

AMNESTY INTERNATIONAL

Public Statement

AI Index: AFR 62/008/2006 (Public)
News Service No: 069
20 March 2006

Democratic Republic of the Congo: International Criminal Court's first arrest must be followed by others throughout the country

Amnesty International welcomes the arrest and the transfer to the International Criminal Court (ICC) on 17 March 2006 of Thomas Lubanga Dyilo, a national of the Democratic Republic of the Congo (DRC) and alleged founder and leader of the *Union des Patriotes Congolais* (UPC) as a first step towards ending impunity for crimes against humanity and war crimes committed in the DRC on a vast scale in the past decade. He has been charged with committing war crimes under Article 8 of the Rome Statute of the International Criminal Court committed in the DRC since July 2002, including, "enlisting and conscripting children under the age of fifteen and using them to participate actively in hostilities".

The arrest heralds a new chapter in the fight against impunity in Africa and sends a message that those involved in human rights violations will be brought to account.

The decade old conflict has claimed more than 4 million lives in the DRC and has been described as one of the most deadly conflicts since the end of the Second World War. Both the DRC government armed forces and armed opposition groups have committed numerous crimes against humanity and war crimes. Children have been particularly affected, with numerous reports of murder, rape, sexual slavery, and other forms of sexual violence. The existing culture of impunity has protected the perpetrators from justice.

Although Amnesty International recognizes that the arrest of Thomas Lubanga, who must be presumed innocent unless proved guilty, is not only a step into right direction but also an undeniable signal to all the perpetrators of human rights violations in the DRC, the organization still believes that more needs to be done, both by the ICC and by the DRC.

The organization urged the ICC Prosecutor to ensure that his investigation and prosecutions reflect the complexity and the diversity of the crimes committed throughout the DRC since 1 July 2002. Crimes committed by all sides must be vigorously investigated and prosecuted at all levels.

This arrest and transfer of Thomas Lubanga Dyilo to the ICC, which is a positive development, will lose its significance if more warrants of arrest are not promptly issued against other alleged perpetrators of human rights violations, including those on the side of the government and those in armed opposition groups.

Together with other prominent Ituri armed groups leaders likely to be of interest to the ICC, Thomas Lubanga was arrested a year ago following the killing of nine Bangladeshi United Nations peacekeepers in Ituri. It is alleged that they were killed by armed groups hostile to the voluntary DDR process which was supported by MONUC, the UN mission in the DRC. They were all put under house arrest and later on detained in Makala prison in Kinshasa.

With respect to the DRC, Amnesty International urges the Congolese authorities, first, to continue their cooperation with the Court by promptly apprehending and handing over to the ICC any other alleged perpetrator of human rights violations identified by the ICC Prosecutor. Second, the DRC government must enact effective legislation implementing the Rome Statute, and which should authorize the government to cooperate with the ICC. Thirdly, such legislation must permit the DRC authorities to investigate and prosecute crimes against humanity and war crimes committed in the DRC in the past, no matter when they occurred

It is Amnesty International's hope that this significant development will also act as a catalyst for the development of an effective national justice system which addresses crimes committed in the course of the conflict and ensures full reparations for the victims.

Background

In April 2004, the ICC Prosecutor announced that he had received from the DRC government a referral on the situation in the DRC, the second such referral by a state under the Rome Statute (Uganda made the first such referral when it referred the situation in the north of that country in December 2003. The United Nations Security Council referred the situation in Darfur in Sudan to the ICC Prosecutor last year). This referral opened the door to investigation and a preliminary examination by the ICC Prosecutor' of crimes committed in DRC since 1 July 2002.

Since 1998, more than four million people are estimated to have died as a result of the conflict, including more than 50,000 people in the Ituri district alone.

In 2005, over 15,000 militia have been disarmed in the Ituri district and most of them are being reintegrated in the civilian lives. However, crimes against humanity and war crimes continue to be committed in Ituri.

Despite the DDR and the reform of the army processes underway, effective protection of civilians still remains extremely difficult. Even though the UPC has transformed itself into a new political party, some of its military officers with thousands of men, are still opposed to the transition process and are still committing crimes against civilians in the war-torn district.