

Four Kenya Post-Election Violence Suspects to Face Trial at ICC Coalition for the International Criminal Court

23 January 2012

WHAT:

Today, 23 January 2012, Pre-Trial Chamber II (PTC II) of the International Criminal Court (ICC) delivered its decisions on whether to move to trial two cases against six individuals allegedly responsible for the commission of crimes against humanity during post-election violence in 2007-2008 in Kenya. The ICC is the world's first permanent international court to prosecute war crimes, crimes against humanity and genocide.

HOW:

In the case against William Samoei Ruto, Henry Kiprono Kosgey and Joshua Arap Sang, judges confirmed charges of crimes against humanity against Ruto and Sang, but declined to confirm those against Kosgey. In the case against Francis Muthaura, Uhuru Muigai Kenyatta and Mohammed Hussein Ali, judges also confirmed charges of crimes against humanity against Muthaura and Kenyatta, but declined to confirm those against Ali. The decisions were taken by majority of the Chamber, with Judge Hans-Peter Kaul dissenting.

The cases will therefore move to trial against William Samoei Ruto, Joshua Arap Sang, Francis Muthaura and Uhuru Muigai Kenyatta at this stage. Both the prosecution and the defence have the right to request the Chamber to appeal today's decisions. Today's decision does not preclude the Prosecutor from re-requesting the confirmation of charges against Kosgey and Ali if supported by additional evidence. (...)

(...)

COMMENTS:

"ICJ Kenya supports the decisions confirming the charges against Ruto, Sang, Muthaura and Kenyatta as an important step forward in ensuring justice for the victims of the terrible crimes of the post-election violence of 2007/8," said

George Kegoro, executive director of the Kenya chapter of the International Commission of Jurists

. "We underline the judicial, not political, nature of the ICC process which seeks to respond on behalf of the 1200 killed, 900 sexually assaulted and the thousands still in camps as a result of the post-election violence, and urge all Kenyans to be confident in it and let justice run its course."

"Now that the charges are confirmed ICJ Kenya calls upon the President and Prime

Minister to fulfill their obligations to uphold the rule of law and suspend from office Deputy Prime Minister Kenyatta and Head of Civil Service Muthaura in line with chapter 6 of the Kenyan constitution and also call upon the suspects to vacate office of their own volition in line with their statements of 15 December 2010 to cooperate with the ICC,” Kegoro continued. “The suspects now need to present themselves voluntarily to the ICC and the Kenyan government must continue to cooperate with the ICC as per public statements made in this respect, article 86 of the Rome Statute, and Kenya’s International Crimes Act.”

“FIDA Kenya welcomes today’s decision to confirm charges against some of the suspects in these cases, in particular the confirmation of the rape charges against Kenyatta and Muthaura,” **said Grace Maingi-Kimani, executive director of the Federation of Women Lawyers Kenya (FIDA Kenya)**

. “However we also underline the urgent need for the Office of the Prosecutor to bring forward charges for the rape cases in Kibera and Nyanza,” she added. “We further call for a local prosecutorial process to deal with the middle- and lower-level perpetrators of crimes committed during the postelection violence in Kenya.”

“Today’s decision to send these four suspects to trial represents a major step towards justice for victims of grave crimes which brought chaos to Kenya in 2007/2008,” said

William R. Pace, Convenor of the Coalition for the International Criminal Court

. “The decision declining to confirm charges against Kosgey and Ali does not refute that terrible crimes occurred during the post-election violence, but that the evidence assigning individual responsibility to the defendants did not convince the ICC’s independent judges at this time,” he said. “We now call for increased cooperation with the Court, including through the continued voluntary appearances of the suspects at the forthcoming trial proceedings.” (...)

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