



The Hague, 22 May 2007

ICC-OTP-BN-20070522-220-A\_EN

**BACKGROUND**  
Situation in the Central African Republic

**OVERVIEW**

- The Prosecutor has announced today 22 May the opening of an investigation in the Central African Republic (CAR) in accordance with Article 53 of the Rome Statute of the International Criminal Court (ICC).
- CAR is a State Party to the ICC. The CAR Government ratified the Rome Statute on 3 October 2001. The ICC has jurisdiction in CAR since the entry into force of the Rome Statute on 1<sup>st</sup> July 2002.
- The CAR Government referred the situation to the Office of the Prosecutor (OTP) on 22 December 2004. The Central African authorities provided information in relation to the allegations of crimes and to proceedings held by the national judiciary. The OTP has also received significant communications from non-governmental organizations (NGOs) and international organizations regarding alleged crimes.
- Prior to opening the investigation, the OTP conducted a thorough analysis of available information and determined that the jurisdiction, admissibility and interests of justice requirements of the Rome Statute were satisfied.
- The investigation of the ICC Prosecutor will focus on the most serious crimes; those were mainly committed during a peak of violence in 2002-03. There are in particular many allegations of rapes and other acts of sexual violence perpetrated

against hundreds of reported victims. In parallel, the OTP will continue to monitor closely allegations of crimes committed since the end of 2005.

## **CRIMES**

- The Office has analysed allegations of serious crimes perpetrated in CAR, in particular during the armed conflict of 2002-03. Some of the worst allegations relating to killing, looting and rape, occurred during intense fighting in October – November 2002 and in February-March 2003. Attacks against civilians followed a failed coup attempt; there emerged a pattern of massive rapes and other acts of sexual violence perpetrated by armed individuals. Sexual violence appears to have been a central feature of the conflict.
- A distinctive feature of the CAR situation is this high reported number of victims of rape – at least 600 victims identified in a very short period of 5 months. The real numbers are likely higher as such acts are customarily underreported.
- Credible reports indicate that rape has been committed against civilians, including instances of rape of elderly women, young girls and men. There were often aggravating aspects of cruelty such as rapes committed by multiple perpetrators, in front of third persons, with sometimes relatives forced to participate. The social impact appears devastating, with many victims stigmatized and, reportedly for a number of them, infected with the HIV virus.
- The Prosecutor determined that, according to all the information available to the OTP, the alleged crimes, notably killings and large-scale sexual crimes, were of sufficient gravity to warrant an investigation.
- The crimes appear to have been largely committed in and around the capital city of Bangui, but also occurred in areas considerably beyond the capital.

## **ADMISSIBILITY**

- The ICC is a court of last resort, and may initiate cases only where: (i) there has not been any national investigation or prosecution of the case; or (ii) there is, or has been, such an investigation or prosecution, but the state is unwilling or unable genuinely to carry out the investigation or prosecution.

- National proceedings including investigations and preliminary court hearings had taken place in CAR in relation to alleged crimes which may be the focus of OTP investigations.
- In November 2005, the Prosecutor sent a team to Bangui in order to collect additional information on, and carry out an in-depth assessment of those proceedings.
- The Prosecutor has also noted the position of the Cour de Cassation of CAR in April 2006 indicating that in relation to the alleged crimes the national authorities were unable to carry out the necessary criminal proceedings, in particular to collect evidence and obtain the accused.
- Having considered all of the relevant facts and circumstances, the Prosecutor has concluded that cases arising from the OTP investigation would be admissible.

### **INTERESTS OF JUSTICE**

- After thorough analysis conducted in accordance with Article 53 of the Rome Statute, the Prosecutor has concluded that there was no reason to believe an investigation in the Central African Republic would not serve the interests of justice.
- As part of the assessment of the interests of justice, the OTP listened to victims' views and considered their interests. Among various steps taken, a mission to Bangui took place in November 2005 where the OTP received clear confirmation that many of the victims in the Central African Republic were awaiting the involvement of the ICC in order to see justice done and to recover their dignity.
- Under the Statute, the Prosecutor and the Court are obligated to take measures to protect victims and witnesses. As it commences the investigation, the OTP is working closely with the Registry to make sure that the appropriate mechanisms will be in place to ensure the security of potential witnesses.

### **NEXT STEPS**

- The Prosecutor will conduct a thorough investigation into serious crimes committed after the 1<sup>st</sup> of July 2002. The investigation will focus on the most serious crimes, according to the evidence gathered. In particular, the OTP will pay close attention to the many allegations of sexual crimes it has received.

Ending impunity of perpetrators of such crimes is crucial to emphasize their gravity and unacceptability. Acts of sexual violence are a serious crime that will be prosecuted in accordance with the Statute of Rome.

- In accordance with the Statute and the OTP's prosecutorial policy, the Prosecutor will focus on individuals bearing the greatest responsibility for the most serious crimes. At this stage, the investigation is not directed at any particular suspect.
- The Office will continue gathering information and monitoring allegations of crimes being committed on the territory of the CAR, including in the north of the country (areas of Birao and Paoua in particular), where violence has erupted again since the end of 2005.
- A comprehensive response is required to address the many problems affecting the population in CAR. Justice is a key component. The Prosecutor will implement his judicial mandate. It is hoped the involvement of the International Criminal Court will also contribute to focusing international attention on the needs of victims and on the risks of continued violence and crimes in the CAR and the region.
- As the OTP opens its fourth investigation in accordance with the Rome Statute, all State parties are called upon to support the Office in fulfilling its mission; fighting impunity is the universal, common challenge of the 104 States parties.