

XXVI

TECMUN Jr.

International Criminal
Court

*“Even if the infinite’s victory is announced thousands of times,
even if time turns it all to dust,
if death consumes the light from every pair of eyes
and existence crushes every heart until heartbeats are made a memory;
it’s the duty of the minuscule to rise against immensity
and look at it in the eye [...].
Because it is then, at that moment,
where the minuscule has the same value
as immensity.”*

Jose de la Serna (2018)

Dear judges:

First and foremost, I would like to thank you all for taking upon the challenge of joining a United Nations simulation, and even more so for being brave enough to join this court, the committee that is most unique within this model. It is not easy to broaden one’s horizons in this way but you all did it willingly and happily.

These type of events are often watered down to being virtually useless in the long run. What would be the utility if we are only children intending to solve adult problems? How could we be of any help in three days, in these four walls? Will everything discussed be forgotten within one week and be considered just another academic experience?

The answers to these questions lie in your judgment. You will decide if it is important for us, the youth, to care about the world we live in too. You will decide the impact three days and four walls have in you. You will decide if all that is done deserves a space in your memory and your heart. The importance of caring for the major flaws of our world and the worth of this model, just as the verdict of this committee depends on you.

My very own answers to those questions are the following.

What we will be doing the next three days is indeed minuscule.

We are minuscule children with immense adult problems. Our help is minuscule.

It is minuscule compared to the magnitude of the problems of our country outside our comfort zone.

It is minuscule compared to the sad numbers and statistics of negative aspects of society.

It is minuscule compared to the power that those who govern us have to make a change, and their failure to do so.

It is minuscule compared to the amount of people who are indifferent to all of the above.

And yet during these three days we will be looking at all of this immensity, and we will not be afraid to look at it.

Because from the moment you step into the room and the session begins, you are not minuscule.

You are *immense*.

Adriana Lucía Carrillo Padilla
President of the International Criminal Court
XXVI TECMUN Jr.

Outline of the International Criminal Court

The International Criminal Court (hereinafter referred to as ICC) is a permanent international judicial body to try individuals for genocide, crimes against humanity and war crimes. Created to substitute the International Criminal Tribunal for the former Yugoslavia and the International Criminal Tribunal for Rwanda, the ICC was formed under an international treaty, the Rome Statute, established in 1998, voted and adopted by 120 states. The ICC may conduct all crimes presented to it under the Statute of Rome committed after the 1st of July, 2002, date when the Rome Statute entered into force after the ratification of 60 states. Under the principle of complementarity in the Rome Statute the ICC is not a substitute for National Courts and may only intervene when a State is unable to proceed with the investigation. By fairly and impartially adjudicating the most serious international crimes and bringing justice to victims, the ICC contributes to the advancement of the rule of law and stable, peaceful societies.

Case A

The prosecution of Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud for war crimes and crimes against humanity during the occupation of Timbuktu, Mali

By: Adriana Lucía Carrillo Padilla

Outline

From April 2012 to January 2013, the Malian city of Timbuktu, had a non-international armed conflict as the islamist group *Al-Qaeda in the Islamic Maghreb* (hereinafter referred to as AQIM) and *Ansar Eddine*, a primarily Tuareg¹ movement, seized the city's control from the government.

After succeeding in the prior, AQIM and Ansar Eddine soon began with an implementation of atrocious policies that were religion and gender-based. The United Nations' Security Council, considering the insurgency's threat, authorized a peacekeeping mission, named United Nations Multidimensional Integrated Stabilization Mission In Mali (MINUSMA), in which West African states committed to deploying armed troops. However, due to a rebel advance in January 2013, French troops were asked to perform an emergency intervention where they re-took Timbuktu, and AQIM members evacuated to northern mountains of the country.

Mali's situation

April 11, 2012 was the date when AQIM and Ansar Eddine took advantage of the instability the Malian nation was going through due to general discontent in the manner the government was handling other types of conflicts. They declared an independent state called Azawad, with the city of Gao as its capital. The Malian president at the time, Amadou Toumani Toure, resigned and Diounounda Traore took the position of an interim president while new elections were organised.

After their seizing of major cities in the northern part of Mali, they imposed harsh Sharia law in the rest of the year, obliterating cultural landmarks in the city of Timbuktu, promoting forced marriages across the region, as well as intervene in judicial processed with a clear bias. AQIM also set up training camps throughout the north and stockpiled caches of weapons and ammunition, including shoulder-fired missiles capable of downing Western airliners.

By the end of the year, the UN Security Council authorized the deployment of an international force to help Mali recover the northern part of the country from the rebels, although the deployment of said forces was not expected to happen until 2013, but the process had to be sped up as an emergency plan since the nation could not afford the advancements rebel groups were making towards the remaining government-controlled territory. Since they took Konna, a town in the center of the country, Malian officers asked for international help in

¹ Tuareg: ethnic group that mainly inhabit the Saharan region from far southwestern Libya to southern Algeria, Niger, Mali and Burkina Faso

order to prevent their further expansion.

France was the country that sent troops, where together with the Malian forces and later with troops from other African countries utilized both air strikes and ground combat to force the Islamist fighters to retreat from Konna. By the end of January, the deployed troops had retaken key towns in the north, including Timbuktu, and by early February had pushed Islamist fighters from Kidal, the last town under their control. Nevertheless, through April the Islamists continued to attack Malian troops in ground combat as French troops began to retreat. By June, a peace agreement was signed between the Malian government and Tuareg rebels that provided an immediate cease-fire between them and Malian troops.

Mali's political and historical background

Mali is an African country located in the western part of the continent, and is one of the largest in territory. The country nowadays is divided into the eight *régions* of *Gao*, *Kayes*, *Kidal*, *Koulikoro*, *Mopti*, *Ségou*, *Sikasso*, *Tombouctou* and the district of *Bamako*. Each of them are further divided into administrative units called *cercles*. Each region is administered by a governor, who is in charge of foreseeing the activities of the *cercles* and takes care of the economic policies that are implemented during the term. The *cercles* provide for the major public services.

Through the 19th century it became a French colony, and part of the named French West Africa. It gained his independence from the European country in 1960 as the Malian Federation, that back then included Senegal; however it left the federation in the same year. The country's first president was a socialist named Mobido Keita.

Early into the independence of the nation, the Tuareg nomads began to be unhappy about the positions they were given in the new state and expressed desire to build one of their own, beginning with the First Tuareg Rebellion in 1962 that was quickly shut down by the better prepared Malian army.

In 1968, another display of the instability the country was living while trying to consolidate itself happened. A military leader named Moussa Traore overthrew the Keita administration and prohibited all possible opposition against him.

By 1991, another *coup* arised given the dissatisfaction with economic conditions and corruption within the government. Led by Amadou Toumani Toure in what was hereinafter called the "March Revolution", the event allowed for the first democratic elections since Traore's regime in which Alpha Konare was elected president.

A second Tuareg Rebellion took place in the early 90's, as they began to demand their own state again. Although the president at the time, Konare, granted them greater autonomy in order to minimize casualties, hostilities continued over the region.

Beginning the new millenium, in 2002 Amadou Toumani Toure is elected president of Mali. During his term a peace agreement existed between Tuareg rebels and the government that were ephemeral. By 2008, Malian troops were armed when Tuareg rebels allegedly attacked an army post near the Mauritanian border, despite the agreement. By 2011, Tuareg people, who had fought for Muammar Gaddafi in the Libyan civil war, returned to their Mali, many heavily armed and aiming to ignite a new Tuareg rebellion whose purpose yet again was to have an independent nation. The conflict escalated to the 2012 seize of power by AQIM and Ansar Eddine.

Al-Qaeda in the Islamic Maghreb (AQIM) and Ansar Eddine

AQIM is a Salafi-jihadist militant group, affiliated to Al-Qaeda with a regional focus in the Sahara and Sahel, posing a terror threat to North and West Africa. The origins of the group are traced back to a guerrilla Islamist movement founded in Algeria's 1990's civil war with the name of Armed Islamic Group (GIA). In 1998, when GIA commanders found the constituency of the group no longer fit their beliefs, they broke away to form the Salafist Group for Preaching and Combat (GSPC).

GSPC vowed to continue the rebellion with no further civilian casualties, but early 2000's counterterrorism campaigns led the group to align with Al-Qaeda as a way to increase the recruitments and fundings for their purposes. The union was announced in September 2006 by an Al-Qaeda leader, Ayman al-Zawahiri, and GSPC took on its current name, AQIM in January 2007. It is believed the union served to legitimize the broadening aspirations of the group, as well as a way for Al-Qaeda to potentially access to a geographical region closer to Europe.

The group's purpose given their history of attacks, according to West Point's Combating Terrorism Center, is to overthrow the Malian government, deemed strayed away from religious principles because of Western influence, like those of Algeria, Libya, Mauritania, Morocco and Tunisia, by implementing fundamentalists regimes ruled by Sharia law. Their *modus operandi* include guerilla raids, suicide bombings, assassinations and kidnapping, sometimes executing, aid workers, tourists, diplomats, and employees of multinational corporations. Their main way of raising money is through kidnapping for ransom and trafficking of arms, vehicles, cigarettes, and persons, according to the U.S. State Department.

Ansar Eddine, which is translated to “Defenders of the Faith,” is an Islamic extremist group founded on December 2011 by Iyad Ag Ghali, whose specific aim is to establish the Sharia law system into the Malian grounds and is best known for the Malian 2012 *coup*, where alongside AQIM an independent rebel uprising occurred that intended to take over the northern part of the country.

Although during the Malian conflict AQIM and Ansar Eddine acted together, AQIM has never formally recognized them as allies and it is unclear to what extent they follow their orders, but their ideologies match in the sense that both strive to implement the Sharia law system in the government, specifically of Mali. They also fund the organization through kidnapping for ransom, opium traffic and from AQIM itself. Their militants use the following tactics of terror: suicide attacks, explosive-laden vehicles, rockets, mortars, grenades and rifles. Their main targets include the French and Malian militaries and the deployed soldiers and other affiliated persons of the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA).

United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA)

The program was established by the United Nations Security Council in an attempt to carry out security tasks, such as protecting civilians and human rights in the country and assisting the reestablishment of State authority. MINUSMA was authorized to use “all necessary means to carry out its mandate, within its capabilities and its areas of deployment,” (United Nations, 2018).

Authorized by Security Council resolution 2085 of 20 December 2012, the United Nations’ program was deployed in mid-January 2013, when the situation in Mali underwent a critical phase as AQIM and Ansar Eddine made advancements towards the south of the country.

International Criminal Court on the case

This situation was referred to the International Criminal Court on July 13, 2012 by the Malian government, and in March 2013 it was stated that after carrying out a preliminary examination of the case, the office of the Prosecutor believed there were reasonable grounds to open a further inquiry into war crimes and crimes against humanity that lie within the ICC’s jurisdiction committed in Mali from the year 2012.

An arrest warrant for Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud was requested by the office of the Prosecutor and issued by the Pre-Trial Chamber I in March 2018. He was surrendered to the ICC’s custody by Malian authorities on the same month.

Currently accused

- *Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud*

Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud was born on 19 September 1977 in Timbuktu, Mali.

He is believed to have been a part of Ansar Eddine during the time where crimes and religious and gender-based persecutions by AQIM and Ansar Eddine were committed against the civilian population of Timbuktu. He was also allegedly the chief of the Islamic police, as well as part of the Islamic court in Timbuktu. In addition, he seems to have taken part in the destruction of mausoleums in Timbuktu using Islamic police forces, and to have participated in the realization of forced marriages that led to raping and sexual enslavement of women and girls. Al Hassan fled Timbuktu in January 2013 after the intervention of French forces and the Malian army in the region and was arrested by French forces in the year of 2017, prior to the issuing of the ICC's arrest warrant.

Crimes submitted

Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud is accused of:

- Crimes against humanity

- Torture (article 7(1)(f))
- Rape and sexual slavery (article 7(1)(g))
- Persecution (article 7(1)(h))
- Other inhumane acts (article 7(1)(k))

- War crimes

- Torture (article 8(2)(c)(i))
- Outrages upon personal dignity (article 8(2)(c)(ii))
- Passing of sentences without previous judgement pronounced by a regularly constituted court affording all judicial guarantees which are generally recognized as indispensable (article 8(2)(c)(iv))
- Intentionally directing attacks buildings dedicated to religion and historic monuments (article 8(2)(e)(iv))
- Rape and sexual slavery (article 8(2)(e)(vi))

Conclusion

The Malian conflict has deep roots in ethnic and territorial disagreements, directly following up after they gained independence. The pattern seems to repeat throughout African countries,

who have struggled to find stability within their grounds after their colonization and later independence. The Tuareg's discontent combined with the insurgence of terrorist organizations like AQIM led to an unacceptable way of gaining control within the nation.

Throughout little less than a year, atrocities were committed through the region in aims of eliminating the colonial and western influence in the country. By prosecuting the crimes committed, a light is shed on the struggle victims went through during the occupation and give out a statement that internal conflicts of this scale should not be overseen by the international community. In addition, this case highlights the importance of gender based violence; an issue that needs to be accepted as such rather than generalize it as only violence in order to be able to eradicate it successfully. For this those allegedly responsible must be brought to justice with a fair trial for both them and those affected.

References

1. Al Jazeera. (August 13th, 2013) *Timeline: Mali since independence*. Retrieved 20 June 2018, Al Jazeera. Web. <<https://www.aljazeera.com/news/africa/2012/03/2012322111037483270.html>>
2. Burke, J. (April 12th, 2018) *ICC prosecutes Islamist militant on groundbreaking gender-based charges*. Retrieved 8 June 2018, The Guardian. Web. <<https://www.theguardian.com/law/2018/apr/12/icc-prosecutes-islamist-militant-al-hassan-ag-abdoul-aziz-ag-mohamed-ag-mahmoud-gender-persecution>>
3. Encyclopædia Britannica Contributors. (May 29th, 2018) *Mali*. Retrieved 20 June 2018, Encyclopædia Britannica. Web. <<https://www.britannica.com/place/Mali/Independent-Mali>>
4. International Criminal Court (April 4th, 2018) *Case information sheet- The prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud*. Retrieved 8 June 2018, International Criminal Court. Web. <<https://www.icc-cpi.int/mali/al-hassan/Documents/al-hassanEng.pdf>>
5. International Criminal Court (March 31st, 2018) *Situation in Mali: Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud surrendered to the ICC on charges of crimes against humanity and war crimes in Timbuktu*. Retrieved 8 June 2018, International Criminal Court. Web. <<https://www.icc-cpi.int/Pages/item.aspx?name=pr1376>>
6. International Criminal Court (2018) *Al Hassan Case*. Retrieved 8 June 2018, International Criminal Court. Web. <<https://www.icc-cpi.int/mali/al-hassan/Pages/default.aspx>>
7. Laub, Z.; Masters, J. (March 27th, 2015) *Al-Qaeda in the Islamic Maghreb*. Retrieved June 8 2018, Council of Foreign Relations. Web. <<https://www.cfr.org/backgrounder/al-qaeda-islamic-maghreb>>
8. Pulitzer Center. (N.D.) *Mali: War on Terror's Next Battleground*. Retrieved June 20 2018, Pulitzer Center on Crisis Reporting. Web. <<https://pulitzercenter.org/projects/mali-timbuktu-africa-war-terror-battleground-al-qaeda-islamic-maghreb-AQIM>>
9. Stanford Education. (August 8th, 2016) *Ansar Dine*. Retrieved June 8 2018, Stanford University. Web. <<http://web.stanford.edu/group/mappingmilitants/cgi-bin/groups/view/437>>

- 10.** Trial International (May 2nd, 2018) *Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud*. Retrieved June 8 2018, Trial International. Web. <<https://trialinternational.org/latest-post/al-hassan-ag-abdoul-aziz-ag-mohamed-ag-mahmoud/>>
- 11.** UN MINUSMA (2018) *Military*. Retrieved June 8 2018, United Nations. Web. <<https://minusma.unmissions.org/en/military>>
- 12.** UN MINUSMA (2018) *History*. Retrieved June 8 2018, United Nations. Web. <<https://minusma.unmissions.org/en/history>>
- 13.** UN MINUSMA (2018) *Mandate*. Retrieved June 8 2018, United Nations. Web. <<https://minusma.unmissions.org/en/mandate-0>>

Glossary

A

Allegedly: To state that something bad is a fact without giving proof.

Ammunition: Objects that can be shot from a weapon, such as bullets or bombs.

B

Broadening: To become wider or cause something wider
Seized; to take using sudden force.

C

Cease-fire: An agreement, usually between two armies, to stop fighting in order to allow discussions about peace.

Constituency: A body of citizens entitled to elect a representative (as to a legislative or executive position) and a group or body that patronizes, supports, or offers representation.

D

Deemed: To consider or judge.

E

Ephemeral: Lasting for only a short time.

G

Gaining: Obtaining something useful, advantageous or positive .

H

Harsh: Unpleasant, unkind, cruel, or more severe than is necessary.

Hereinafter: Starting from this time, in the future.

I

Inquiry: Official attempt to discover the facts about something.

M

Mausoleum: A building in which the bodies of dead people are buried.

O

Obliterating: to remove from existence : destroy utterly all trace, indication, or significance of.

P

Preliminary: Preceding or done in preparation for something fuller or more important.

R

Ransom: A sum of money demanded in exchange for something or someone that has been taken.

Retreat: To move back and away from someone or something because you are frightened.

S

Sharia: The holy laws of Islam that cover all parts of Muslim life.

Stockpile: A large amount of food, weapons, etc that are kept for future use.

Surrendered: To stop fighting and accept defeat.

U

Underwent: To experience something that is unpleasant or has a strong effect.

Uprising: An act of opposition by many people, sometimes using violence.

V

Vowed: To make a firm promise or decision.

W

Warrant: To make a particular action necessary or correct.

Case B

The prosecution of Germain Katanga for crimes against humanity and war crimes during the intervention of the Patriotic Resistance Force in Ituri on the Village of Bogoro

By: *Adriana Lucía Carrillo Padilla*
Valeria Simón Favila

Outline

The district of Ituri is one of the 26 provinces of the Democratic Republic of the Congo. In mid-2003, the district began gaining international attention because of the inter-ethnic conflict occurring in its grounds. They were being caused because of the different interests of the natural resources located in Ituri. Several amounts of people started creating rebellion groups in order to favour their own ideologies and necessities. The most powerful of these was the Patriotic Resistance Force in Ituri, hereinafter referred to as FRPI, which was supported by the Uganda-backed Forces for Renewal faction of the Rally for Congolese Democracy and the Uganda People's Defence Force in fighting against the Union of Patriotic Congolese.

During the conflict, over 8,000 civilians died and more than half a million persons were displaced from their homes as a consequence of the armed conflict between the Patriotic Resistance Force in Ituri and other armed militias in the region. These rebellion groups were reported to have conducted direct attacks against the civilian population in various parts of Ituri. The point of said attacks was to harm the ethnic groups that didn't belong to each group's ideology, referring to those civilians belonging to another ethnic groups, such as Lendu, Bira and Nande people.

Democratic Republic of the Congo political and historical background

The Democratic Republic of the Congo is country located in central Africa, and it is the second largest country in the continent. The country is commonly referred to as its acronym, DRC or simply Congo (Kinshasa)².

The country was a Belgian colony and it gained independence from the European country in 1960. The Belgian colonization began when King Leopold II founded the Congo Free State, a corporate state run exclusively by King Leopold. After an uprising of the Congolese people, Belgium surrendered to Congo's independence in 1960. However, the Congo remained unstable because the tribal leaders had more power than the central government. Mobutu quickly took full power of the Congo. The country was officially named the Republic of Zaire by then ruler Gen. Mobutu Sese Seko to give the country what he thought was a more authentic African name. The name of the country was the aforementioned from 1971 to 1997. He sought to Africanize the country, changing its name to Mobutu Sese Seko, and demanded that African citizens change their western names to traditional African names. Mobutu tried to suppress any opposition to his government, in which he did it successfully

² with the country's capital in parentheses in order to prevent confusion from this country to the neighbouring Republic of the Congo.

throughout the 1980s. The official name went back to Democratic Republic of the Congo following the overthrow of Mobutu in 1997.

After Mobutu's regime was over, his opponent, Laurent Kabila, assumed the presidency. He was initially able to provide relief for the country's necessities and even began the writing of a new constitution for the nation. However, he soon began showing authoritarian tendencies as he did not tolerate criticism or opposition. The DRC subsequently was plunged into a devastating five year civil war. In the First Congo War, Rwanda invaded Zaire; Mobutu lost power during this process. Laurent-Desire Kabila took power and renamed the country as the Democratic Republic of the Congo. After a disappointing rule under Kabila, the Second Congo War broke out, resulting in a regional war involving different African nations. The foreign soldiers remained in the Congo for a few years and a power-sharing government was established between Kabila and the opposition party. Kabila then regained full control over the Congo and was re-elected in a disputed election in 2011. Although Kabila was murdered in 2001 and his son, Joseph Kabila, succeeded him and pledged to end the war, the conflict only officially ended in 2003, although fighting continued in the eastern part of the country.

Patriotic Resistance Force in Ituri (FRPI)

The Front for Patriotic Resistance of Ituri (FRPI), also known as Forces de Résistance Patriotique d'Ituri, was an armed militia in the Ituri Province of northeastern Democratic Republic of the Congo. The FRPI was established in November 2002 from the Ngiti ethnic group as an ally to the Lendu Nationalist and Integrationist Front (FNI).

This militia was born out of the local fighting over land as well as the nearby wars between DRC, Uganda and Rwanda. Between 2002 and 2003, FRPI received support from Congolese and Ugandan armies, to fight the warlord Thomas Lubanga's Union of Congolese Patriots (UPC). By the end of 2007, most of the commanders of the militia and troops had integrated into the Congolese army, but the FRPI remains a disruptive force in Ituri district. Both the Democratic Republic of the Congo and Uganda helped in the initial creation of the FRPI and the FNI, although neither group established full control over the Lendu fighters in Ituri. In February 2003, FRPI participated in the Bogoro massacre with the FNI. The FRPI joined the UPDF in a successful offensive against the UPC. In 2006, the Congolese government signed a ceasefire with the FRPI and other rebel groups active in the northeast of the country. In September 2008, the FRPI commanders split up to form the Popular Front for Justice in the Congo (FPJC).

Ituri conflict

The violence began in the Ituri region in the northeast of the Democratic Republic of the Congo (DRC) a confrontation between people from the Lendu community and soldiers, assisted by young people from Hema ethnic group, became tyrannical attacks, which spread throughout the area. The Ituri conflict was largely set off by the Second Congo War, which had led to increased ethnic consciousness, a large supply of small arms, and the formation of various armed groups not recognized by the Ituris government.

More long term factors include land disputes, the area's abundant natural resources, and the existing ethnic tensions throughout the region. Refugees in Uganda, who crossed Lake Albert, were attacked by a group of Lendu militiamen, armed with machetes, spears, arrows and axes, and in some cases with firearms. Since then, a Hema cultural organization has accused a Lendu of murdering the Hemas, while a similar Lendu group has refuted these accusations and denounced a "genocidal plot" by the Hema.

This dispute has been complicated by the presence of several armed groups that have been part of the Second Congo War, as well as by the large number of small arms, by the pressure to get the abundant natural resources of the area and by the ethnic tensions of the nearby region. The Nationalist and Integrationist Front (FNI) lead the lendu, while the Uganda People's Defense Force (UPDF) leads the hemas. More than 50,000 people have been murdered and hundreds have been expelled from their homes since the conflict erupted in the middle of 1999. While the two groups have fought since 1972, the conflict was from 1999 to 2003. And there is still a continuous low-level armed conflict.

Village of Bogoro attack

On the date of 24 February 2003, the village of Bogoro, a hill country of Ituri, just 25 kilometres from Bunia, sits at a vital crossroads in the region, connecting the interior with Lake Albert to the east, suffered a massacre in the early morning, where FRPI troops allegedly invaded in violent way houses of the residents to harm with machetes, spears and rifles, among other types of weapons. The reports point out there were cases of families set on fire in huts. Notwithstanding with the prior, those that survived the indiscriminate killing spree were imprisoned with corpses of those murdered. Women and girls were raped by soldiers as well. As the afternoon neared, the perpetrators were said to have sat below mango trees to drink after the day. More than 200 bodies were spread across the village as the commanders were inebriated.

The alleged purpose of the massacre was ethnic cleansing. FRPI commanders and members are Lendi and Ngiti, who aimed for the Bogoro village given its predominantly Hema population. In following testimonies, the parts involved argued that the aim of the attack was

not the village and civilians themselves, but a military base that threatened their security. It was, according to them, not meant to be a systematic or widespread attack on the civilian population but to remove the Union of Congolese Patriots (UPC) military base in Bogoro; a plan that was formulated by the DRC government and the Congolese Rally for Democracy (RCD-KML). The prior was due to the then president of the DRC, Joseph Kabila's aim to regain control of the region of Ituri.

Nyankunde Hospital Attack

Though not the specific event the case focuses on, but one taken into account during Katanga's trial is that of September 2002 when the village of Nyankunde was the place of a local tribal conflict which was encouraged by the surrounding lawlessness. The FRPI soldiers were alleged perpetrators on the attack on Nyankunde, which may have been a reprisal of an attack by UPC forces in the Ngiti village of Songolo on August 31. Nyankunde contained an important mission hospital and medical center, the Medical Center Evangélique (CME). The UPC militia had been stationed in Nyankunde following the departure of the Ugandan soldiers in August 2002, but after a brief exchange of fire, the UPC was expelled. Soon after, the rebel groups, armed with machetes, knives, axes and firearms entered the city and immediately began to murder the civilians they suspected were Hema or Bira. According to reports, patients admitted to the hospital, including several children and mothers, were dragged from their beds and killed, as were several members of the medical staff. The bodies remained several days afterwards, before they were thrown into ditches.

International Criminal Court on the case

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 all events within the jurisdiction of the Court on its territory since the entry into force of the Rome Statute on 1 July 2002. After preliminary analysis, the Prosecutor initiated an investigation on 21 June 2004.

This specific situation was referred to the International Criminal Court in October 2005 by the Democratic Republic of Congo's government, where it was stated that there were several grounds to open a further inquiry into war crimes and crimes against humanity that lie within the ICC's jurisdiction. An arrest warrant for Germain Katanga was requested by the Pre-trial Chamber I of the International Criminal Court on 2 July 2007 and was unsealed on 18 October 2007. He was officially transferred to the ICC's detention center on 17 October 2007.

Currently accused

- Germain Katanga

Germain Katanga was born on 28 April 1978 in Mambassa, DRC.

He is believed to have emerged as the senior commander of the FRPI, leading an attack on the village of Bogoro on 24 February 2003, in which rebels under his supposed command went on a killing spree, killing at least 200 civilians, several of them children, imprisoning survivors in a room filled with corpses, sexually enslaving women and girls, and recruiting child soldiers under the age of 15. Finally, the FRPI ended up totally pillaging the village of Bogoro, wiping it off the map. It has also been alleged that Katanga helped lead other crimes, including the massacre of more than 1,200 civilians in an attack at Nyankunde Hospital in September 2002.

Crimes submitted

Germain Katanga is accused of:

-Crimes against humanity

- Murder Art 7 (1) (a)
- Sexual slavery and rape Art 7 (1) (g)

-War Crimes

- Using children under the age of fifteen to take active part in hostilities Art 8 (2) (b) (xxiii)
- Directing an attack against civilians Art 8 (2) (d) (i)
- Wilful killing Art 8 (2) (i)
- Destruction of property Art 8 (2) (c) (i)
- Pillaging Art 8 (2) (b) (xvi)
- Rape and sexual slavery (article 8(2)(e)(vi))

Conclusion

The Katanga case holds relevance given the instability the Democratic Republic of Congo has gone through in its history, specifically in the last two decades where it has been in successive armed conflicts. More than 10,000 people have died under the Democratic Republic of Congo civil conflicts. The Katanga case is one of the three Congolese cases under the ICC's jurisdiction.

The importance of reaching a fair verdict in the case is to show these types of crimes are not to be overlooked anymore. Years have passed since the perpetration of the atrocities in

Bogoro and the official cease of violence, yet the DRC still sees the remains of these conflicts in more than one way. Armed groups, like the FRPI, continue committing crimes against civilians. DRC inhabitants are still subject to murder, rape, displacement, pillaging or child soldiering and face little to no consequences.

Those who live in the country deserve a chance at living a peaceful life, knowing that justice will be served if atrocities happen. Those who were direct victims of the event deserve to be compensated, not just materially but by being able to have their voice heard. Impunity in the DRC is a significant problem that needs to be addressed by holding trials that will punish those that are found guilty given convincing evidences.

References

1. Amnesty International. (March 6th, 2014). *DRC: All you need to know about the historic case against Germain Katanga*. Retrieved 30 June 2018, Amnesty International Web <<https://www.amnesty.org/en/latest/news/2014/03/drc-all-you-need-know-about-historic-case-against-germain-katanga/>>
2. Buchanan E. (February 22nd, 2017) *Battle for control of the DRC: Who are the Front for Patriotic Resistance in Ituri (FRPI)?* Retrieved 30 June 2018, International Business Times Web <<https://www.ibtimes.co.uk/battle-control-drc-who-are-front-patriotic-resistance-ituri-frpi-1526289>>
3. Congo Research Group. (March 5th, 2018) *Guest blog: What is happening in Ituri?* Retrieved 2 July 2018, from <<http://congoreserchgroup.org/guest-blog-whats-happening-in-ituri/>>
4. Durr B. (February 15th, 2014) *DR Congo massacre may alter international law*. Retrieved 30 June 2018, Al Jazeera Web <<https://www.aljazeera.com/indepth/features/2014/02/dr-congo-massacre-may-alter-international-law-2014215122427499229.html>>
5. Encyclopædia Britannica. (March 9th, 2018) *Democratic Republic of the Congo*. Retrieved 30 June 2018, Encyclopædia Britannica Web <<https://www.britannica.com/place/Democratic-Republic-of-the-Congo/Mobutus-regime>>
6. International Criminal Court. (N.D.) *Katanga Case*. Retrieved 30 June 2018, International Criminal Court Web <<https://www.icc-cpi.int/drc/katanga>>
7. The Evangelical Medical Centre Of Nyankunde. (N.D) *History: Amnesty International reports*. Retrieved 9 July 2018, From: <<http://www.nyankunde.org/english/english.html> >
8. Terrorism Research & Analysis Consortium. (N.D) *Patriotic Resistance Front in Ituri (FRPI)*. Retrieved 30 June 2018, Tracking Terrorism Web <<https://www.trackingterrorism.org/group/patriotic-resistance-front-ituri-frpi>>
9. Trial International. (April 20th, 2018) *Germain Katanga*. Retrieved 30 June 2018, Trial International Web <<https://trialinternational.org/latest-post/germain-katanga/>>

Glossary

C

Crossroads: the place of intersection of two or more roads.

D

Devastating: Causing a lot of damage or destruction.

Disruptive: Means to prevent something from continuing or operating in a normal way.

E

Emerge: to become manifest : become known.

H

Hut: an often small and temporary dwelling of simple construction.

I

Inter-ethnic: occurring between or involving people of different ethnicities.

J

Jurisdiction: the power, right, or authority to interpret and apply the law.

L

Lawlessness: Behaviour that is illegal or not controlled by laws.

N

Notwithstanding: Despite.

M

Militia: A military force that is raised from the civil population to supplement a regular army in an emergency.

P

Perpetrators: Someone who has committed a crime or a violent or harmful act.

Pledge: A serious or formal promise.

Plunged: to cause to enter a state or course of action usually suddenly, unexpectedly, or violently.

Preliminary: something that precedes or is introductory or preparatory

R

Ratify: to approve and sanction formally.

Reprisal: the act or practice in international law of resorting to force short of war in retaliation for damage or loss suffered.

T

Tribal: of, relating to, or characteristic of a tribe.

Tyrannical: Of or characteristic of a tyrant. Unjustly cruel, harsh, or severe; arbitrary or oppressive; despotic.

W

Widespread: widely diffused or prevalent.