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Trial of Kenyan Post-Election Violence Suspects to Open in The Hague
Deputy President Ruto and broadcaster Sang charged with crimes against humanity

WHAT: The trial of Kenyan Deputy President William Ruto and broadcaster Joshua Sang is to open tomorrow, 10 September, at the International Criminal Court (ICC) in The Hague. Both are accused of planning and organizing crimes against humanity during post-election violence (PEV) in 2007-08 in Kenya.

WHY: Over 1,200 were killed and 600,000 displaced in violence that followed Kenya's 2007 presidential election. Ruto and Sang are accused of crimes against humanity of murder, deportation or forcible transfer of population and persecution during this time against supporters of the then President Mwai Kibaki and his Party of National Unity (PNU).

WHO: Ruto was elected Kenya's deputy president in March 2013. He has previously held various ministerial positions. Sang is the head of operations at Kass FM radio station in Nairobi. Both were prominent supporters of the Orange Democratic Movement and are alleged to have established a network with the goal of gaining power in Kenya's Rift Valley Province by committing crimes against PNU supporters.

HOW: The trial will be held ICC headquarters in The Hague before Trial Chamber V(a), composed of Presiding Judge Chile Eboe-Osuji, Judge Olga Herrera Carbuccion and Judge Robert Fremr. On 15 July, the plenary session of ICC judges rejected a joint defense request to hold the trial in Kenya or Tanzania.

On 18 June, Trial Chamber V(a) judges granted Ruto a request to be partially absent from the trial to allow him to fulfill his official duties. He is nevertheless required to attend all hearings pending the prosecutor's appeal of this decision. To date, 327 victims have been authorized to participate in the proceedings through their common legal representative.

NEXT STEPS: The trial will run daily from 10 September to 4 October, and from 14 October to 1 November. The judges are to issue further sitting schedules at a later stage. Meanwhile, the ICC trial of Kenyan President Uhuru Kenyatta is set to begin on 12 November. He is also accused of orchestrating crimes against humanity during the 2007-08 post-election violence.

COMMENT: "The trials regarding Kenya at the ICC are not about settling scores with political elites and tribes—they seek justice for victims of the 2007-08 post election violence who suffered severe harm," **said James Gondi, program adviser with the Africa Centre for Open Governance.** "Kenya spurned three opportunities to set up a credible domestic tribunal to try perpetrators of the post election violence but political elites resisted a special tribunal—the ICC was the last option and we cannot simply forget the atrocities that were committed in 2007-08," **Gondi continued.** "The ICC process has fair trial guarantees for all parties concerned to be treated fairly and justly."

"For victims of Kenya's post-election violence, the start of this trial presents an opportunity for their voices to be heard, for the truth to come out and for justice to be

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achieved,” said **Stephen Lamony**, the Coalition’s senior adviser for AU, UN and Africa situations.

“Victims who lost their lives and homes during the post-election violence in Kenya deserve justice and truth, and the ICC trials should help achieve these aims - but this will only happen if the trials are not marred by witness intimidation and pressure,” said **Carla Ferstman**, director of REDRESS. “Already, some witnesses have withdrawn from the Kenyan cases, amidst allegations of witness intimidation—the ICC should protect victims and witnesses and it is up to the Kenyan government to cooperate to see that this happens,” **Ferstman continued**. “It should aid in creating a climate of safety and calm, and reaffirm its commitment to justice, of which the ICC is an essential component. The pursuit of justice should not require victims to fear for their lives.”

BACKGROUND: Kenya is a state party to the ICC Rome Statute. The ICC prosecutor’s Kenya investigation was authorized by Pre Trial Chamber II in March 2010, following a request by the prosecutor in November 2009—the first time the prosecutor initiated an investigation of his own motion (*proprio motu*). Following a confirmation of charges hearing in September 2011, pre-trial judges found substantial grounds to send the case to trial. The opening of the trial has been twice delayed in order to allow the defense adequate time to prepare.

The ICC is the world's first permanent international court to prosecute war crimes, crimes against humanity, and genocide. Central to the Court's mandate is the principle of complementarity, which holds that the Court will only intervene if national legal systems are unwilling or unable to investigate and prosecute perpetrators of genocide, crimes against humanity and war crimes. There are currently eight investigations before the Court in the following states: the Central African Republic; Côte d'Ivoire; the Democratic Republic of the Congo; Darfur, the Sudan; Uganda; Kenya; Libya; and Mali. Four of these came from governments requesting the ICC to take jurisdiction (DRC, Uganda, CAR, Mali); two from UN Security Council referrals (Sudan, Libya); and two on the prosecutor's initiative (Kenya and Côte d'Ivoire – the latter following a state acceptance of jurisdiction). The ICC has publicly issued 22 arrest warrants and nine summonses to appear. The Court issued a judgment in its first trial on 14 March 2012. Two trials are currently ongoing. The ICC Office of the Prosecutor has also made public that it is conducting eight preliminary examinations: Afghanistan, Colombia, the Comoros referral, Georgia, Guinea, Honduras, Republic of Korea and Nigeria.

The Coalition for the International Criminal Court is a global network of civil society organizations in 150 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. www.coalitionfortheicc.org

Experts from human rights organizations members of the Coalition are available for background information and comment. Contact: communications@coalitionfortheicc.org