PRESS CLIPPINGS

Enclosed are clippings of local and international press on the Special Court and related issues obtained by the Outreach and Public Affairs Office as at:
Wednesday, 19 December 2012

Press clips are produced Monday through Friday.
Any omission, comment or suggestion, please contact
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### Local News

<table>
<thead>
<tr>
<th>News</th>
<th>Source</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sierra Leone, Vanuatu and Ghana… / <em>Concord Times</em></td>
<td></td>
<td>3</td>
</tr>
<tr>
<td>Sierra Leonean Named to Panel Studying Drug Trafficking in West Africa / <em>Awoko</em></td>
<td></td>
<td>4</td>
</tr>
<tr>
<td>Mathieu Ngudjolo Chui Acquitted / <em>Standard Times</em></td>
<td></td>
<td>5</td>
</tr>
</tbody>
</table>

### International News

<table>
<thead>
<tr>
<th>News</th>
<th>Source</th>
<th>Pages</th>
</tr>
</thead>
<tbody>
<tr>
<td>International Criminal Court Acquits Congo Rebel Leader of War Crimes / <em>Associated Press</em></td>
<td></td>
<td>6-7</td>
</tr>
</tbody>
</table>
ISSUES

Sierra Leone, Vanuatu and Ghana: Safe havens for war crimes suspects

- Amnesty International

Vanuatu

Although Vanuatu's ratification of the Rome Statute of the International Criminal Court (the Rome Statute) on 2 December 2011 was a positive step, it is concerning that the country has not yet given the Rome Statute full effect in national law, including by providing universal jurisdiction over genocide, crimes against humanity and war crimes.

Vanuatu's national legislation currently provides for universal jurisdiction over war crimes in limited circumstances and an arguably restricted form of crime against humanity. The definitions of these crimes fall far short of the standard set by international law. Vanuatu's national legislation does not provide for universal jurisdiction over other crimes under international law, including genocide.

Sierra Leone

Although Sierra Leone has defined some crimes under international law as crimes under Sierra Leonean law – including torture, grave breaches of the Geneva Conventions, recruitment of child soldiers, slavery, use of landmines and weapons particularly hazardous to children – it has not defined these crimes in accordance with the strictest requirements of international law. In addition, Sierra Leonean law also provides only a limited form of universal jurisdiction over some crimes, while most crimes under international law including crimes against humanity, many war crimes, genocide, torture, extrajudicial executions and enforced disappearances remain outside the scope of Sierra Leonean courts.

Ghana

Amnesty International particularly welcomes Ghana's decision to implement the Rome Statute. There are many positive aspects to the Draft International Criminal Court Act 2012, including provisions seeking to implement all of Ghana's complementarit and cooperation obligations under the Rome Statute. However, concerns remain regarding certain aspects of the draft act. Among other shortcomings, the draft does not make clear which law would take precedence in case of a conflict between the draft act (and other Ghanaian law) and the Rome Statute; and under the bill decisions by a political official whether to prosecute a person for a crime under international law are effectively unreviewable.
Sierra Leonean named to panel studying drug trafficking in West Africa

Sierra Leonean born Professor Bankole Thompson has been invited by the Kofi Annan Foundation to serve as member of a panel that is studying drug trafficking in West Africa.

A press release from the Eastern Kentucky University (EKU) says “Thompson is a professor emeritus who still teaches part-time in the College of Justice & Safety. He is also a former judge on the Special Court for Sierra Leone (SCSL) trial chamber where he sat on the RUF and CDF cases.

The first meeting of the Commission on the Impact of Drug Trafficking, Governance, Security and Development in West Africa is scheduled for early next year.

Annan wrote in a letter to Thompson that drug trafficking and drug use in West Africa is threatening progress made toward democracy in the last decade.
DR Congo: Mathieu Ngudjolo Chui acquitted of war crimes by ICC

The International Criminal Court has ordered that former Congolese militia leader Mathieu Ngudjolo Chui should be freed after he was acquitted of war crimes and crimes against humanity.

The case related to the 2003 killings of 200 residents of Bogoro village in the Ituri region of DR Congo.

The court in The Hague heard reports of victims being burned alive, babies battered and women raped.

Mr Ngudjolo denied ordering the attack, saying he learned of it days later.

He had been charged with seven counts of war crimes and three of crimes against humanity. Prosecutors said he had enlisted child soldiers to carry out the killings. Some of the killings were carried out with machetes.

But presiding Judge Bruno Cotte said the court acquitted Mr Ngudjolo of all charges, saying the prosecution had "not proved beyond reasonable doubt that Mathieu Ngudjolo Chui was responsible" for the crimes committed.

He said the decision was unanimous, and that witness testimony had been "too contradictory and too hazy".

Fighting is still going on in the mineral-rich Ituri region. All the different armed groups in the area have formed a coalition. They include Mr Ngudjolo's FNI, which is drawn from the Lendu ethnic group, and its former enemies from the Hematigrine group.

Some former fighters joined the army during a series of peace deals, but all the others in this region have now joined together. As ever, they are fighting for control of the region's gold mines, as well as for their own protection.

A UN report says the rebels are backed by neighbouring Rwanda, which denies it.

The violence in Ituri was a part of the DR Congo war. It remains overshadowed by fighting elsewhere in eastern DR Congo. Some 50,000 people were killed in the province in four years before the European Union sent a peacekeeping force in 2003 - its first mission outside Europe.

In its summary, the court stressed that the ruling did not mean it believed no crimes were committed in Bogoro "nor does it question what the people of this community have suffered on that day".

"The chamber also emphasised that the fact of deciding that an accused is not guilty does not necessarily mean that the chamber finds him innocent," the ICC said in a statement.

"Such a decision simply demonstrates that, given the standard of proof, the evidence presented to support his guilt has not allowed the chamber to form a conviction beyond reasonable doubt."

'A hard blow'

Human Rights Watch said the verdict "leaves the victims of Bogoro and other massacres by his forces without justice for their suffering."

"The ICC prosecutor needs to strengthen its investigations of those responsible for grave crimes in Ituri, including high-ranking officials in Congo, Rwanda and Uganda who supported the armed groups fighting there," said Geraldine Mattioli-Zeltner, the group's international justice advocacy director.

The Coalition for the ICC, a campaign group that monitors the court’s work, said the verdict was "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.”

The verdict is only the second in the 10-year history of the ICC, and the first acquittal.

In March, Congolese warlord Thomas Lubanga, Mr Ngudjolo’s enemy in Ituri, was found guilty of recruiting and using child soldiers between 2002 and 2003. He was sentenced to 14 years in jail.

The conflict in Ituri was a distinct part of the war that raged in DR Congo following the 1994 genocide in neighbouring Rwanda and involved troops and fighters from several neighbouring countries.

Credit: BBC
The International Criminal Court acquitted a Congolese militia leader Tuesday of all charges of commanding fighters who destroyed a village in eastern Congo in 2003, raping and hacking to death some 200 people, including children.

The acquittal of Mathieu Ngudjolo on charges including rape, murder and pillage was only the second verdict in the court's 10-year history and the first time it had cleared a suspect.

The only other ICC verdict, handed down earlier this year, convicted another Congolese rebel leader, Thomas Lubanga, of using child soldiers in battles in Ituri. He was sentenced to 14 years in prison.

The court has indicted far more senior suspects than Ngudjolo, including Sudanese President Omar al-Bashir and former Ivory Coast president Laurent Gbagbo. Al-Bashir refuses to surrender to the court and Gbagbo is in custody in The Hague awaiting a possible trial.

The Tuesday's verdict also cast a shadow over ICC prosecutors' efforts to collect and present evidence of atrocities in complex conflicts thousands of miles from the court's headquarters in The Hague.

Judges said the testimony of three key prosecution witnesses was unreliable and could not prove definitively that Ngudjolo led the rebel attack on the village of Bogoro, but they emphasized that Ngudjolo's acquittal did not mean that no crimes occurred in the village.

"If an allegation has not been proven beyond a reasonable doubt ... this does not necessarily mean that the alleged fact did not occur," Presiding Judge Bruno Cotte of France said.

Ngudjolo showed no emotion at the acquittal. His lawyer, Jean-Pierre Kilenda, said his client had always insisted he was innocent.

Judges "showed that this court respects the rights of defendants," the lawyer said.

Eric Witte, an expert in international law at the Open Society Justice Initiative, said the judgment "will send a worrying signal about the quality of ICC prosecutions."

He said Prosecutor Fatou Bensouda may now need to rethink the way her office builds its cases.

"A pattern of prosecution failures could undermine support for the court as a whole," Witte warned.
Prosecutors say many villagers in Bogoro were raped before some 200 were hacked to death with machetes by rebel fighters on a single day in February 2003.

Rights organizations immediately called upon the court to explain the acquittal to victims and survivors in the village in Congo's eastern Ituri region, and to improve its investigations.

"The acquittal of Ngudjolo leaves the victims of Bogoro and other massacres by his forces without justice for their suffering," said Geraldine Mattioli-Zeltner, international justice advocacy director at Human Rights Watch. "The ICC prosecutor needs to strengthen its investigations of those responsible for grave crimes in Ituri, including high-ranking officials in Congo, Rwanda and Uganda who supported the armed groups fighting there."

Judges ordered Ngudjolo's immediate release, but Bensouda said she would appeal the acquittals and asked for Ngudjolo to be kept in custody.

However, after a brief hearing later Tuesday, Cotte again ordered him freed, saying that after an acquittal "release should be more than ever the rule."

It remained unclear exactly where Ngudjolo would go. Defense lawyer Jean-Pierre Fofe told the court that Ngudjolo would most likely stay in the Netherlands or in another European country pending the appeal.

Judges are still considering the evidence against another militia leader, Germain Katanga, who stood trial with Ngudjolo, and are expected to deliver that verdict next year.

Congo faces a myriad of rebel groups including the emergence of one known as M23, sparking fighting that has forced hundreds of thousands to flee their homes in the country's volatile east.

Kambasu Ngeve, M23's chief negotiator in ongoing talks with the Congolese government, said he was delighted by Tuesday's acquittal.

"I still thought that all those were brought to the ICC in the Ituri case were innocent and that the real culprits were free," he told The Associated Press. "It doesn't surprise me. I only regret that he spent a long time in prison."

Congolese government spokesman Lambert Mende said "the government takes note of this decision, which we cannot interpret because it's a judicial order and justice is independent."

The ICC, the world's first permanent war crimes tribunal, came into being in 2002 and the treaty that created it has been ratified by 121 nations. Prosecutors have so far indicted suspects in seven different countries, all of them in Africa including Congo, Sudan, Kenya, Libya and Ivory Coast.

*Associated Press writer Saleh Mwanamilongo in Kinshasa, Congo, contributed to this report.*