



Coalition for the International Criminal Court
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**ICC'S FIRST TRIAL MOVES FORWARD AS WORLD MARKS INTERNATIONAL DAY
AGAINST THE USE OF CHILD SOLDIERS**

Congolese warlord Thomas Lubanga Dyilo Faces Justice in Child Soldiers Case

New York, NY. On 12 February 2009, the world will celebrate the International Day against the Use of Child Soldiers in commemoration of the Optional Protocol to the Convention on the Rights of the Child. The Optional Protocol, which came into force seven years ago, prohibits the recruitment of children under 18 into government and rebel armies and prohibits their direct participation in hostilities.

The International Criminal Court (ICC)-- the world's first permanent international court to prosecute war crimes, crimes against humanity and genocide--has paved the way in establishing individual criminal responsibility for those who recruit and use children in hostilities. The Rome Statute, the founding treaty of the ICC, lists the enlistment and recruitment of children under fifteen as a war crime.

On 26 January 2009, the ICC opened its first trial in the case of *The Prosecutor vs. Thomas Lubanga Dyilo*. Congolese warlord Thomas Lubanga was the first person charged in the Democratic Republic of Congo (DRC) situation as well as the Court's first detainee. He is accused of enlisting and conscripting children under the age of fifteen and using them to participate actively in hostilities. To follow the trial through the eyes of Congolese civil society, the Coalition for the ICC (CICC) has launched a blog on the trial (see www.iccnnow.org/blog).

“One of the worst aspects of the disease of war,” says CICC Convener William R. Pace, “is the use of children as soldiers. Children become both victims and, tragically,

perpetrators of the worst crimes. Ending the practice of enlisting child soldiers is a true indicator of the progress of civilization.”

Bukeni T. Wazuri, program coordinator at WITNESS and former director of Ajedi-Ka, an eastern DRC-based NGO that works to demobilize and rehabilitate child soldiers added, “We all have the moral obligation to ensure that those children who are victims of unspeakable crimes receive justice and protection at all times.”

Neuilly Apendeki, program officer at Ajedi-Ka, denounced the use of child soldiers in the DRC army: “The use of child soldiers in the DRC army is unacceptable. Children do not belong there but in school. They should be completely out of the army,” she added. “We need children who can become managers and help rebuild the country.”

BACKGROUND ON THE CASE AGAINST THOMAS LUBANGA DYILO

On Monday, 29 January 2008 in The Hague, Pre-Trial Chamber I of the International Criminal Court (ICC) confirmed the charges against Mr. Thomas Lubanga Dyilo, sending the case against him to trial. The Chamber found sufficient evidence to establish substantial grounds to believe that Mr. Lubanga is criminally responsible as a co-perpetrator for all three charges made against him for the period beginning September 2002, when the Force Patriotiques pour la Liberation du Congo (FPLC) was founded, and ending 13 August 2003.

The ICC prosecutor has charged Mr. Lubanga with three war crimes: 1) enlisting children under the age of fifteen; 2) conscripting children under the age of fifteen; and 3) using children under the age of fifteen to participate actively in hostilities.

Thomas Lubanga Dyilo is the alleged founder and leader of the Union of Congolese Patriots (UPC) and Commander-in-Chief of the UPC’s military wing, the (FPLC) in the Democratic Republic of Congo. Mr. Lubanga was arrested in March 2005, and subsequently imprisoned in the DRC capital, Kinshasa. He was transferred to the ICC on 16 March 2006.

To date, the ICC has issued twelve arrest warrants for investigations in four of the most brutal conflicts of our time: the Central African Republic; Darfur, Sudan; Uganda and the Democratic Republic of Congo. Four suspects have been arrested. The Court is also monitoring at least eight other situations on four continents. A second trial is likely to start in 2009 against Congolese rebel leaders Germain Katanga and Mathieu Ngudjolo Chui for alleged war crimes and crimes against humanity.

FOR MORE INFORMATION: Experts from DRC human rights organizations and international NGOs are listed on the following pages for comment and background on the trial. See <http://www.iccnw.org/?mod=drctimelinelubanga> for more.

To participate in a conversation with members of Congolese civil society following the trial, see the Coalition's blog entitled *In Situ: See Justice through the Eyes of Civil Society* at www.iccnw.org/blog

NGOs in the Democratic Republic of Congo (DRC)

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***Important notice:** The Coalition for the International Criminal Court (CICC), an independent NGO movement, is dedicated to the establishment of the International Criminal Court as a fair, effective, and independent international organization. The Coalition as a whole, and its secretariat, does not endorse or promote specific investigations or prosecutions or take a position on situations before the ICC. However, individual CICC members may endorse referrals, provide legal and other support on investigations, or develop partnerships with local and other organizations in the course of their efforts.*

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