



FACTSHEET

Situation in the Central African Republic

BACKGROUND

- The Central African Republic (CAR) is a State Party to the International Criminal Court (ICC). The CAR Government ratified the Rome Statute of the ICC on 3 October 2001.
- The ICC has jurisdiction with regard to CAR since the entry into force of the Rome Statute on 1 July 2002.
- The CAR Government referred the situation to the Office of the Prosecutor (OTP) on 22 December 2004.
- On 22 May 2007 the Prosecutor announced the opening of an investigation in accordance with Article 53 of the Rome Statute.
- The OTP conducted an analysis of available information and determined that the jurisdiction, admissibility and interests of justice requirements of the Rome Statute were satisfied.
- The ICC is a court of last resort, and may initiate cases only there are no genuine national investigations and prosecutions. National proceedings including investigations and preliminary court hearings had taken place in CAR in relation to alleged crimes potentially falling under the ICC's jurisdiction, but these proceedings were not conclusive. In April 2006, the Cour de Cassation of CAR indicated 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.
- The policy of the ICC Prosecutor is to focus on the most serious crimes. In the Central African Republic, those appear to have been 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.

CRIMES

- The Office is investigating 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. 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.
- 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 impact appears devastating, with many victims stigmatized and, reportedly for a number of them, infected with the HIV virus.
- The crimes appear to have been largely committed in and around the capital city of Bangui, but also occurred in areas beyond the capital.
- In parallel, the OTP is closely monitoring allegations of crimes committed since the end of 2005. In particular, unlawful killings and the burning of villages have been widely reported. Whether those responsible are held accountable for their acts is subject to the scrutiny of the OTP.

RECENT DEVELOPMENTS

- Since the opening of the investigation, the Court and the Prosecutor have invested efforts in setting up the required infrastructure for carrying out effective investigative activities.
- The Court has established a permanent field presence in the capital city Bangui. The ICC field office was opened on 18 October 2007. It is providing important logistical, technical and administrative support for investigative and outreach activities.
- Protecting victims and witnesses is a priority for the Prosecutor. Under the Statute, the Prosecutor and the Court are obligated to take measures to protect victims and witnesses. The OTP and the Registry have worked closely to make sure that the appropriate mechanisms are in place to ensure the security of witnesses.

- CAR does not yet have legislation implementing its obligations under the Rome Statute. The Court has specified with the CAR authorities the conditions governing its presence and activities on the CAR territory as well as practical mechanisms of judicial cooperation. Two distinct agreements have been signed for these purposes by the CAR Government, with the Registrar and with the Prosecutor respectively.
- The OTP is seeking to enhance cooperation with a number of national and international partners, and has submitted a number of requests for assistance aiming at furthering the investigation.
- The Office maintains regular contact with CAR civil society through meetings in Bangui and The Hague since 2004. The OTP is also taking part in Court activities aiming at reaching out to CAR society, for example meetings with journalists, religious leaders, various civil society organizations and members of the CAR judiciary. The OTP intends to maintain and develop regular contact with the CAR population through interactive radio programmes.
- On 24 January 2008, the Prosecutor Luis Moreno-Ocampo will visit Bangui in order to meet with the victims and the population of CAR. He will meet with the Government about the current cooperation in support of our investigation and also discuss accountability mechanisms about more recent crimes.

NEXT STEPS

- The Prosecutor is conducting an investigation into serious crimes committed after 1 July 2002. The OTP is paying particular attention to the many allegations of sexual crimes. Ending impunity of perpetrators of such crimes is crucial to emphasize their gravity and unacceptability whether in CAR or elsewhere in the world. Acts of sexual violence are a serious crime that will be prosecuted in accordance with the Rome Statute.
- In accordance with the Statute and the OTP's prosecutorial policy, the Prosecutor is seeking to identify and prosecute the individuals bearing the greatest responsibility for the most serious crimes.
- Impunity has fuelled a vicious cycle of conflicts and crises in CAR. Justice is a central component of the comprehensive response required to address the many problems affecting the population in CAR. Any conflict management initiative should respect the framework established by the Rome Treaty. The Office will support all efforts aimed at restoring the rule of law in CAR.
- 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.