

**Critical Analyses on the Decision of International Criminal Court
on the Case over the PROSECUTOR versus GERMAIN
KATANGA**

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ABSTRACT

International criminal court (herein after ICC) empowered to investigate and where warranted, tries individual with the gravest crime, such as; genocide, war crimes, crimes against humanity and crime of aggression. Under this Article an author critically analyse the ICC cases of Germain Katanga, the alleged commander and leader of the Patriotic Resistance Force in Ituri (FRPI), and Mathieu Ngudjolo, the Nationalist and Integrationist Front in Iturbi (FNI), who were tried before the International Criminal Court (ICC) for crimes against humanity and war crimes on Hame peoples committed since February 24, 2003. On this the core focus of the analyses focused on the conformity of ICC decision in light with international criminal law jurisprudence. To achieve such main objective critical investigation was done on background of incident, charge, defenses, evidence, and trial proceedings judgment of chamber on prosecutor v Germain Katanga

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ICC case. After deep analyse, writer wind up with conclusion and recommendation; specially by appreciating the competency, and of the diligence of the ICC chamber II on taking evidence, hearing the parties, giving decision, assessing factors which have high ability to determine the fate of final judgment and in overall proceedings.

Keywords; International Criminal Court, Decision, crimes against humanity, war crime, Case

INTRODUCTION

Germain Katanga, the alleged commander and leader of the Patriotic Resistance Force in Ituri (FRPI), and Mathieu Ngudjolo, the Nationalist and Integrationist Front in Iturbi (FNI), were tried before the International Criminal Court (ICC) for crimes against humanity and war crimes on Hame peoples committed since February 24, 2003, in Bogoro, in the Ituri district of the Democratic Republic of the Congo (DRC). After preliminary analysis, the Prosecutor initiated an investigation on 21 June 2004. On June 23, 2004, ICC Prosecutor Luis Moreno-Ocampo opened the first official investigation into the most serious crimes presumed to have been committed in the territory of the DRC as of July 1, 2002 and accused them jointly. On November 21, 2012, six months after the oral proceedings Trial Chamber II severed the two cases.

Furthermore On December 18, 2012, Trial Chamber II acquitted Ngudjolo of all charges.

2014, Trial Chamber II found Katanga guilty, pursuant to Article 25(3)(d) of the Rome Statute of the ICC, as an accessory to four counts of war crimes (murder, attack against a civilian population, destruction of enemy property, and pillaging) and one count of crimes against humanity (murder). The chamber acquitted him of other charges of crimes against humanity (rape and sexual slavery) and war crimes (using children under the age of 15 to participate in hostilities), while deciding that these crimes had in fact been committed. On May 23, 2014, Trial Chamber II sentenced Katanga to 12 years in prison. The decision on reparations has yet to be issued. While the prosecution and defense had initially appealed the judgment against Katanga, they both withdrew their appeals on June 25, 2014, thus rendering the decision final pursuant to Article 74 of the Trial Chamber.

This article provides and analysis background of incident, charge, defenses, evidence, and trial proceedings judgment of chamber on prosecutor v Germain Katanga ICC case. The writer (I herein after) also raised his argument and opinion on the case, charge and judgment of the chamber. And the paper wind up with conclusion and recommendation.

1. Background of incident and Synopsys of the case

The DRC is divided into administrative units known as “provinces”, “districts”, “territories”, “collectivités”, “groupements” and “localities”. Bogoro village is located at the intersection of Bagaya and

Dodoy localités, and is the administrative centre of Babiase groupement, which falls under Bahema Sud collectivité in Irumu territory, one of the sub-divisions of Ituri district, which is in the east of Orientale province. Germain Katanga, of Ngiti ethnicity, was born on 28 April 1978 in Mambasa, in the territory of Mambasa, in Ituri district, DRC.² Armed hostilities took place in Ituri between August 2002 and July 2003. The Ituri conflict began as a series of land disputes between the Hema and Lendu ethnic groups but escalated into intensive attacks on civilian villages by local militias supported variously by Rwanda, Uganda, and the DRC government. The attack was part of a larger conflict in the DRC.³ They involved several armed groups or militias that formed the armed wings of certain political and military groups including the Force de résistance patriotique en Ituri [Patriotic Force of Resistance in Ituri] (“the FRPI”), the Armée du peuple congolais [Congolese People’s Army] (“the APC”). Those hostilities also involved a foreign national army, the Ugandan army (“the UPDF”).⁴

Germain Katanga is alleged to be the former leader of the Forces de Résistance Patriotique d’Ituri (FRPI), a political party and militia primarily of Ngiti ethnicity based in the Ituri region of the DRC. The group was formed in November 2002 with the purpose of opposing Hema militias and their exploitation of non-Hema civilians during the

² ., Situation In The Democratic Republic Of The Congo In The Case Of The Prosecutor V. Germain Katanga,(official ICC translation) 7 march 2014, p. 14

³ Michèle Laborde-Barbanègre, Case Against Germain Katanga and Mathieu Ngudjolo (ICTJ briefing on DRC, Katanga case), May 2014.p.1

⁴ . sura Note 1 p. 15

Ituri conflict.⁵ In December 2004 Mr. Katanga was appointed to the rank of general in the regular DRC armed forces. Following the deaths of nine MONUC peacekeepers in March 2005 he was arrested together with several other militia leaders and was detained in Kinshasa until being transferred to the ICC in October 2007.

2. PROCEEDINGS

The Democratic Republic of the Congo ratified the Rome Statute of the International Criminal Court on 11 April 2002. On 3 March 2004, the Government of the DRC referred the situation (all events within the jurisdiction of the Court) on its territory since the entry into force of the Rome Statute on 1 July 2002 or to the ICC to determine if one or more persons should be accused of crimes falling within the jurisdiction of the court. In the letter, the DRC government committed itself to cooperating with the ICC.⁶ After preliminary analysis, the Prosecutor initiated an investigation on 21 June 2004. On June 23, 2004, ICC Prosecutor Luis Moreno-Ocampo opened the first official investigation into the most serious crimes presumed to have been committed in the territory of the DRC as of July 1, 2002. The prosecutor initially focused on crimes committed in the Ituri district (Orientale Province). Shortly

⁵ . The Trial of Germain Katanga at ICC ‘ February 2014

⁶ . The Trial of Germain Katanga and Mathieu Ngudjolo Chui: Closing Arguments, May 2012 p. 8

after, on June 25, 2007, the prosecution requested arrest warrants for Katanga and Ngudjolo.⁷

Mr Katanga was transferred to the Detention Centre in the Hague, the Netherlands, on 17 October 2007. A confirmation hearing was held from 27 June to 16 July 2008 before Pre-Trial Chamber I and on 26 September 2008, the judges of Pre-Trial Chamber I confirmed charges of war crimes and crimes against humanity against Germain Katanga and Mathieu Ngudjolo Chui. The Pre-Trial Chamber issued a decision joining the cases against Germain Katanga and Mathieu Ngudjolo Chui in March 2008 largely on the basis of their alleged shared responsibility for crimes committed during a joint attack on the village of Bogoro.⁸ All the evidence for these crimes related to both suspects. This joinder was deemed in the interests of the victims and witnesses, conducting the proceedings in a fair and efficient manner, and the protection of the rights of the defendants, including the right to be tried without undue delay. It would also ensure the judicial economy of the proceedings. The Chamber stated that joining the cases would not be prejudicial to the defendants, nor contrary to the interests of justice. It allowed that the cases could be separated at a later stage if necessary. The trial commenced on 24 November 2009, and the parties and participants delivered their closing statements from 15 to 23 May 2012.

⁷ ID. P. 5

⁸ . Germain Katanga: Guilty of war crimes, the brutal warlord who terrorised the Democratic Republic of Congo, The Independent, 07 March, 2014

3. INDICTMENTS/ CHARGES

Germain Katanga is the alleged commander of the Force de Résistance Patriotique en Ituri (FRPI, Patriotic Resistance Forces in Ituri) and Mathieu Ngudjolo Chui is the alleged former leader of the Front des Nationalistes et Intégrationnistes (FNI, National Integration Front), two armed militias from the Ituri region in eastern Democratic Republic of the Congo (DRC). Katanga and Ngudjolo are charged with seven counts of war crimes; i. Using children under the age of fifteen to take active part in hostilities; ii) Directing an attack against civilians; iii) Willful killing; iv) Destruction of property; v) Pillaging; vi) Sexual slavery; and vii) Rape and three counts of crimes against humanity; i) Murder; ii) Rape; and iii) Sexual slavery allegedly committed during an attack on the village of Bogoro on February 24, 2003. Specifically The suspects are charged under Article 25(3) (a) or (b) (on the basis that they committed or ordered commission of crimes),⁹ with:

- Murder constituting a crime against humanity pursuant to Article 7(1) (a).
- Murder or willful killing constituting a war crime pursuant to Article 8(2)(c)(i) or Article 8(2)(a)(i).

⁹ . The Situation in DRC | Prosecutor v. Thomas Lubanga Dyilo | Prosecutor v. Bosco Ntaganda | Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui (International bar association), Rome Statute of the International Criminal Court ART 7, 8, 23

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- Inhumane acts constituting a crime against humanity pursuant to Article 7(1)(k).
- Cruel or inhuman treatment constituting a war crime Article 8(2)(c)(i) or Article 8(2)(a)(ii).
- Using children to participate actively in hostilities constituting a war crime pursuant to Article 8(2) (e)(vii) or Article 8(2)(b)(xxvi).
- Sexual slavery constituting a crime against humanity pursuant to Article 7(1)(g).
- Sexual slavery constituting a war crime pursuant to Article 8(2)(e)(vi) or Article 8(2)(b)(xxii).
- Rape constituting a crime against humanity pursuant to Article 7(1)(g).
- Rape constituting a war crime pursuant to Article 8(2)(e)(vi) or Article 8(2)(b)(xxii).
- Outrages upon personal dignity constituting a war crime pursuant to Article 8(2)(c)(ii) or Article 8(2)(b)(xxi).
- Intentional attack against the civilian population constituting a war pursuant to Article 8(2)(e)(i) or Article 8(2)(b)(i).
- Pillaging constituting a war crime pursuant to Article 8(2) (e)(v) or Article 8(2)(b)(xvi).
- Destruction of property constituting a war crime pursuant to Article 8(2)(e)(xii) or Article 8(2)(b)(xiii).

4. DEFENCE

Katanga pleaded not guilty to all charges. He did not deny that atrocities were committed in Bogoro. However, he denied that he commanded the FRPI during the attack. According to the Katanga defense, the FRPI did not become an organized or structured group until after the Bogoro attack, when it sought additional legitimacy to participate in regional peace talks. He said that he was a “coordinator” of Aveba at the time of the attack, acting as a liaison between the APC and people of Aveba. Katanga maintained that he did not meet Ngudjolo until after the Bogoro attack.¹⁰

Katanga’s defense argued that, although there had been ethnic conflicts in the past, the Ituri conflict was not about ethnicity, but was about gaining control of the territory. Katanga argued that the attack on Bogoro was a military operation against the UPC, planned and carried out by DRC government-backed militias.¹¹ The Katanga defense also emphasized the role of Uganda and Rwanda in the Ituri conflict. The Katanga defense argued that the prosecution had failed to prove the charges against him beyond a reasonable doubt. The defense argued that the prosecution had failed to prove that there had been a widespread or systematic attack against a civilian population, The prosecution alleged that the two accused shared a common plan to

¹⁰ . *supra* Note 5, p. 5

¹¹ . *Ibid*

wipe out the village of Bogoro. The Katanga defense argued that the common plan must be criminal, but in this case the prosecution has conflated a legitimate military plan to attack the UPC military base with a criminal plan to wipe out the village of Bogoro and its Hema civilian residents.¹²

Germain Katanga testified that he was not a commander but played the role of “coordinator” in Aveba. His defense team argued that this was not an official position and that Katanga simply adopted the term to describe his role as a liaison.

5. Issues/ law points

The defense teams do not deny that Bogoro was attacked or that civilians were harmed in the attack. The key legal issues are whether it is possible to link Katanga and Ngudjolo to the attack and proving that they were responsible for the commission of crimes that took place in Bogoro that day.

6. TRAIL

The trial began on November 24, 2009 from Ngudjolo’s transfer to the ICC to the final judgment. The presentation of the evidence began on November 25, 2009. On January 18–19, 2012, the chamber conducted an inter partes site visit to the DRC, accompanied by the parties and

¹² Ibid

participants and representatives of the Registry of the Court. The presentation of evidence concluded on February 7, 2012. The chamber sat for a total of 265 days. In the course of the proceedings, the chamber heard 54 witnesses: the prosecutor called 24; Katanga's defense called 17; Ngudjolo's defense called 11; and the legal representative of the principal group of victims called 2 victims, who were heard on February 21–25, 2011. The chamber itself called 2 witnesses. The last hearings were held on May 15–23, 2012, with the parties and participants delivering their closing statements. The prosecution tendered 132 pieces of evidence; Katanga's defense tendered 240; Ngudjolo's defense 132; and the Chamber tendered 5 and authorized the legal representatives of the victims to produce 5 pieces—representing in total 643 pieces of evidence.¹³

A. 6.1 BRIEF OF INDICTMENT, CASE and COURT PROCEEDINGS / ARGUMENT AND DECISION OF THE COURT ICC CHAMBER II)

1. 6.1.1. Severance and acquittal of Ngudjolo

On November 21, 2012, six months after the oral proceedings had concluded, the Trial Chamber severed Ngudjolo's case from Katanga's and notified the parties and participants that the mode of liability under which Katanga initially stood charged, namely as an indirect

¹³ Sura note 7, p. 17

coperpetrator—and principal—pursuant to Article 25(3)(a), may be subject to a legal requalification pursuant to Regulation 55 of the Regulations of the Court, so as to ultimately consider his responsibility as an accessory pursuant to Article 25(3)(d).¹⁴

Furthermore On December 18, 2012, Trial Chamber II acquitted Ngudjolo of all charges. The chamber found that the evidence presented before it was insufficient to establish Ngudjolo's responsibility as head of the Lendu combatants that participated in the attack against Bogoro on February 24, 2003. The chamber indicated that even if "it cannot rule out the possibility that [Ngudjolo] led the Lendu combatants during the Bunia operation," the evidence provided by the prosecution was insufficient to prove this beyond a reasonable doubt.¹⁵

6.1.2. Continuation on the Germain Katanga case

The Chamber reviewed the degree of participation of Katanga and the power and control he wielded over the crimes being committed. The majority examined the functions and role of Katanga in the Ngiti militia of the WalenduBindi collectivize, and noted that he held a position of authority and had the title of commander and leader of Aveba, "president" of the Ngiti militia, and leader of the combatants. The chamber also found that he had participated in the reception and storage

¹⁴ . . Michèle Laborde-Barbanègre, Case Against Germain Katanga and Mathieu Ngudjolo (ICTJ briefing on DRC, Katanga case), May 2014.p.4

¹⁵ . <http://..icc// DRC Katanga case>

of arms and munitions and had made decisions regarding their distribution. Nevertheless, the majority of the judges indicated that the absence of a centralized and effective chain of command within the collectivité did not permit the conclusion that the Ngiti militia constituted an organized apparatus of power in February 2003 or that Katanga exercised control over the militia at that time, both requirements pursuant to Article 25(3) (a)¹⁶, which would have made him responsible for the commission of the crimes not as a principal (as indirect co-perpetrator). The chamber also stated that in spite of Katanga's title as president, it had not been proven that he took on the functions of a hierarchical superior in all areas, with the power to give orders, ensure their execution, or imposes disciplinary sanctions in the case of their noncompliance. Thus they found Katanga responsible as an accomplice on the basis of Article 25(3)(d)(ii).¹⁷

Furthermore the chamber found that Katanga had knowledge, since December 2002, of the fact that the Ngiti militia of the Walendu-Bindi collectivité had the intention to commit the crimes that took place on February 24, 2003, in Bogoro, which were part of the group's common

¹⁶ . Art 23/3/a/ reads that In accordance with this Statute, a person shall be criminally responsible and liable for punishment for a crime within the jurisdiction of the Court if that person: (a) Commits such a crime, whether as an individual, jointly with another or through another person, regardless of whether that other person is criminally responsible

¹⁷ . Art 25(3)(d)(ii) of ICC statute provides that In any other way contributes to the commission or attempted commission of such a crime by a group of persons acting with a common purpose. Such contribution shall be intentional and shall either:..... Be made in the knowledge of the intention of the group to commit the crime;

purpose. Katanga's contribution to the crimes was significant and intentional and in full knowledge of the militia's intention. The majority identified as Katanga's significant contributions, inter alia, his role in the alliances that the Ngiti militia forged, which reinforced the militia's capacity to strike, as well as his role as intermediary between the providers of weapons and the material authors of the crimes.

On the other hand the chamber found that "although the acts of rape and enslavement formed an integral part of the militia's plan to attack the predominantly Hema civilian population of Bogoro, the Chamber cannot, however, conclude that the criminal purpose pursued on February 24, 2003, necessarily encompassed the commission of the specific crimes [of rape and sexual slavery]. Accordingly, and for all of these reasons the Chamber cannot find that rape and sexual slavery fell within the common purpose." On this basis, the chamber acquitted Katanga of these crimes. The chamber also found that even though the child soldiers were recruited, Katanga had been charged as a direct perpetrator pursuant to Article 25(3)(a) (but not as an indirect co-perpetrator) for those crimes, a requalification of the facts as an accomplice pursuant to Article 25(3)(d) would thus exceed the facts and circumstances described in the charges. Consequently, Katanga was acquitted as a direct perpetrator of this war crime.

6.2.FINAL JUDGEMENT OF THE CHAMBER ON GERMAIN KATANGA

On 7 March 2014, Trial Chamber II of the ICC found German Katanga guilty, as an accessory, within the meaning of article 25(3)(d) of the Rome Statute, of one count of crime against humanity (murder) and four counts of war crimes (murder, attacking a civilian population, destruction of property and pillaging) committed on 24 February 2003 during the attack on the village of Bogoro, in the Ituri district of the DRC. The Chamber found that it had been established beyond reasonable doubt that Germain Katanga had made a significant contribution to the commission of the crimes by the Ngiti militia, which was acting with a common purpose, by assisting its members to plan the operation against Bogoro. The Chamber found that Germain Katanga acted in the knowledge of the criminal common plan devised by the militia to target the predominantly Hema population of Bogoro. The crimes of murder, attacking civilians, destroying property and pillaging were part of the common plan. The Chamber found that Mr Katanga was the intermediary of choice between the weapons and ammunition suppliers and those who physically committed the crimes using those munitions in Bogoro. He contributed to reinforcing the strike capability of the Ngiti militia who carried out the crimes committed in Bogoro on 24 February 2003. He also contributed, by virtue of his position in Aveba – the only place in the collectivité with an airport which could accommodate aircraft transporting weapons to equipping the militia and enabling it to operate in an organised and

efficient manner. His involvement allowed the militia to avail itself of logistical means which it did not possess enabling it to secure military superiority over its adversary.¹⁸ However, the Chamber dismissed the mode of liability, as principal perpetrator, applied to Germain Katanga, since it was not proven beyond reasonable doubt that in respect of the collectivité he had the material ability to give orders or to ensure their implementation, or that he had the authority to punish camp commanders.

Finally the Trial Chamber II ordered:

- Germain Katanga Found guilty on 7 March 2014 of one count of crime against humanity and 4 counts of war crimes committed on 24 February 2003 during the attack on the village of Bogoro (DRC)
- On 23 May 2014, based ruling in the majority with Judge Christine Van den Wyngaert dissenting, sentenced Germain Katanga to a total of 12 years' imprisonment.
- The time spent in detention at the ICC between 18 September 2007 and 23 May 2014 – will be deducted from his sentence.
- On 24 March 2017, Trial Chamber II issued an Order awarding individual and collective reparations to the victims of crimes committed by Germain Katanga. The judges awarded 297 victims with a symbolic compensation of USD 250 per victim as well as collective reparations in the form of support for

¹⁸ . <http://www.icc-cpi.int/iccdocs/doc/doc1771079.pdf>, Katanga Sentencing Judgment: Trial Chamber II (23 May 2014)

housing, support for income generating activities, education aid and psychological support.

7. Critical analyses, arguments and opinion on fact of case, indictment and judgment.

So many issues on fact of the case, charge and the decision of the court were raised on the above pages. In this section I will try to raise some important critical points from the fact of the case, charge and judgment.

Prosecutor charged Katanga and Ngudjolo with seven counts of war crimes and three counts crime against humanity as principal offender. Specifically Katanga was originally accused under Article 25(3)(a) of having committed the crimes through “indirect co-perpetration,” for using a hierarchical organization (the FRPI) to carry out the crimes. Later, after the parties had rested their cases, the trial chamber suggested it might change the charges against Katanga to responsibility under Article 25(3) (d) (ii).¹⁹ This criminalizes intentionally contributing to a crime committed by group acting with a common purpose, knowing that the group intended to commit the crime. Under this potential change, Katanga could be found guilty for helping the

¹⁹ . Art 25/3/d/II reads as 3) In accordance with this Statute, a person shall be criminally responsible and liable for punishment for a crime within the jurisdiction of the Court if that person···d) In any other way contributes to the commission or attempted commission of such a crime by a group of persons acting with a common purpose. Such contribution shall be intentional and shall either: ···.. ii) Be made in the knowledge of the intention of the group to commit the crime····..

FRPI, knowing that they would commit crimes in Bogoro, even if he did not intend the crimes himself. From this point we can analyze and understand that the trial chamber have discretionary power or is authorized to not only to render decision the fact of the case and contested point but also can order(modify) the nature of the charge after appreciating all fact and evidence. The judges have the power to make this change under Regulation 55 of the Regulations of the Court. This regulation allows trial chambers to change how they consider evidence from a legal point of view, even if that is not exactly how the accused was originally charged. In my opinion this was very important to balance the rights and interests of public on one hand and accused on the other.

Another interesting point was that prosecutor and pre-trial chamber agreed on accusation of two suspected individuals jointly and submitted to trial chamber in such manner. But trial chamber after changing the legal point of view of Katanga, ordered the severance of both suspects charge. This was mainly in order to avoid potential violations of Ngudjolo's right to a trial without undue delay.

Another thing is that; when the rendering judgment and assenting sentence the chamber considered proportionality, gravity of the crimes committed, degree of participation of Katanga on crime, four aggravating circumstances, which were: (i) the vulnerability of the victims, especially the children; (ii) cruelty of the crimes committed; (iii) discriminatory intent behind the attack; and, (iv) the accused's

abuse of official power, and mitigating factors; Age, Family and Character.

Finally I would like to raise one point on which I not agree with the decision of the court/ chamber II. The Chamber stated that it has the discretion to deduct from the sentence the time in prison already served by Katanga when he was detained in the DRC. The majority of the Chamber was of the view that the Chamber does not have sufficiently precise information in order to be able to take into account the time Katanga spent imprisoned in the DRC, which was not under an ICC order. But my question is that so long as his detention in DRC was proofed why ICC authorization is required? And that as long as the "conduct underlying the crime" is in principle covered by the national investigation, which justifies the detention of the accused, the Chamber should exercise its discretion to deduct the time spent detained due to national proceedings from the final sentence imposed. Therefore, that the time Katanga spent detained in the DRC due to national proceedings against him, from 26 February 2005 to 18 September 2007, before the notification of the ICC arrest warrant against him, must be deducted from his final sentence since the detention was on the same matter what he prosecuted in the ICC. So on this point I oppose the decision of the ICC chamber II and share similar opinion with Judge Van den Wyngaert of a dissenting statement.

CONCLUSION

Germain Katanga, was allegedly the commander of the Front for Patriotic Resistance in Ituri (FRPI). Mathieu Ngudjolo Chui was allegedly the leader of the Nationalist and Integrationist Front (FNI). Katanga and Chui are charged with ten counts of crimes against humanity and war crimes allegedly committed between January and March 2003 in the Ituri region of the DRC against members of the Hema people. Katanga and Chui were indicted in July 2007. Specifically, Katanga and Chui are also accused of launching a coordinated attack against the civilian population of the village of Bogoro on 24 February 2003. On November 21, 2012, six months after the oral proceedings had concluded, the Trial Chamber severed Ngudjolo's case from Katanga's and on December 18, 2012, Trial Chamber II acquitted Ngudjolo of all charges by saying that the evidence presented before it was insufficient to establish Ngudjolo's responsibility as head of the Lendu combatants that participated in the attack against Bogoro on February 24, 2003.

In March 2014, Katanga was found guilty of being an accessory to war crimes and crimes against humanity stemming from a February 2003 attack on civilians in Bogoro, a village in eastern Democratic Republic of Congo (DRC). The chamber acquitted Katanga from crimes of rape, sexual slavery and the recruitment of child soldiers because of insufficient evidence. In May of that year, he was sentenced to 12 years in jail. Last March OF 2014, judges issued an order for reparations. While the prosecution and defense had initially appealed the judgment

against

Katanga, they both withdrew their appeals on June 25, 2014, thus rendering the decision final pursuant to Article 74 of the Trial Chamber.

RECOMMENDATION

- First of all I appreciate the competency, and of the diligence of the ICC chamber II on taking evidence, hearing the parties, giving decision, assessing factors which have high ability to determine the fate of final judgment and in overall proceedings.
- To protect the gave violation of fundamental human rights and freedoms armed conflicts; every states and whole international communities have to work together and cooperate with UN and ICC and international humanitarian law actors. This commitment began from ratification of ICC/ Rome statute, and application of international criminal law, international humanitarian law and international human rights rules and principles on its domestic laws practice.
- Not only being a member to international human right treaties and statute but every state, individuals and stake holders have to observe international human right principles. For example it is better if d crimes. Domestic judges observe the ICC decisions if it is relevant to the case at hand.
- Finally in relation to that I would like to recommend African states including Ethiopia to consider international criminal law

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issues as human right issues rather than taking making it as
political issues.

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