



Statement of Fatou Bensouda, Deputy Prosecutor of the International Criminal Court, at the OTP monthly media briefing, 28 August 2006

- Welcome to this monthly media briefing with the Office of the Prosecutor of the ICC. Chief Prosecutor Luis Moreno-Ocampo is on vacation at the moment, which is why I am conducting this briefing.
- At these briefings we update the media on current activities of the Office of the Prosecutor. The most important activity of late has been today's filing of the document containing the charges against Thomas Lubanga Dyilo.

Introduction

- Today, the Office of the Prosecutor of the International Criminal Court filed the document containing the charges, otherwise known as the indictment, against Thomas Lubanga Dyilo, charging him with enlisting and conscripting children under the age of 15 and using them to participate actively in hostilities. The alleged acts occurred between 1 July 2002 and 31 December 2003 in the North Eastern Ituri district of the Democratic Republic of the Congo (DRC).
- The Office of the Prosecutor began investigating Lubanga on the basis of a referral from the government of the DRC. The case against Lubanga represents more than a year of intense, on-the-ground investigation.
- Today, the DRC is reportedly one of the countries with the largest number of child soldiers in the world. Estimates suggest that as many as 30,000 children were associated with armed groups at the height of the war.

Background

- At the time relevant to these charges, Mr. Lubanga was the President of the Union des Patriotes Congolais (UPC) and the Commander-in-Chief of its military wing, the Forces Patriotiques pour la Liberation du Congo (FPLC), one of the most dangerous militias in Ituri.
- During the second half of 2002 and throughout 2003, the FPLC repeatedly conducted large-scale military operations in Ituri, predominantly against the Lendu militia forces and Lendu civilians.

The Proposed Charges Against Thomas Lubanga Dyilo

- The proposed indictment alleges that Lubanga, jointly with his subordinate FPLC commanders, controlled and executed a deliberate plan to enlist and conscript children systematically and in large numbers, including children under the age of 15, even as young as 10.
- It is alleged that Lubanga provided the organizational, infrastructural and logistical framework for the implementation of the plan by:
 - Guaranteeing the continuity of the UPC and the FPLC by securing their financial means, thereby making it possible for the FPLC to recruit children and set up FPLC military camps in which children were trained;
 - Negotiating the provision of weapons and other military equipment, including such as would be used by the children in hostilities.
- Furthermore, it is alleged that Lubanga lent his authority to the common goal in a number of ways:
 - - Repeatedly inspecting various FPLC training camps to encourage children and prepare them for combat;
 - Encouraging families to provide their children to the FPLC; and using children as his own bodyguards.
- It should be noted that Mr. Lubanga has denied the charges.

The Evidence

- The charges against Mr. Lubanga are supported by multiple statements, including first-hand testimonies from victims and witnesses. The document refers to six individual cases of enlistment, conscription and subsequent active participation in hostilities of children under the age of 15, which are reflective of the experiences of the large number of child soldiers under FPLC command.

The Confirmation Hearing

- The charges against Mr Lubanga need to be confirmed by the Pre-Trial Chamber. A confirmation hearing has been scheduled for the 28 September. At this hearing, the Prosecutor will present evidence to support the charges and Mr Lubanga and his counsel will have the opportunity to challenge them.
- The Pre-Trial Chamber will then determine whether there is sufficient evidence to support the charges. If so, the case will proceed to trial. At trial, the Prosecutor must then prove beyond a reasonable doubt that Mr Lubanga is responsible for these crimes. Until that time, he is presumed innocent.

Conclusion

- According to the United Nations Secretary General, more than 18,000 children were released from forces and armed groups in the DRC from January 2004 to May 2006. Thousands more escaped on their own. Yet children remain vulnerable to new threats, including re-recruitment at the hands of militia groups, and they also experience difficulty reintegrating into society.
- It is the view of the Office of the Prosecutor that the abuse of child soldiers has gone largely unrecognized and unpunished for too long. The conscription, enlistment and active use of children in armed conflict represents one of the most brutal and morally troubling legacies of war. Regardless of the outcome of these proceedings, the hearing represents an unprecedented opportunity to shine a spotlight on this abuse of children worldwide.
- Child conscription destroys the lives and futures of thousands of children around the world. This case will contribute to exposing the problem and in stopping these criminal practices.