

**The Prosecutor of the International Criminal Court
opens an investigation into serious crimes committed in Central African Republic**

**Listen to victims, deter criminals: the ICC investigation must break the
cycle of impunity**

Paris, The Hague, Bangui, Tuesday 22 May 2007 – The International Federation for Human Rights (FIDH) and its two member organisations in Central African Republic (CAR), the *Ligue centrafricaine des droits de l'Homme* (LCDH) and the *Organisation pour la compassion et le développement des familles en détresse* (OCODEFAD), welcome the decision - announced today by the Prosecutor of the International Criminal Court (ICC) - to open an investigation into serious crimes committed in CAR, in particular into sexual crimes perpetrated in 2002 and 2003.

As from February 2003, FIDH formally requested on several occasions¹ that the Prosecutor of the ICC looked into the most serious crimes committed by both the Central African Army supported by mercenaries, and the rebel groups, at the time of the *coup d'état* by General Bozizé against President Ange-Félix Patassé in October 2002 and when General Bozizé seized power in March 2003, as well as into the crimes currently committed by the Army and the rebels in the north of the country.

In particular, since 2003, FIDH has reported numerous testimonies that give an account of civilians who were seriously injured or murdered during combat, of summary executions and looting, and that underline as well the systematic and generalised practice of rape, used as an authentic weapon of war. Since then, OCODEFAD, single organisation of victims, keeps a registry of and provides physical, psychological, social and economic support to a large number of women, men, children and elderly people who have been victims of sexual violence, sexual slavery and forced pregnancy.

The decision of the ICC Prosecutor to open an investigation into these crimes comes, therefore, after four long years during which victims suffered both of the indifference of the international community and the stigma within the Central African society; four long years of analysis that have risked losing evidence. It was necessary to wait for the Central African State to refer the same situation to the Prosecutor in December 2004², then the decision of the *Cour de cassation* of CAR - of April 2006 - which confirmed the incapacity of Central African tribunals to try those responsible for the most serious crimes and referred the case to the ICC³, and finally the request for explanations on the slowness of the analysis carried out by the Office of the Prosecutor on the situation in CAR, made by the judges of the Pre-Trial Chamber III of the ICC⁴, for the

¹ The following FIDH reports have been transmitted to the Prosecutor of the ICC in accordance with Article 15 of the Rome Statute:

“War crimes in Central African Republic: *'Quand les éléphants se battent, c'est l'herbe qui souffre'*”, February 2003

“What justice for victims of war crimes”, February 2004

“Rule of law, respect for Human Rights, fight against impunity: the essential acts that still have to be taken”, July 2004

“The political transition closes against a backdrop of impunity: How will the International Criminal Court respond?”, March 2005

“Forgotten, Stigmatised: the double suffering of victims of international crimes”, October 2006

All reports and press releases are available on FIDH website: http://www.fidh.org/rubrique.php3?id_rubrique=212
(some documents are only available in French, on the French section of the website:

http://www.fidh.org/rubrique.php3?id_rubrique=60)

² FIDH Press Release “ CAR refers a situation to the International Criminal Court : FIDH calls upon the Prosecutor of the ICC to open an investigation”, 3 January 2005

³ FIDH and LCDH Press Release: “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 Central African Republic”, 13 April 2006

⁴ Decision of the Pre-Trial Chamber III of 30 November 2006 requesting the Prosecutor of the ICC to report on the state of its analysis on the situation in Central African Republic, <http://www.icc-cpi.int/library/cases/ICC-01-05->

Prosecutor to finally respond to the hope that independent justice will attempt to break the cycle of impunity.

The determination and the courage of victims supported by OCODEFAD, LCDH and FIDH have made the ICC Prosecutor become aware that the specially serious sexual crimes committed in CAR affect the international community as whole and must not go unpunished. "Finally the most execrable sexual crimes committed in CAR are qualified and find the beginning of a legal answer!" said Sohayr Belhassen, President of FIDH. "We hope in particular that the opening of an investigation will have a deterrent effect on those responsible for international crimes still committed today", she added.

For FIDH, the opening of an investigation must respond to Central African victims' rights and also constitute an efficient deterrent signal in view of the recurrence of crimes committed against the civilian population in the north of the country during violent fighting between the rebel factions and the Central African Army⁵.

This decision was all the more expected since it is feared that the conflict in Darfur, bordering with CAR, might extend to the north of the latest.

FIDH, LCDH and OCODEFAD request:

- that the **Office of the Prosecutor of the ICC** carries out a fair and efficient investigation into the crimes committed in 2002-2003 and ever since, and in particular into sexual crimes;
- that the **Registry of the ICC** sets up of an outreach programme to sensitise the Central African population and provide information on victims' rights to participation - giving due consideration to their security - as well as protection programmes for victims, witnesses and also the intermediaries of the ICC;
- that the **Government of CAR** ensures the safety of all persons, victims, families, NGO representatives, likely to have their physical and moral integrity threatened due to the opening of the investigation; facilitates the prompt adoption of the Criminal Code and the Code of Criminal Proceedings, taking into account in particular the measures necessary to cooperate with the ICC; and cooperates fully with the different divisions of the ICC in the framework of the investigation, in accordance with the Rome Statute.
- that **all States Parties to the Rome Statute** cooperate as much as needed with the organs of the Court.

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⁵ FIDH Report, "Forgotten, stigmatised: the double suffering of victims of international crimes", 12 October 2006 and FIDH and LCDH Press Releases: "The civilian population in great insecurity in the north of Central African Republic", 27 February 2006; "Birao falls to rebels: indifference and impunity fit Human Rights predators' hands", 7 November 2006; "Intervention urgently needed in Central African Republic", 23 November 2006; and "Suspect of war crimes is back in Bangui with complete impunity", 6 February 2007.