

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original : English

No.: ICC-01/05

Date: 30 November 2006

PRE-TRIAL CHAMBER III

Before: Judge Sylvia Steiner, Presiding Judge
Judge Hans-Peter Kaul
Judge Ekaterina Trendafilova

Registrar: Mr Bruno Cathala

SITUATION IN THE CENTRAL AFRICAN REPUBLIC

Public Document

**Decision Requesting Information on the Status of the Preliminary Examination of
the Situation in the Central African Republic**

The Office of the Prosecutor
Mr Luis Moreno Ocampo

Other Participants
The Government of the Central African
Republic

PRE-TRIAL CHAMBER III (“the Chamber”) of the International Criminal Court (“the Court”);

NOTING the referral to the Prosecutor of the situation in Central African Republic (“CAR”) by the Government of the Central African Republic pursuant to article 13 (a) and 14 of the Statute on 22 December 2004;¹

NOTING the public announcement of said referral made by the Prosecutor on 7 January 2005, in which the latter stated that “in accordance with the Rome Statute and the Rules of Procedure and Evidence, the Prosecutor will carry out an analysis in order to determine whether to initiate an investigation”, and that for this purpose the Prosecutor “will seek additional information in relation to the criteria set out in the Statute, including the gravity of alleged crimes, any relevant national proceedings, and the interests of justice”;²

NOTING the “Decision Assigning the Situation in the Central African Republic to Pre-Trial Chamber III”,³ issued by the Presidency on 19 January 2005;

NOTING the “Transmission par le Greffier d’une Requête aux Fins de Saisine de la Chambre Préliminaire de la Cour Pénale Internationale et Annexes Jointes”,⁴ filed on 27 September 2006, whereby the Registry, filed in the record of the CAR situation the request made to the Chamber by the Government of the Central African Republic (“the CAR Request”) to:

¹ See ICC/05-1 and ICC/05- Conf-Anx1, p. 2.

² ICC/OTP/2005.39-EN.

³ ICC/05-1.

⁴ ICC-01/05-5-Conf.

- (i) Request that the Prosecutor provide information on the alleged failure to decide, within a reasonable time, whether or not to initiate an investigation pursuant to rules 105(1) and 105(4) of the Rules of Procedure and Evidence;
- (ii) Take measures under article 56(3) of the Statute to preserve evidence; and
- (iii) Take measures pursuant to rule 87 of the Rules of Procedure and Evidence to protect the victims;

NOTING articles 13 (a), 14, 18 (1) and 53 (1) of the Statute, rules 104 and 105(1) of the Rules of Procedure and Evidence ("the Rules") and regulation 46 (2) of the Regulations of the Court ("the Regulations");

CONSIDERING that, pursuant to article 18 (1) of the Statute, the Prosecutor shall notify all States Parties, including the State Party which referred the situation, when he decides to commence an investigation;

CONSIDERING further that, pursuant to rule 105 (1) of the Rules, the Prosecutor shall "promptly" inform in writing the State which referred the situation when he decides not to initiate an investigation;

CONSIDERING, that in light of these provisions, the State which referred the situation has a right to be informed by the Prosecutor and therefore to ask the Chamber to request that the Prosecutor provide the said information insofar as the Chamber is responsible, pursuant to regulation 46 (2) of the Regulations, "for any matter, request, or information arising out of the situation assigned to it".

CONSIDERING that, in the view of the Chamber, the preliminary examination of a situation pursuant to article 53 (1) of the Statute and rule 104 of the Rules must be completed within a reasonable time from the reception of a referral by a State Party under articles 13 (a) and 14 of the Statute, regardless of its complexity;⁵

RECALLING that the preliminary examinations of the situations in the Democratic Republic of the Congo and Northern Uganda were completed within two to six months;

CONSIDERING that almost two years have passed since the Prosecutor received the referral of the Government of the Central African Republic and publicly announced his preliminary examination of the CAR situation; and that since the referral of the CAR situation to the Prosecutor the latter has given no information on the status of his preliminary examination of such situation;

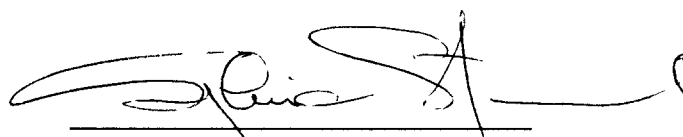
CONSIDERING further that after the filing of the CAR Request on 27 September 2006, no information on the status of his ongoing preliminary examination of the CAR situation has been given by the Prosecutor to the Government of the Central African Republic,

⁵ A number of provisions of the Statute and the Rules embrace the "reasonable time" standard as well other related standards such as "without delay", "promptly" or "in an expeditious manner" in relation to the exercise of their functions by the different organs of the Court. See *inter alia* articles 61 (1) and (3), 64 (2), 67 (1) (c) and 82 (1) (d), and rules 24 (2) (b), 49 (1), 101 (1), 106 (1), 114 (1), 118 (1), 121 (1) and (6) and 132 (1).

FOR THESE REASONS

REQUESTS the Prosecutor to provide the Chamber and the Government of the Central African Republic, no later than 15 December 2006, with a report containing information on the current status of the preliminary examination of the CAR situation, including an estimate of when the preliminary examination of the CAR situation will be concluded and when a decision pursuant to article 53 (1) of the Statute will be taken.

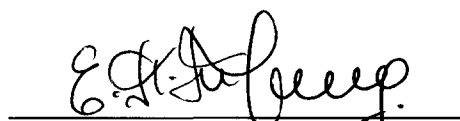
Done in English and French, the English version being authoritative.



Judge Sylvia Steiner
Presiding Judge



Judge Hans-Peter Kaul



Judge Ekaterina Trendafilova

Dated this Thursday 30 November 2006

At The Hague

The Netherlands