



War Victims in DRC Shocked at ICC Decision to Release Lubanga

[London, 3rd July 2008] Yesterday, 2nd July 2008, a Trial Chamber of the International Criminal Court (ICC) issued its decision to grant unconditional release to Thomas Lubanga Dyilo. Lubanga, the leader of the UPC (Union des patriotes congolais) has been accused of war crimes, specifically enlisting and conscripting child soldiers and using them to participate actively in hostilities, during the 2002-03 conflict in Ituri, Democratic Republic of Congo (DRC).

Survivors of the conflict living in Ituri expressed their shock, frustration and dismay yesterday when they heard of the ICC's decision. They do not dispute the importance of a fair trial and understand that this is an essential right of all parties in the proceedings, including the accused. However, this understanding does not heal the pain of having Lubanga released before he has been properly and fairly tried.

Yesterday, several of the survivors said that they in fact felt 're-victimised' by the consequences that the ICC's decision may now have on their security, hopes for peace and need for justice. The survivors now say they feel 'abandoned' by the international community.

The concerns expressed included:

- The trial before an international body had raised hopes: it was perceived by survivors as a **pivotal step in the fight against impunity**. This was particularly the case, given the absence, at this stage, of sufficient capacities in DRC's institutions to try those alleged to have been responsible for war crimes and crimes against humanity.
- Survivors saw the trial of Lubanga by the ICC as a necessary component to restore a **durable peace in Ituri** and in DRC in general.
- Survivors hoped that, for the first time in the history of international justice and, as provided for in the ICC Statute, they would be able to, eventually, claim and possibly **obtain reparation** for the crimes committed against them, had Lubanga been found guilty.
- **Security Concerns:** The survivors, in particular those who chose to participate in the proceedings against Lubanga, but also members of local civil society groups who are tirelessly assisting them, are now terrified. The people in Ituri fear that the release of the ex-militia commander will exacerbate ethnic tensions in Ituri. The ICC is *urged to take this situation into account, and implement all security measures that may now be necessary as a consequence of the Court's decision.*

The survivors still want to believe that the ICC Office of the Prosecutor will do its utmost to find a solution to the present situation. This underlies the importance of the duty of the Prosecutor to investigate carefully from the widest array of sources. Similarly, the survivors trust that the ICC Appeals Chamber will explore all means and alternatives necessary to guarantee that Lubanga can be, at last, fairly tried.

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Background The case against Thomas Lubanga Dyilo was the first to proceed toward trial before the ICC. Lubanga was arrested on 19 March 2005 and imprisoned first in Kinshasa. The ICC Pre-Trial Chamber I issued a warrant of arrest against Mr Lubanga on 10 February 2006. Lubanga was then transferred to the ICC and has since been detained in the Netherlands. As the alleged leader of the Union des patriotes congolais (UPC) and the commander-in-chief of its military wing, the Forces patriotiques pour la libération du Congo (FPLC), Lubanga is accused of enlisting and conscripting children under the age of fifteen and using them to participate actively in hostilities, from September 2002 to 13 August 2003.