

ACTION ALERT: ICC decision on 6 accused in Kenya may spur tensions and violent backlash

ICRtoP

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The International Criminal Court (ICC) Pre-Trial Chamber II [released](#) its decisions on 23 January on the confirmation of charges (i.e. whether to issue arrest warrants and commence trials) of the 6 individuals alleged to be most responsible for the Kenyan post 2007-presidential election violence and crimes.

[Charges](#)

of crimes against humanity were confirmed for William Samoei Ruto, Joshua Arap Sang, Uhuru Muigai Kenyatta and Francis Muthaura. As a result of insufficient evidence, charges against Henry Kiprono Kosgey and Mohammed Hussein Ali were declined; however the court can re-request the confirmation of charges against either case if additional evidence is brought forward. Civil society has expressed concern that those who disagree with the Court's decisions will portray the ICC as being politically or ethnically partisan, and that there is potential for tensions and violence surrounding the confirmation of charges. As George Kegoro, the executive director of ICJ Kenya, an ICRtoP member, stated in a media advisory

[released](#)

by the Coalition for the ICC, "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."

*The ICC's decision will impact Kenya's 2013 presidential campaign as two of the 'Ocampo six', Uhuru Kenyatta and William Ruto, are top candidates in the elections. Consequently, **there is potential for tensions and violence to erupt surrounding the 2013 elections.** Civil society, sub-regional and regional organizations, and the international community must be engaged to prevent a reignition of ethnic violence.*

What can Civil Society do to promote the protection of populations?

Civil society can play a role following the ICC decision in diffusing any potential political or ethnic tensions. This can include raising awareness about the process and issues concerning the case of Kenya in an effort to diffuse tensions surrounding the confirmation of charges and the subsequent 2013 presidential election campaign. Members and colleagues can inform other NGOs, the media and the public through measures such as press releases, regional or domestic radio broadcasts, reports, community events or conferences.

If your organization issues publications, holds events, or engages in activities relating to the Kenyan elections please let us know so we can feature your work on our website and social media outlets as well as provide additional support.

Read the media advisory of the Coalition for the International Criminal Court [here](#) .
Read the report of the International Crisis Group [here](#) .