



Fédération internationale des ligues des droits de l'Homme

13/04/2006

CAR / ICC

The Cour de Cassation confirms the incapacity of the national justice system to investigate and prosecute serious crimes. The Prosecutor of the International Criminal Court must open an investigation into the situation in the Central African Republic.

In a decision of 11 April 2006, the highest criminal court (Cour de Cassation) of the Central African Republic (CAR) rejected in part the prosecutor's appeal against the decision of the Criminal Chamber of the Court of Appeal in Bangui of 16 December 2004, which held that only the International Criminal Court (ICC) was capable of trying the serious crimes committed in the CAR since 1 July 2002 by Ange Felix Patassé, Jean Pierre Bemba and his men, Abdoulaye Miskine, Paul Barril and others...

"The incapacity of the justice system of the CAR to carry out effective investigations and prosecutions is clear... The fact that persons who are all outside national territory have nevertheless been referred to the criminal court of the CAR is an illustration of this weakness and establishes their impunity" [\[1\]](#), the Cour de Cassation held.

"Recourse to international cooperation is the only means to prevent impunity in this case... The International Criminal Court offers the possibility to find and punish the perpetrators of the most serious crimes which affect the entire international community, in the place of states which are incapable of carrying out effective investigations and prosecutions", the Cour de Cassation added.

On several occasions, including during a visit to Kinshasa in the Democratic Republic of Congo last week, the Office of the Prosecutor has stated that it was waiting for the decision of the Cour de Cassation to decide whether to open an investigation in CAR, on the basis of the complementarity principle contained in the Statute of the ICC.

Today, the International Federation for Human Rights (FIDH) and its affiliated organisation the Ligue Centrafricaine des Droits de l'Homme (LCDH) repeated their request to the Prosecutor of the ICC to open an investigation without further delay into the crimes within its jurisdiction - massacres, crimes of sexual violence, torture, pillage - committed in the CAR since 1 July 2002 [\[2\]](#). The international justice system is now the only means of fighting against impunity for the most serious crimes committed in CAR and to respond to the right of victims to fair and independent justice.

Furthermore, FIDH and LCDH consider that the opening of an investigation by the Prosecutor of the ICC into the situation in CAR could prevent, in accordance with the aims of the ICC, the commission of further crimes. "In the face of the CAR's referral to the ICC in December 2004 of the crimes committed on its territory since 1 July 2002, the recognition by the national courts of their incapacity to carry out effective investigations and prosecutions of these crimes, and the worsening violence in the North of the country which resembles the situation in 2002-2003, the silence of the ICC is deafening. This inaction favours a climate of impunity. An intervention by the ICC, for which victims have been waiting for too long, could in contrast prevent the repetition of the most serious crimes", said Sidiki Kaba, President of FIDH.

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[1] Unofficial translation from French.

[2] For more information on the situation in the Central African Republic and the statements of FIDH to the Office of the Prosecutor concerning the opening of an investigation into the serious crimes in CAR, consult the FIDH website: www.fidh.org