

# REDRESS

*Ending Torture. Seeking Justice for Survivors*

London, 8 October 2010

## **Victims express relief at decision to resume first war crimes trial at the International Criminal Court**

REDRESS welcomes today's judgment from the Appeals Chamber of the International Criminal Court (ICC) lifting the stay of proceedings in the trial against Mr. Thomas Lubanga Dyilo. He is allegedly responsible for the widespread enlisting and conscripting of children under the age of 15 years and using them to participate actively in hostilities in Ituri, Eastern Democratic Republic of Congo (DRC), in 2002 - 2003. The trial was stayed [ended] in July with an order for Mr. Lubanga's immediate release on the basis of procedural issues that arose relating to the disclosure of the identity of an individual who had assisted the Prosecution. Upon the Prosecutor's Appeal, the decision has been under review by the Appeals Chamber until today.

After three months of uncertainty, today's judgment constitutes a relief for victims and affected communities in Ituri, DRC, who have been participating in the proceedings and waiting for the Court's first case to deliver justice and reparation for the harm they suffered.

Carla Ferstman, Director of REDRESS, a human rights NGO which has been working closely with affected communities in DRC, says **"we are extremely relieved to see that this very landmark trial may finally resume. This is important for victims who feared that they would lose their chance at justice. While today's judgment means that Mr. Lubanga's case is back on track, the fact that it was at the point of collapse is very worrying – we hope the problems which led to this impasse can be fully addressed so that this and other trials are not inappropriately placed at risk. Protracted delays in this first case before the ICC have contributed to victims' sense of hopelessness. Those who suffered the terrible events in Ituri deserve a full and fair consideration of these allegations and have waited a long time for it."**

There is the potential that today's decision will lead to negative repercussions for victims and witnesses, and those assisting them on the ground. Ms Ferstman added: **"The Court must ensure the protection of anyone at risk on account of representations made to it. This is absolutely essential to the legal fight against war crimes and crimes against humanity."**

REDRESS urges the Court to take steps to ensure that the community in Ituri fully understands the decision and what will happen next.

One local activist who asked not to be named told REDRESS that "if the trial had stopped without a decision on the merit, the whole system of the ICC would have suffered. Here in Ituri, we couldn't understand how a trial of such an importance could have been stopped on a procedural matter. This announcement shows the professionalism and the fairness of the Court. We are delighted but there is a real need for more information."

Another local worker assisting former child soldiers said: "The news today is a relief. It is very important that efforts are made to make sure that all victims know about it. Some of the victims were feeling sick at the idea that Lubanga could be released."

## **Notes for Editors**

Thomas Lubanga Dyilo is the alleged President of the Union des patriotes congolais (UPC) and former commander-in-chief of the Forces patriotiques pour la libération du Congo (FPLC), the UPC's military wing. Lubanga was arrested on 19 March 2005 and imprisoned in Kinshasa. The ICC Pre-Trial Chamber I issued a warrant of arrest against Mr Lubanga on 10 February 2006. Lubanga was transferred to the ICC and has since been detained in The Hague in the Netherlands. His trial started

on 26 January 2009 with the Presentation of the Prosecution Case. The prosecution case closed in early 2010, followed by participating victims' testimony at Court.

The Defence started its case on 27 January 2010, focussing on alleged misconduct from the Prosecution's intermediaries, who are said to have fabricated evidence and coached witnesses.

Following the Prosecution's non-compliance with several orders relating to confidential disclosure of an intermediary's name to the Defence, Trial Chamber I had ordered on 8 July 2010 an unconditional stay of proceedings for abuse of process. On 15 July 2010, the Chamber ordered Lubanga's release stating that it was not clear if and when the trial would restart and that Lubanga could not be held in preventative custody on a speculative basis. The Prosecutor submitted two appeals against these decisions which were granted with suspensive effect.

Today, 8 October 2010, the Appeals Chamber reversed both decisions, lifting the stay of proceedings and remanding the accused in custody.

**REDRESS**, founded by a British torture survivor in 1992, works internationally to promote the legal rights of victims of torture and related international crimes. It advocates for the rights of victims to a remedy and reparation, working with victims around the world as well as lawyers and partner NGOs to promote justice at both national and international levels.

More information on our work is available on our website: [www.redress.org](http://www.redress.org)

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