



Coalition for the International Criminal Court

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MEDIA ADVISORY
9 March 2011

ICC ISSUES SUMMONS TO APPEAR FOR SIX KENYANS

*Pre-Trial Judges Open Two Cases for Alleged Crimes Against
Humanity in 2007-2008 Kenyan Post-election Violence Investigation*

WHAT: On 8 March 2011, Judges of Pre-Trial Chamber II (PTC II) of the International Criminal Court (ICC) issued summonses to appear for six individuals for their alleged roles in the 2007-2008 Kenyan post-election violence.

WHO: William Samoei Ruto, Henry Kiprono Kosgey, Joshua Arap Sang, Francis Kirimi Muthaura, Uhuru Muigai Kenyatta and Mohamed Hussein Ali have been implicated in the Prosecutor's investigation into the 2007-2008 Kenyan post-election violence. All six suspects are members of the Orange Democratic Movement or the Party for National Unity, the two parties that form the ruling coalition in Nairobi.

WHY: On 15 December 2010, the Prosecutor asked PTC II to issue summonses to appear against these six individuals. Judges examined the request and decided that there were reasonable grounds to believe that the persons have committed crimes against humanity and that summonses to appear would be sufficient to ensure their appearance before the Court. The Judges' decisions include different modes of liability for the alleged crimes, including murder, forcible transfer of population and persecution. The summonses are to be served to the suspects themselves, not to a state.

HOW: The suspects are summoned to appear before the ICC on 7 April 2011 for an initial hearing during which Judges will verify the suspects' identities and that they were informed of the charges brought against them and of their rights under the Rome Statute

Judges ordered the suspects (1) to have no direct or indirect contacts with victims or witnesses; (2) to refrain from corruptly influencing a witness, obstructing or interfering with the attendance or testimony of a witness, or tampering with or interfering with

the Prosecution's collection of evidence; (3) to refrain from committing Rome Statute crimes; and (4) to attend all required ICC hearings.

COMMENTS: “We call on the named individuals to cooperate with the ICC and to voluntarily appear before the Court, where they will be afforded the rights granted to all accused under the Rome Statute, including the presumption of innocence,” said Stephen Lamony, the Coalition’s Africa Outreach Liaison and Situations Adviser. “In parallel we call on ICC states parties not to derail the course of justice by allowing the ICC process to follow its course,” he added.

BACKGROUND: The ICC prosecutor’s investigation into crimes against humanity allegedly committed in Kenya in relation to the 2007-2008 post-election violence was authorized by Judges of PTC II on 31 March 2010, following a request by the ICC prosecutor on 26 November 2009. It was the first time the prosecutor used his “proprio motu” powers to initiate an investigation without first having received a referral from governments or by the United Nations Security Council.

The ICC is the world’s first permanent international court to prosecute war crimes, crimes against humanity and genocide. There are currently 114 ICC states parties to the Rome Statute, the Court’s founding treaty. Central to the Court’s mandate is the principle of complementarity, which holds that the Court will only intervene if national legal systems are unable or unwilling to investigate and prosecute perpetrators of genocide, crimes against humanity and war crimes. There are currently six active investigations before the Court: the Central African Republic; the Democratic Republic of the Congo; Darfur, the Sudan; Kenya; Libya; and Uganda. In addition to today’s summonses, the ICC has publicly issued 12 arrest warrants and three summonses to appear. Three trials are ongoing. The Office of the Prosecutor has made public that it is examining at least ten situations on four continents, including Afghanistan, Chad, Colombia, Côte d’Ivoire, Georgia, Guinea, Honduras, Republic of Korea, Nigeria, and Palestine.

Coalition NGO experts are available for interviews and background. List available upon request by contacting maillet@coalitionfortheicc.org

The Coalition for the International Criminal Court includes 2,500 civil society organizations in 150 different countries working in partnership to strengthen international cooperation with the ICC; ensure that the Court is fair, effective and independent; make justice both visible and universal; and advance stronger national laws that deliver justice to victims of war crimes, crimes against humanity and genocide. For more information, visit: www.coalitionfortheicc.org

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