

Kenya's post election violence: ICC Prosecutor presents cases against six individuals for crimes against humanity

International Criminal Court 15 December 2010 On 31 March 2010 the Pre-Trial Chamber of the International Criminal Court (ICC) approved Prosecutor Luis Moreno-Ocampo's request to investigate the alleged crimes against humanity that took place in Kenya starting in June 2005 (Kenya's ratification of the Rome Statute). The Prosecutor carried out his investigation during two visits from 8-12 May and 1-3 December 2010, and, upon its completion, announced the names of six suspects. The members of the government accused of crimes against humanity included Uhuru Kenyatta, the finance minister and deputy prime minister, William Ruto, a powerful politician in the Rift Valley province, and Francis Muthaura, the head of the civil service. A [poll](#) conducted in December 2010 showed that 85% of Kenyans support the prosecution of those responsible for post-election violence. In response to the Court's announcement, Kenyan MPs voted in favor of the country withdrawing from the Rome Statute at the foundation of the ICC. While MPs do not have the power to remove Kenya from the Court, this motion sent a message to the government.

ICC Prosecutor Luis Moreno-Ocampo today requested the International Criminal Court to issue summonses to appear against six Kenyan citizens to face justice for massive crimes committed during the post-election violence (PEV) in Kenya.

The Prosecutor has concluded there are reasonable grounds to believe crimes against humanity were committed, in the first Prosecution case, by:

1.
William Samoei Ruto -
currently: Minister of Higher Education, Science and Technology (suspended), MP for Eldoret North and during the PEV, MP for Eldoret North. The Prosecution considers that he was one of the principal planners and organizers of crimes against PNU supporters;
2.
Henry Kiprono Kosgey -
currently: Minister of Industrialization, MP for Tinderet Constituency, ODM Chairman and during the PEV: MP for Tinderet. The Prosecution considers that he was one of the principal planners and organizers of crimes against PNU supporters; and
3.
Joshua Arap Sang -
currently Head of Operations, KASS FM and during the PEV: Radio broadcaster. The Prosecution considers that he was one of the principal planners and organizers of crimes against PNU supporters.

And in the second Prosecution case, by:

4.
Francis Kirimi Muthaura -
during the PEV and to date: Head of the Public Service and Secretary to the Cabinet and Chairman of the National Security Advisory Committee. The Prosecution considers that he authorized the Police to use excessive force against ODM supporters and to facilitate attacks against ODM supporters.

5.
Uhuru Muigai Kenyatta -
currently: Deputy Prime Minister and Minister of Finance. The Prosecution considers that during the PEV he helped to mobilize the Mungiki criminal organization to attack ODM supporters; and

6.
Mohamed Hussein Ali
- currently: Chief Executive of the Postal Corporation of Kenya and during the PEV he was Commissioner of the Kenya Police. The Prosecution considers that during the PEV he authorized the use of excessive force against ODM supporters and facilitated attacks against ODM supporters.

"The post election period of 2007-2008 was one of the most violent periods of the nation's history," said the Prosecutor.

The post election attacks left more than 1, 100 people dead, 3,500 injured and up to 600, 000 forcibly displaced. During 60 days of violence, there were hundreds of rapes, possibly more, and over 100, 000 properties were destroyed in six of Kenya's eight provinces.

"These were not just crimes against innocent Kenyans", said Prosecutor Moreno-Ocampo. "They were crimes against humanity as a whole. By breaking the cycle of impunity for massive crimes, victims and their families can have justice. And Kenyans can pave the way to peaceful elections in 2012."

The judges of Pre-Trial Chamber II will now review the evidence. If they determine that there are reasonable grounds to believe that the six persons named committed the alleged crimes, they will decide on the most appropriate way to ensure their appearance in Court. (...)

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