central African Republic; Cote d'Ivoire; the Democratic Republic of the Congo; Darfur, the Sudan; Uganda; Kenya; and Libya. The ICC has publicly issued 20 arrest warrants and nine summonses to appear. The Court issued a judgment in its first trial on 14 March 2012. Two other trials are ongoing. The ICC Office of the Prosecutor has also made public that it is conducting seven preliminary examinations on four continents: Afghanistan, Colombia, Georgia, Guinea, Honduras, Republic of Korea and Nigeria.*

*The Coalition for the International Criminal Court is a global network of civil society organizations in 150 countries working in partnership to strengthen international cooperation with the ICC; ensure that the Court is fair, effective and independent; make justice both visible and universal; and advance stronger national laws that deliver justice to victims of war crimes, crimes against humanity and genocide. For more information, visit: [www.coalitionfortheicc.org](http://www.coalitionfortheicc.org)*

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