



Coalition for the International Criminal Court

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**FOR IMMEDIATE RELEASE**

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**Alleged Congolese Militia Leader Found Not Guilty in Second ICC Trial**

*Insufficient Evidence Presented by Prosecutor to Convict Ngudjolo Chui of Alleged War Crimes and Crimes against Humanity in DRC in 2003*

**The Hague/Kinshasa**—In the second trial at the International Criminal Court (ICC), and the first to involve charges of sexual and gender-based violence, alleged Congolese militia leader Mathieu Ngudjolo Chui was today found not-guilty of war crimes and crimes against humanity allegedly committed in the Democratic Republic of Congo (DRC) in 2003 due to insufficient evidence. Both prosecution and defense, have the right to appeal the decision.

“Today’s decision will undoubtedly be a disappointment to the all-too-many victims of the most terrible crimes in a part of the world that has reported, decade after decade, millions of lost lives and where the ICC has tried its best to prosecute war crimes and crimes against humanity in an ongoing conflict zone,” **said William R. Pace, convenor of the Coalition for the International Criminal Court**—a global network of more than 2,500 civil society organizations in 150 countries advocating for a fair, effective and independent ICC. “Nevertheless, the rule of law must be respected if peace and stability are our ultimate goals. The Coalition urges the ICC to explain today’s decision to victims and affected communities, as well as the reasons behind the delayed verdict against Germain Katanga.”

Judges of ICC Trial Chamber II found that Ngudjolo Chui—who the prosecution alleged was the leader of a Lendu militia group active in the Ituri region of eastern DRC—was not responsible beyond all reasonable doubt for the war crimes and crimes against humanity of murder or willful killing, inhumane acts, sexual slavery, rape, cruel or inhuman treatment, using children to

participate actively in hostilities, outrages upon personal dignity, intentional attack against the civilian population, pillaging and destruction of property. This was on the basis of insufficient evidence having been presented by the prosecution that Ngudjolo was the commander of Lendu combatants during an attack on the village of Bogoro in the eastern DRC and due to certain key witnesses being found not to be credible.

The crimes were allegedly committed from January to March 2003 in the Ituri district of eastern DRC and the case focused particularly on an attack intended to wipe out the village of Bogoro on 24 February 2012. In their decision, the judges emphasized that their decision did not mean that no crimes were committed in Bogoro or that the people of the community had not suffered on that day.

Under ICC rules, Ngudjolo is to be immediately released. However, the ICC Prosecutor Fatou Bensouda has indicated that she will be seeking Ngudjolo's continued detention pending the submission of an appeal against his acquittal.

The case against Ngudjolo Chui was originally joined to the case of Germain Katanga—commander of the Congolese militia group *Force de résistance patriotique en Ituri*—as they were charged with the same crimes. However, on 21 November 2012, ICC judges decided to separate the case as they are considering a change to Katanga's mode of legal responsibility for the alleged crimes. A verdict in the case against Katanga will be delivered at a later stage.

A total of 366 victims were authorized by judges to participate and were represented by two legal representatives for victims.

"The DRC Coalition for the ICC notes today's verdict in the Ngudjolo Chui case, which is the result of a very long judicial process and consideration by judges," said **Andre Kito, DRC Coalition coordinator**. "However, it is a hard blow for the victims and affected communities who had placed all their hopes in the Court to deliver justice, considering the great harm they suffered during the ethnic war in Ituri," **Kito continued**. "Victims in Ituri are anxious that the Court deliver its verdict against Germain Katanga as soon as possible." "

"The DRC Coalition fears that the verdict might be manipulated and endanger peace in Ituri; we therefore call upon the ICC prosecutor to further investigate facts and evidence in order to restore trust in the Court's efficiency in fighting impunity for international crimes," Kito added.

Earlier this year, rebel leader Thomas Lubanga was sentenced to 14 years imprisonment in the Court's first landmark trial for the conscription, enlistment and use of children as soldiers in the DRC's Ituri district in 2002-2003.

Katanga and Ngudjolo were arrested and transferred to the Court on 17 October 2007 and 7 February 2008, respectively. In September 2008, the Chamber confirmed all but three of the charges against Katanga and Ngudjolo Chui, sending their case to trial. The trial opened on 24 November 2009 following several postponements, and is another milestone for the Rome Statute—the ICC's founding treaty—which entered into force only ten years ago.

Some 5.4 million people are reported to have died in the DRC since August 1998, making the conflict one of the world's deadliest since World War II. For many years, victims and civil society

in the DRC have demanded accountability. The ICC's involvement in the country has sent a strong signal to future criminals and armed groups in the DRC that impunity will no longer be tolerated. However, a mutiny earlier this year, allegedly led by ICC suspect-at-large, Bosco Ntaganda, among others, has precipitated a surge in violence in eastern DRC in recent months causing renewed suffering in the region and much remains to be done to bring justice to the countless victims in the conflict.

**Background:** *The ICC is the world's first permanent international court to prosecute war crimes, crimes against humanity, and genocide. Central to the Court's mandate is the principle of complementarity, which holds that the Court will only intervene if national legal systems are unwilling or unable to investigate and prosecute perpetrators of genocide, crimes against humanity and war crimes. There are currently seven investigations before the Court: the Central African Republic; Côte d'Ivoire; the Democratic Republic of the Congo; Darfur, the Sudan; Uganda; Kenya; and Libya. The ICC has publicly issued 23 arrest warrants and nine summonses to appear. The Court issued a judgment in its first trial on 14 March 2012, and its second on 18 December 2012. One other trial is ongoing. The ICC Office of the Prosecutor has also made public that it is currently conducting preliminary examinations analysing alleged crimes committed on the territory of Honduras, Republic of Korea, Afghanistan, Mali and Nigeria, as well as checking if genuine national proceedings are being carried out in Guinea, Colombia and Georgia.*

*The Coalition for the International Criminal Court is a global network of civil society organizations in 150 countries working in partnership to strengthen international cooperation with the ICC; ensure that the Court is fair, effective and independent; make justice both visible and universal; and advance stronger national laws that deliver justice to victims of war crimes, crimes against humanity and genocide. For more information, visit: [www.coalitionfortheicc.org](http://www.coalitionfortheicc.org)*

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