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DRC Militia Leader Katanga Sentenced to 12 Years

Global Coalition welcomes ICC sentence as step towards ending impunity

The Hague—The 12 year sentence handed down against Congolese militia leader Germain Katanga by International Criminal Court (ICC) judges is a welcome step towards ending impunity in the Democratic Republic of Congo (DRC), the Coalition for the ICC said today.

“With this sentence, victims of the attack on Bogoro village have obtained a measure of important justice for the crimes committed against them, their families and fellow citizens,” said Coalition Convenor William R. Pace. “Judges are now to decide on reparations that will help rehabilitate victims, their families and affected communities, allowing them to move forward from the crimes they suffered.”

Katanga was sentenced to 12 years imprisonment for war crimes and crimes against humanity committed during an attack on the village of Bogoro in eastern DRC in 2003. The time he has spent in ICC custody since September 2007 will be deducted from the sentence.

“The condemnation of Germain Katanga to 12 years imprisonment by the ICC gives hope to victims and sends a strong signal to all perpetrators of serious crimes who now know that they will be actively pursued and prosecuted,” said Joseph Dunia Ruyenzi, Sud-Kivu Focal Point for the DRC Coalition for the ICC.

In handing down the sentence, Presiding Judge Bruno Cotte emphasized that the ICC must punish crimes threatening the peace, security and well-being of the world, and ensure that the sentence truly serves as a deterrent. He also spoke of the need for truth and justice for victims.

Judge Cotte noted that the attack on the village – which involved indiscriminate attacks on civilians with machetes and pillaging of their property - has left victims and witnesses suffering from physical and psychological scars.

He outlined that the Chamber had taken into consideration in the sentencing the fact that the crimes were committed with cruelty, the vulnerability of victims and Katanga’s motives.

With respect to mitigating factors, the Chamber had been asked to consider the young age of Katanga (24 at the time of events), the nature of his role in the crimes, the exceptional circumstances in which he found himself, his potential for reform and family situation. However most of these were only considered to be of minor value in mitigation.

Judges also considered Katanga’s positive role in the disarmament and demobilization of child soldiers.

However, while Katanga has expressed some remorse, the judges said he still had difficulties admitting crimes were committed.

“The Coalition hopes that this conviction and sentencing will send a strong message that atrocities committed against civilians will not go unpunished. We must now communicate the decision to communities in eastern DRC to reinforce its impact,” Pace added.

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Earlier this month, the prosecution requested that judges sentence Katanga to 22-25 years imprisonment, arguing that the sentence had to be severe enough to provide justice to victims and serve as a deterrent against future crimes.

The defense had sought leniency, providing witness testimony that Katanga had been involved in the local peace and demobilization processes.

Both the prosecution and defense have appealed the conviction, and can also appeal the sentence decision.

Although a number of states have declared their willingness to accept sentenced persons by the ICC, it has not yet been decided where Katanga will serve out his sentence.

Judges Christine Van den Wyngaert issued a dissenting opinion on the sentence.

BACKGROUND: A majority of ICC Trial Chamber II found that Katanga—commander of the rebel group Front for Patriotic Resistance of Ituri (FRPI)—was responsible as an accessory for the crime against humanity of murder and the war crimes of willful killing, intentional attack against the civilian population, pillaging and destruction of property, during an attack on the village of Bogoro in the Ituri district of eastern DRC on 24 February 2003.

The trial chamber decided to use its powers to change Katanga's alleged criminal responsibility from committing the crimes as a principal perpetrator to being liable as an accessory. Judge Christine Van den Wyngaert issued a partially dissenting opinion¹ opposing the re-characterization. The judges re-characterized Katanga as an accessory because they felt it was not proven that Katanga, as a commander, was a principal perpetrator with powers to issue orders or punish troops.

The judges said that although the crimes of sexual slavery and rape as well as using child soldiers to participate actively in hostilities were proven to have taken place, there was not enough evidence to prove beyond reasonable doubt that Katanga was responsible.

Katanga was originally charged alongside Mathieu Ngudjolo Chui—alleged leader of the National Integrationist Front (FNI) militia and a former colonel in the DRC armed forces—in a trial that started in November 2009.

The prosecution alleged that the two commanders, with their troops from the Lendu and Ngiti ethnic groups, intended to destroy Bogoro village. However, in late 2012 the cases were split and Ngudjolo Chui was acquitted due to a lack of evidence. He was released from detention, and has since applied for asylum in The Netherlands.

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 unable or unwilling to investigate and prosecute perpetrators of genocide, crimes against humanity, and war crimes.



There are currently eight active investigations before the Court: the Central African Republic; the Democratic Republic of the Congo; Darfur, Sudan; Kenya; Libya; Uganda; Côte d'Ivoire and Mali. The ICC has publicly issued thirty arrest warrants and nine summonses to appear. Two trials are ongoing. The Office of the Prosecutor has made public that it is examining nine situations on four continents, including Afghanistan, Colombia, Georgia, Guinea, Honduras, Iraq, Nigeria, Republic of Korea and Ukraine. The Office of the Prosecution has concluded its preliminary examination relating to Iraq, Venezuela and Palestine, declining in each case to open an investigation.

The Coalition for the International Criminal Court is a global network of civil society organizations in over 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.

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