

## Speech by Kon Kelei 10 years ICC, former former child soldier

Speech | 14-11-2012

Remarks on the impact of the Rome Statute system on victims by former child soldier Mr. Kon Kelei at the 10th anniversary of the International Criminal Court on 14 November at the Ridderzaal (Hall of Knight) in the Hague. He spoke after the Minister of Foreign Affairs Frans Timmermans.

“Remarks on the impact of the Rome Statute system on victims”

The Hague, 14th Nov. 2012

Your Majesty the Queen, excellencies, honourable guests, protocol observed, ladies and gentlemen, I salute you all on behalf of the Network of Young People Affected by War (NYPAW). My gratitude goes to the organisers for this golden opportunity.

The International Community has achieved a tremendous goal in Human Rights based history by the creation of the International War Crimes Tribunals with powers to prosecute warlords who enlist, recruit or make use of child soldiers in armed conflicts, with ICC as a good example of the abovementioned Tribunals. However, this also brings along with it, legal complications and new challenges that the War Crimes Tribunals have to deal with.

As a consequence of the above mentioned creation of tribunals, ex-child soldiers are seriously involved in war crimes trials in which they are asked to provide crucial evidence in the cases against warlords before International War Crimes Tribunals e.g. the Special Court for Sierra Leone and International Criminal Court (ICC). For this reason the Office of the Prosecutor has worked closely with NYPAW throughout the Lubanga trial. For instance, the members of NYPAW were invited to closing statement of the Prosecutor. I sincerely applaud the said collaboration and we look forward to continue the same relation in other cases.

But before I proceed with some remarks of my own, I would like to tell you little about my past.

My story

I was about four years old when I was sent to what turned out to be a military camp in Ethiopia. We have to walk for 15 days with less of everything. I was about six years old when I got my military training. I was trained how to operate AK-47, attack and destroyed cities and everything that comes across us. I was taught to be emotionless and hate where and whenever possible.

Before I raise my concern about the role of ex-child combatants in Court's proceedings, I would commence the fact that the warlords know now that they cannot get away with their bad deed. I would therefore like to thank the ICC Prosecution Office for job well done.

I will not go into technical part of Rome Statute system on victims, but I would like to raise the victims' socio-economic reintegration and rehabilitation concern. The chances for socio-economic reintegration have increased since the decision on the Lubanga case on which the Court has stated: that reparation "go beyond the notion of punitive justice, towards a solution which is more inclusive, encourages participation and recognizes the need to provide effective remedies for victims." This is a serious remaining challenge to the ICC mandate.

#### Participation of ex-child soldiers at judicial proceedings

The hardship the abovementioned group underwent at their early emotional development renders these young war survivors more vulnerable to re-traumatisation. It is a given fact: the younger a child is when he experiences a traumatic environment, the more damaging the experience of trauma could be to his emotional development. Given the situation sketched above, one could question the emotional ability of many children to deal with frustrating and stressful situations, such as cross-examination in the courtrooms.

I would therefore like to call on the Prosecution Office to approach children affected by armed conflict; not just as those ex-child soldiers who are still under age at the time of prosecution. However, ex-child soldier stands for those who had participated in armed conflict in one way or another while under age. Beside the fear for possible re-traumatisation, there is also a risk of socio-economic demise.

I therefore would add my voice to that of the Kampala Review Conference and thus urge the International Community at large and International Criminal Court as whole to improve the Rome Statute system on victims.

Your Majesty, honourable guests, ladies and gentlemen; I had first prepared institutional speech like the previous speakers, but I was asked by the organisers if I could only speak on my past in order to attach the victim face to official speeches. Talking about my past can reignite painful memories. However, I usually do so as it is the case today because I feel the duty to speak for those who are not lucky. If our horrible testimonies to audience like this can lead to advancement and thus enhance the best interest of the child as it is enshrined in Convention on the Rights of the Child, then I am more than ready to do so.

Your Majesty, honourable guests, ladies and gentlemen, last but not least let me take this opportunity to bring to your attention a high need to compensate the victims of warlords in order to feel the impact of Rome Statute system on victims. The said compensation could be done through social restitution, which could be again implemented via developmental aid

programmes. Let's build schools, hospitals and other communal institutions that serve common interest, for we cannot compensate every individual from Eastern DRC for instance. Warlords like Lubanga are kale kippen, as we said in Dutch and thus lack feathers to pick.

Otherwise, I would like to congratulate the Prosecution Office and International Community on a tremendous achievement in bringing warlords to justice. At last children are no longer toys for warlords to play with, without accountability.

Thank you for the opportunity.

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