Arrest those responsible for international crimes committed in the Democratic Republic of Congo

Press Statement issued by the Victims’ Rights Working Group

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The Victims’ Rights Working Group (VRWG) is a network of over 300 national and international civil society groups and experts created in 1997 under the auspices of the NGO Coalition for the International Criminal Court. It was created by a number of international NGOs and experts but over the years has evolved to include NGOs from a wide array of countries around the world including those countries most intimately affected by the ICC (Democratic Republic of Congo, Sudan and Uganda). The organizations currently working with the VRWG include Redress, Human Rights Watch, FIDH, International Society for Traumatic Stress Studies, Avocats Sans Frontières, Parliamentarians for Global Action, the World Society of Victimology, the Women’s Initiatives for Gender Justice and the Coalition for Women’s Human Rights in Conflict Situations, as well as Congolese organizations such as APRODIVI, Femmes et Enfants pour les Droits de l’Homme and LIPADHO. The VRWG works to ensure that victims’ rights are effectively protected and respected, and that victims’ needs and concerns are met during the judicial process before the International Criminal Court (ICC).

The VRWG is extremely concerned by recent events in northern and eastern DRC and the impact of this crisis on the civilian population. Having been terrorised for many years, this population has in recent weeks, yet again, been forced to flee the deadly violence.

The VRWG considers that the recent escalation of the violence in the north of the Orientale province and in the Kivus is not a merely internal problem to the DRC, but is closely linked to the situation in neighboring countries, in particular Rwanda, Burundi and Uganda, and the regular eruption of tensions in the four countries impacts on the region as a whole. The current situation in North Kivu, and particularly in Goma, reflects the serious difficulties facing the region.

The VRWG welcomes the ongoing diplomatic efforts aimed at finding a durable solution to the conflict that has severely affected the Great Lakes region for far too long.
Nevertheless, the VRWG recalls that this is not only a humanitarian crisis; international crimes and grave violations of human rights have been committed by all of the implicated armed groups: the CNDP (Congrès National pour la Défense du Peuple) under rebel leader Laurent Nkunda, the DRC armed forces (FARDC), the FDLR (Forces Démocratiques pour la Libération du Rwanda), the Maï-Maï and the Lord’s Resistance Army (LRA) under Joseph Kony.

The current violence confirms once again that impunity for international crimes does not contribute to the resolution of conflict. On the contrary, it leads to further violations and abuses. The VRWG considers that those involved should seek not only to end the violence but also to ensure that those responsible for the crimes are made accountable, because justice is an indispensible precondition for durable peace.

TheVRWG recalls that all international crimes committed on the territory of the DRC since 1 July 2002 fall within the competence of the International Criminal Court, irrespective of the nationality, the character or the rank of those responsible.

The VRWG also recalls that the ICC has already issued arrest warrants against many of the persons implicated in the attacks of recent weeks:

- Joseph Kony and other top leaders of the LRA are the subject of arrest warrants issued by the ICC on 8 July 2005 for crimes against humanity and war crimes committed in Northern Uganda. These warrants have still not been enforced, while peace negotiations are stalled because of the refusal of Kony to sign the peace agreements. Meanwhile, violence has shifted from Northern Uganda to the north of DRC where tens of thousands have fled their villages.
- Bosco Ntaganda, currently Laurent Nkunda’s military chief of staff, is the subject of an arrest warrant issued by the ICC on 22 August 2006 for war crimes committed in Ituri, when he was Deputy Head of the General Staff of the FPLC (Forces patriotiques pour la libération du Congo), the armed wing of the UPC (Union de Patriotes Congolais) whose leader Thomas Lubanga is currently in custody in The Hague.

The VRWG calls on:

- The international community and the Congolese authorities to take all possible measures to execute these arrest warrants, or justice will remain a dead letter without any deterrent effect, as evidenced by the recent events.
- The representatives of the United Nations and individual countries currently involved in diplomatic efforts to centrally include in their negotiations that there can be no lasting peace without justice – be it international or national justice- and without ensuring that the most senior individuals are made accountable for their crimes. .
- The ICC to continue to publicly affirm that it has the jurisdiction to investigate international crimes committed recently by the LRA in the north of the DRC and by all armed groups operating in the Kivus, irrespective of their nationality, character and rank; to publicly announce the opening of an investigation into these crimes as well as other
activities planned, and to amend and/or supplement the existing arrest warrants accordingly.

- The countries of the Great-Lakes region to ratify the Rome Statute and to adopt the implementation legislation required to apply the Statute at the national level
- All those involved in the peace process, to take into account that only a durable solution to the problems of the Great Lakes region - notably including the exploitation of natural resources, one of the root causes of the conflict - can provide stability and security to its inhabitants, which is necessary to restoring their dignity and to contribute to development.