



## **STATEMENT OF DEPUTY PROSECUTOR, FATOU BENSOUDA TO THE MEDIA REGARDING THE SURRENDER OF MATHIEU NGUDJOLO**

07 FEBRUARY 2008

Ladies and gentlemen,

Thank you for this opportunity to brief you on this morning's surrender of Mr. Mathieu Ngudjolo to the International Criminal Court.

Yesterday, 06 February 2008, Mr. Mathieu Ngudjolo, former senior commander of the Front des Nationalistes et Intégrationnistes ("FNI"), an armed group active in the Ituri District, in the North East of the Democratic Republic of the Congo, was arrested in Kinshasa, surrendered to the Court by the Congolese authorities and transferred this morning to the ICC detention center here in The Hague.

As in previous cases, the arrest and surrender of Mr. Mathieu Ngudjolo was made possible thanks to the cooperation of the DRC authorities and, once more, the Office of the Prosecutor wishes to express its appreciation to the DRC Government for the process and the constant cooperation granted to our work since we opened our investigation on its territory in June 2004.

Mr. Ngudjolo is the third person in ICC custody, after Mr. Thomas Lubanga Dyilo and Germain Katanga.

There are a lot of issues on the agenda of the DRC authorities and of the international community in the DRC at the moment, in particular with the terrible violence which affected the Kivus and the Eastern provinces of the DRC. It is very significant that cooperation with the ICC is remaining a priority. In the recent weeks, the Prosecutor had discussions on cooperation with the Court with the Congolese authorities. This surrender is the renewed demonstration of their support to our activities and of a shared understanding that the massive crimes committed and those which continue being committed in DRC shall be prosecuted, either by us or by the DRC authorities. There will be no impunity for those responsible. It is very important that this should be taken into account in conflict management initiatives, as it was recently in the case of the Goma agreement, whereby crimes under our jurisdiction were excluded from the scope of the amnesty provision.

The Office of the Prosecutor would also like to extend his thanks to all the Court's partners for their assistance and support, in the DRC and elsewhere. The Prosecutor had the opportunity to

raise this matter with relevant interlocutors from the UN, both in New York and in Kinshasa and wishes to highlight the support received from the UN Secretary General, the UN under Secretary General for Peace Keeping and their teams.

I further want to acknowledge the excellent and smooth work done by the Registry in the organisation of this surrender, and to reiterate the OTP's gratitude to the Belgian authorities for providing the Court with a plane.

In our commitment to prosecute those who bear the greatest responsibility for the most serious crimes, the Office of Prosecutor presented to the judges of the International Criminal Court on 22 June 2007, evidence against Mr. Mathieu Ngudjolo, charging him with three counts of Crimes against Humanity and six counts of War Crimes.

The Pre-Trial Chamber issued a warrant of arrest on 06 July 2007. This arrest warrant remained under seal until the notification to the DRC authorities on 05 February 2008.

Evidence collected by our office will again show how civilians were the target of massive crimes in the course of the conflict in the Ituri district of the DRC.

It will in particular show how Mathieu Ngudjolo, as one of the heads of the FNI, one of the militia groups operating in Ituri at that time, planned a brutal attack on the village of Bogoro, an ordinary village, which he ordered fighters under his command to "wipe out".

Thus, on 24 February 2003, members of Mathieu Ngudjolo's militia entered Bogoro village and began an indiscriminate killing spree. At least 200 civilians died. Women were abducted and sexually enslaved. The village was pillaged by FNI-FRPI militia men.

The Prosecution will provide the evidence, showing that Mr. Ngudjolo has planned and ordered this attack together with Germain Katanga, who has also been charged by the Court with crimes committed during the same attack on the village of Bogoro.

Mr. Katanga has already been arrested and surrendered to the Court on 18 October 2007 and is currently held in the ICC detention facilities.

As in the case of Germain Katanga, the Prosecutor alleges that Mathieu Ngudjolo is responsible for Murders, Inhumane acts and Sexual Enslavement at Bogoro village, constituting Crimes against Humanity and War Crimes, and for Cruel Treatment at Bogoro village constituting a War Crime. The Prosecution's evidence will also show that Mathieu Ngudjolo committed the War Crime of using Children to Participate Actively in Hostilities, the War Crime of launching an Attack against the Civilian Population of Bogoro village and the War Crime of Pillaging the village of Bogoro.

Who is Mathieu Ngudjolo ?

He is believed to be thirty-seven years of age and was born in Ituri, a North-Eastern district of the DRC.

In early 2003, Mr. Ngudjolo emerged as one of the top commanders of a group which began calling itself the FNI. He was later named as one of the top three leaders of the allied FNI-FRPI forces. Towards the end of 2003, he referred to himself as the chief of staff of the FRPI. In December 2006, after a reported peace agreement with the DRC authorities, he was appointed to the rank of Colonel in the regular Congolese armed forces (the FARDC).

He served in the Congolese armed forces in Bunia until early November 2007, when he was sent to Kinshasa to join senior officers' military training with other former Ituri armed group leaders integrated in the FARDC as well. He remained there until his arrest yesterday in Kinshasa.

The DRC has been ravaged by conflicts that have left in their wake countless victims of the most horrific crimes. Violence is ongoing in different parts of the country. Acts of sexual violence of shocking brutality, killings, forced displacement are widely reported in the Kivus.

With the arrest of Mathieu Ngudjolo we have completed the first phase of our DRC investigation, focusing on the horrific crimes committed by leaders of armed groups active in Ituri since July 2002. We are now moving on, moving on to our third case in the DRC, with other applications for arrest warrants to follow in the coming months and years.

As the Prosecutor stated before the last Assembly of States Parties, end of last year, and reiterated just now, we have been following closely the numerous reports of atrocities in the Eastern DRC and in particular in the two Kivu provinces. We are paying particular attention to the numerous reports of crimes committed in the North and South Kivu provinces in the last years and months and, for some of them, reportedly still being committed today, including unspeakable sexual crimes. For the third investigation we are planning, a number of options are possible. We are monitoring the actions of armed groups still operating in the East and in particular in the Kivus. We are also monitoring the situation of those individuals who may have played a role in supporting and backing armed groups.

As a final note, I wish to reiterate that, to move forward with our investigations and prosecutions, in the DRC as in the other countries where we are currently operating, we rely heavily on the continuing cooperation of all States. We are a universal Court : this means that we need the support and cooperation of all States, wherever they may be. This is key to implement and to help implement the Court's judicial mandate. Arrest warrants, whether in the DRC, Uganda, Darfur, or anywhere else, including in the CAR in the near future have to be executed. States and organizations involved in conflict management initiatives must take into account this new legal reality. For those individuals that the Court is investigating and prosecuting, there can be no way out.

This support and cooperation is key to the performance of our investigative tasks and we will continue needing it in Uganda, in Darfur, in the CAR, where we hope that our first investigation in the crimes committed by armed groups in 2002-2003 will soon bear results, and in the DRC where our third investigation is about to start.