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The Office of the Prosecutor of the International Criminal Court opens its first investigation

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Situation: Democratic Republic of the Congo

The Chief Prosecutor of the International Criminal Court (ICC), Luis Moreno-Ocampo, announced his decision to open the first investigation of the ICC. The Office of the Prosecutor (OTP) will investigate grave crimes allegedly committed on the territory of the Democratic Republic of Congo (DRC) since 1 July 2002. The decision to open an investigation was taken after thorough consideration of the jurisdiction and admissibility requirements of the Rome Statute. The Prosecutor has concluded that an investigation of grave crimes in the DRC will be in the interest of justice and of the victims.

The OTP has been closely analyzing the situation in the DRC since July 2003, initially with a focus on crimes committed in the Ituri region. In September 2003 the Prosecutor informed the States Parties that he was ready to request authorization from the Pre-Trial Chamber to use his own powers to start an investigation, but that a referral and active support from the DRC would assist his work. In a letter in November 2003 the government of the DRC welcomed the involvement of the ICC and in March 2004 the DRC referred the situation in the country to the Court.

Millions of civilians have died as a result of conflict in the DRC since the 1990's. The Court's jurisdiction extends to crimes committed after 1 July 2002, when the Rome Statute of the ICC came into force. States, international organizations and non-governmental organizations have reported thousands of deaths by mass murder and summary execution in the DRC since 2002. The reports allege a pattern of rape, torture, forced displacement and the illegal use of child soldiers.

Luis Moreno-Ocampo, Chief Prosecutor of the ICC, said:

"The opening of the first investigation of the ICC is a major step forward for international justice, against impunity and for the protection of victims.

The decision to launch an investigation has been taken with the cooperation of the DRC, other governments and international organizations."

The Chief Prosecutor underscored his intention to focus the investigation on the perpetrators most responsible for grave crimes under the jurisdiction of the ICC now being committed in the DRC.

Since the Chief Prosecutor assumed office last year the OTP has grown from 7 staff members to 55 members today. By the end of 2004 it is expected to

grow further to some 120 members. The investigative staff of the OTP, headed by Deputy Prosecutor Serge Brammertz, includes professionals and NGO investigators with an international background.

The Rome Statute of the ICC makes a distinction between a preliminary analysis and a formal investigation of a situation where crimes under the Court's jurisdiction are allegedly being committed. Before initiating an investigation the Prosecutor must analyze the available information and ensure that the conditions laid down in the Rome Statute are satisfied.