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M. Joseph Kabila  
President of the Democratic Republic of Congo  
Palais de la Nation  
Kinshasa-Gombe  
Democratic Republic of Congo

06 May 2009

Open Letter

Dear President Kabila

### **BOSCO NTAGANDA**

I am calling on your government to arrest Bosco Ntaganda immediately and surrender him to the International Criminal Court (ICC). It is a matter of deep concern to Amnesty International that, instead of fulfilling its obligations under the Rome Statute to arrest Bosco Ntaganda, your government has instead given Bosco Ntaganda a command position in the national army.

As you know, Bosco Ntaganda is a fugitive from international justice. He is the subject of an ICC arrest warrant for the war crimes of conscription of children under the age of 15 and of using them to participate actively in hostilities. It has been more than a year since the ICC unsealed the arrest warrant against Bosco Ntaganda, initially issued in August 2006.

The government of the Democratic Republic of Congo has sought the assistance of the ICC in ending impunity in the country and your government has cooperated closely with the ICC in other cases. However, I understand that you have stated in your 31 January press conference at the Palais de la Nation that under the current circumstances, the interests of security, stability and peace in your country override those of international justice and that therefore Bosco Ntaganda should not be arrested. While Amnesty International recognizes the continuing fragility of the security situation in the east, it is our experience that peace and the reconciliation of divided communities can only be achieved through the effective delivery of justice.

The United Nations' *Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law* (2005) call upon member states to "keep faith with the plight of victims, survivors and future human generations and reaffirm the international legal principles of accountability, justice and the rule of law". The Principles recognize that states have a clear responsibility to "facilitate extradition or surrender offenders to other States and to appropriate international judicial bodies and provide judicial assistance and other forms of cooperation in the pursuit of international justice..." (Article 5).

Recruiting children and sending them into combat is a crime from which, as you are very aware, the children of your country have suffered deeply and for too long. Amnesty International welcomes the measures taken by your government, with international partners, to secure the release of children from armed groups and to return them to their families. However, if the suspected perpetrators remain free, and are even rewarded with positions of power, these and other war crimes will only endure.

The inclusion at senior levels in the national army of many individuals, including Bosco Ntaganda, who are accused of having committed war crimes and other serious human rights abuses is unacceptable.

It undermines attempts to build a professional and well-disciplined army. It shakes the confidence of the Congolese people in a key institution of the state. It risks diminishing the standing of your government and your presidency. The UN, Amnesty International and many other organizations have repeatedly urged your government to introduce an independent vetting mechanism to exclude such persons from the DRC's security forces, pending investigation and trial.

Amnesty International appeals to you to instruct your judicial authorities to arrest Bosco Ntaganda immediately and transfer him to the jurisdiction of the ICC, and to introduce without delay a vetting mechanism to remove other suspected perpetrators of serious human rights abuses from the national security forces. We consider that these are among the most important measures your government can take to consolidate security, the rule of law and respect for human rights in the Democratic Republic of Congo.

Yours sincerely

Irene Khan  
Secretary General

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