



Extrait du FIDH - Worldwide Human Rights Movement

<http://fidh.org/Fourth-ICC-arrest-warrant-in-the>

DRC / ICC

Fourth ICC arrest warrant in the DRC situation

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Description :

FIDH and its Congolese member organisations disappointed by the limited scope of the International Criminal Court's investigations

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The International Federation for Human Rights and its member organisations in the Democratic Republic of Congo (DRC), Association africaine des droits de l'homme (ASADHO), Ligue des électeurs and Groupe Lotus, welcome the fact that the arrest warrant against Bosco Ntaganda issued by the International Criminal Court (ICC) in August 2006 was made public yesterday. [1] Our organisations call upon all States Parties to act in order to facilitate the arrest and surrender of Ntaganda to the ICC, as soon as possible.

However, our organisations remain disappointed that the sole charges of enlistment, conscription and use of child soldiers have been brought against Bosco Ntaganda, whereas numerous other international crimes have been committed by the *Forces Patriotiques pour la Libération du Congo* (FPLC), a militia which was active in Ituri (Province orientale) and of which Bosco Ntaganda was the Deputy Chief of General Staff for Military Operations.

The FPLC allegedly acted jointly with the Union de Patriotes Congolais (UPC). The FPLC was the military branch of the UPC. Contrary to Thomas Lubanga, leader of the UPC, surrendered to the Court in 2006, Bosco Ntaganda is still at large.

According to the information revealed by the Court, Ntaganda continues to be involved in the commission of crimes in DRC, and in particular in the province of North Kivu, with the Congrès national pour la défense du peuple (CNDP), an armed group acting under the command of Laurent Nkunda. The CNDP is reportedly responsible for "serious crimes committed in the two Kivu provinces- including sexual crimes of unspeakable cruelty". [2]

FIDH and its three member organisations in DRC hope that the unsealing of this arrest warrant will contribute to the deterrence of crimes perpetrated in the Kivus. Our organisations call for his immediate arrest.

Nevertheless, FIDH and its three member organisations in DRC deeply deplore that, as Lubanga, Ntaganda is prosecuted only for enlistment, conscription and use of child soldiers. Our organisations have repeatedly called upon the ICC Prosecutor to extend his investigations, in order to ensure that ICC investigations and prosecutions are representative of crimes committed in Ituri. [3]

FIDH and its member organisations recall that in June 2006, the ICC Prosecutor explained his decision to temporarily suspend investigations on other crimes committed by Thomas Lubanga. This decision was determined, in particular, by the lack of time to conduct the supplementary investigations that were necessary to collect further evidence, within the time frames imposed by the Court. [4] Our organisations consider that these arguments do not apply to the Ntaganda case, because the suspect has not yet been surrendered to the ICC. We recall that there is much evidence on the commission of other crimes by the UPC/FPLC. [5]

Therefore, FIDH and its member organisations in DRC call upon the ICC Office of the Prosecutor to resume the investigations with the aim of bringing further charges against Bosco Ntaganda. The selection of counts must match the very reality of the crimes perpetrated in Ituri. The limited scope of the ICC investigations might bring about lack of credibility in the Court's actions on the ground. It can also contribute to victims' disappointment.

[1] [ICC Press Release, "Warrant of arrest against Bosco NTAGANDA unsealed"](#), 29 April 2008.

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[2] [ICC Office of the Prosecutor's Press Release. "DRC: ICC Warrant of Arrest unsealed against Bosco NTAGANDA"](#), 29 April 2008.

[3] FIDH/RDC member organisations' Press Releases: ["Mathieu Ngujiolo Chui arrested by the International Criminal Court \(ICC\): the ICC Prosecutor must extend his investigations"](#), 7 February 2008; ["A second case before the International Criminal Court on the situation in Democratic Republic of Congo: Germain Katanga transferred to The Hague"](#), 19 October 2007 ; ["Thomas Lubanga Dyilo is committed for trial : first ICC trial to begin soon"](#), 29 January 2007; ["Opening of the confirmation of charges hearing against Thomas Lubanga Dyilo: Hope of a first trial"](#), 9 November 2006.

[4] In this document, the Prosecutor explained: "Against the background of the date of the Confirmation Hearing and the related timetable of the Pre-Trial Chamber, the Prosecutor's decision is determined by the fact that it can reasonably be anticipated that the current limited possibilities to further investigate into crimes allegedly committed by Thomas LUBANGA DYILO will make it impossible to complement the collection of evidence to the extent necessary to amend the charges within the time frames as legally determined by Articles 61(4) and 61(9) of the Statute", [ICC-CPI-01-04/01-06- 170, Prosecutor's Information on Further Investigation, 28 June 2006](#), para. 8

[5] "Le Commandant Bosco Ntaganda est accusé par des témoins et des plaignants de graves violations des droits de l'Homme. Il existe plusieurs dossiers à charge contre lui concernant des cas d'exécutions sommaires de deux personnes à Bunia en mars 2003, d'enlèvements, de viols, d'exactions contre les populations civiles [...]", [UN Press Release "R.D. du Congo : poursuites d'attaques de l'UPC sur la Mission de l'ONU mais arrivée des magistrats à Bunia"](#), 23 January 2004. See also: [Joint Letter to the Chief Prosecutor of the ICC on Charges against Thomas Lubanga and DRC Investigation](#), 2 August 2006.