Press Statement
The Hague, 28 November 2006

Limited ICC charges may trigger recriminations in Eastern Congo

Today the International Criminal Court ends the confirmation hearing against Thomas Lubanga, former leader of the UPC in Eastern Democratic Republic of Congo; the first person to be arrested and brought before the ICC for war crimes. The Court’s Pre-Trial Judges will now decide if the Prosecutor has sufficient evidence to allow the trial to go ahead.

However, REDRESS is concerned because the charges against Lubanga are solely for recruiting and using children under fifteen in the conflict. Many in Eastern Congo have difficulty understanding this singular focus and are disappointed. The protracted conflict has claimed thousands upon thousands of lives. Women and girls have been raped systematically. Homes have been pillaged and burned, people have been tortured and thousands have fled and are living in displacement camps.

REDRESS calls upon the Prosecutor to investigate more crimes such as killings, rape and torture perpetrated by all armed groups and forces responsible for atrocities, not only in Ituri but in other parts of the Democratic Republic of Congo also.

As the Court is only prosecuting child recruitment by the UPC, the only recognised victims that can participate in the proceedings and claim reparations are former (child) soldiers of the UPC. This excludes children recruited by other factions, and also excludes victim populations. It creates rivalries between the UPC former child soldiers, and those from opposing groups.

The International Criminal Court has innovative procedures which allow victims to participate as independent parties with an interest in the outcome, and allows them to claim reparations directly.

“Prosecuting child recruitment is good, but it must be put into context or it may fuel local antagonisms as other crimes have not been included. Also one of the worst aspects of child soldiering is the use of girls, abducted by force, systematically raped and enslaved – yet the charges include no crimes of sexual violence”, says Mariana Goetz, author of the Report “Victims, Perpetrators or Heroes? Child Soldiers before the International Criminal Court”.

The International Criminal Court is mandated to contribute to ending impunity and promoting peace and reconciliation. Instead the ICC may be deepening cleavages amongst rival factions in Eastern Congo and alienating victim populations.

REDRESS, the international NGO that promotes victims’ rights has been campaigning for the rights of victims to be at the forefront and mandate of the ICC since well before the Rome Statute was adopted in 1998.

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Link to report: http://www.redress.org/publications/childsoldiers