

## **Thomas Lubanga Sentenced to 14 Years Imprisonment in First ICC Trial: Global Coalition Welcomes Sentencing as a Milestone in Fight against Impunity in eastern DRC**

Coalition for the International Criminal Court

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(...)

Trial Chamber I of the International Criminal Court (ICC)—the world’s first permanent international court to prosecute individuals for war crimes, crimes against humanity and genocide—today sentenced former Congolese rebel leader Thomas Lubanga to 14 years imprisonment in the Court’s first landmark trial. The Coalition for the ICC welcomed the sentencing as a milestone in the fight against impunity in the troubled Kivu provinces of eastern Democratic Republic of Congo (DRC).

“This sentence sends out a stark warning across the world to those engaged in the use of child soldiers that their criminal actions will land them in prison,” said Armel Luhiriri, Francophone Africa situations liaison for the Coalition for the ICC—a global network of more than 2,500 civil society organizations in 150 countries advocating for a fair, effective and independent ICC and improved access to justice for victims of genocide, war crimes and crimes against humanity. “As important as this day is for the ICC and the victims it seeks to assist, we must not forget that Lubanga’s co-accused, Bosco Ntaganda, remains at large and despite an ICC arrest warrant issued against him”, added Luhiriri. “Ntaganda allegedly continues to commit crimes in eastern DRC. (...)”

Presiding Judge Adrian Fulford stated that the majority of the Chamber had decided to sentence Lubanga to 14 years imprisonment in total for the conscription, enlistment and use of children as soldiers. A combination of mitigating factors – including the cooperation of the defendant - and a lack of aggravating factors, including an absence of evidence presented to the Chamber regarding sexual and gender-related violence, meant that a maximum sentence of 30 years would be inappropriate according to the judges. He further explained that the some six years Lubanga has already served in detention in The Hague since March 2006 had been taken into account in the Chamber’s decision and would be deducted from the total sentence. (...)

Although a number of states—including Austria, Belgium, Denmark, Finland, United Kingdom and Serbia—have declared their willingness to accept sentenced persons by the ICC, it has not yet been decided where Lubanga will serve out his sentence. (...)

In March of this year Lubanga was found guilty of the war crimes of enlisting and conscripting children under the age of 15 years and using them to participate actively in hostilities in the DRC between September 2002 and August 2003.

Although the judgment today brings the Court's first-ever trial closer to a final conclusion, Lubanga still has the right to appeal his guilty verdict and sentence.

ICC judges are expected to order soon that victims be awarded reparations for the harm they have suffered as a consequence of Lubanga's criminal actions. It will be the first time that the Court will act on its groundbreaking reparations mandate, a first in international criminal jurisdictions.

"The DRC Coalition for the ICC welcomes the decision of the judges to sentence Lubanga to 14 years in prison," said André Kito, coordinator of the DRC Coalition for the ICC. "That said, civil society organizations and victims still regret that the scope of charges was not broad enough since other crimes perpetrated such as sexual violence, summary executions and pillage were excluded. We are also frustrated that sexual violence was not considered at sentencing as an aggravating factor due to the absence of any evidence presented to the Chamber."

"It is essential that the ICC undertakes adequate and swift outreach to victims and affected communities to explain the sentence and what the next steps are, including reparation proceedings. It is important that justice is done, but also that victims see and understand that justice is done," said Carla Ferstman, director of REDRESS. (...)

The Lubanga trial is a milestone for the Rome Statute which entered into force ten years ago. The Lubanga case is one of the few international criminal cases in history to charge an individual with acts of enlistment and conscription of child soldiers. As such, the trial has done much to highlight the gravity of the crime of using child soldiers and has helped to bring the issue into international focus. During the proceedings, ten former child soldiers testified, as did a number of expert witnesses. (...)

#### Background:

As the leader of the Union of Congolese Patriots and the commander-in-chief of its military wing, the Forces Patriotiques pour la Libération du Congo, Thomas Lubanga was charged with having committed the war crimes of enlisting and conscripting children under the age of 15 years and using them to participate actively in hostilities in Ituri, a district in the eastern province of the DRC, between September 2002 and August 2003.

Lubanga was the first person charged in the DRC situation as well as the Court's first detainee. He was surrendered and transferred to the Court on 17 March 2006, following the issuance of an ICC arrest warrant under seal on 10 February 2006. His trial started on 26 January 2009. Trial Chamber I deliberated on the applicable law and on evidence submitted during the trial

since the presentation of closing statements on 25 and 26 August 2011, and on 14 March 2012 found Lubanga guilty of having committed the war crimes of enlisting and conscripting children under the age of 15 years and using them to participate actively in hostilities. (...)

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