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**Accountability for the crimes committed during 2007-2008
post-election violence in Kenya : Four leaders charged with
crimes against humanity before the ICC**

The International Federation for Human Rights (FIDH) and its member organisation in Kenya, the Kenyan Human Rights Commission (KHRC), welcome the ICC Pre-Trial Chamber II decision to confirm the charges against William Samoei Ruto, Joshua Arap Sang, Francis Kirimi Muthaura and Uhuru Muigai Kenyatta and commit them to trial for crimes against humanity allegedly committed during the 2007-2008 post-election violence in Kenya. Our organisations take note that for Henry Kiprono Kosgey and Mohammed Hussein Ali the evidence presented by the Office of the Prosecutor was considered as insufficient and lead the ICC Judges to decline to confirm the charges against them.

<http://www.fidh.org/Accountability-for-the-crimes>

FIDH - Worldwide Human Rights Movement

"The confirmation of charges against four main Kenyan figures is an important step for victims of the crimes committed during the 2007-2008 post-election violence who are expecting impunity to end and perpetrators to be held accountable", said **Patrick Baudouin**, FIDH Honorary President. "We hope it will contribute to deterring potential future violence, in particular with a view to the upcoming Presidential elections due to be held at the end of 2012", he added.

In this regard, our organisations regret that Mr. Muthaura, Mr. Ruto and Mr. Kenyatta, charged with crimes against humanity and facing trial before the ICC, continue to hold state offices and that two of them confirmed that they intend to stand as candidates in the next Kenyan Presidential elections, disregarding the provisions of Article 10 and Chapter 6 of the Kenyan Constitution on leadership and integrity.

"Although the ICC Prosecutor still has the possibility to present additional evidence and request another hearing to confirm charges, it is particularly unfortunate that, in the case against Mohammed Hussein Ali, former chief of police, the Prosecutor failed to produce strong evidence on the role of the police in the commission of crimes during the post-election violence", said **Atsango Chesoni**, KHRC Executive Director.

Our organisations call upon the Kenyan authorities to fully cooperate with the International Criminal Court and facilitate the appearance of the four accused persons before the Court. National authorities should implement the principle of complementarity by initiating national independent and impartial judicial proceedings against other perpetrators who also bear responsibility for the serious human rights violations committed. We also call upon President Kibaki and Prime Minister Raila Odinga to honour the agreement of 16th December 2008 and suspend all public servants charged with criminal offences related to the Post Electoral Violence.

FIDH and KHRC also welcome the ICC Prosecutor's commitment to continue to collect evidence against the 4 accused sent to trial as well as against Kosgey and Ali and other alleged perpetrators who bear the highest responsibility.

FIDH and KHRC call upon the ICC Registrar to actively implement a proactive outreach strategy in Kenya to explain this decision and prepare the opening of the trials, in the context of future elections. The Registrar should also facilitate the process of examination of the numerous pending application of victims to participate in the proceedings and further explain to the victims their right to apply for participation. The two common victims' legal representation teams should receive the legal aid needed to prepare for these trials.

Background

Kenya Case 1 :

- ▶ Mr. Ruto, former Education Minister and Member of Parliament, and Mr. Sang, radio executive, are charged with crimes against humanity of murder, deportation or forcible transfer and persecution, Mr. Ruto as indirect co-perpetrator and Mr Sang as having contributed to the said crimes.
- ▶ The confirmation of charges hearing against William Samoei Ruto, Henry Keino Kosgey, Member of Parliament and chairman of the ODM party, and Joshua Arap Sang took place from 1 to 8 September 2011.
- ▶ 327 victims are participating in the proceedings.

Kenya Case 2 :

- ▶ Mr. Muthaura, Head of the Public Service and Secretary to the Cabinet, and Mr Kenyatta, Deputy Prime Minister and Minister for Finance and Chairman of KANU Party, are charged, both as indirect co-perpetrators, with crimes against humanity of murder, deportation or forcible transfer, rape and other forms of sexual violence and other inhumane acts and persecution.
- ▶ The confirmation of charges hearing against Francis Kirihi Muthaura, Uhuru Muigai Kenyatta and Mohammed Hussein Ali, Post Master General and former Commissioner for the Police, took place from 21 September 2011 to 5 October 2011.
- ▶ 233 victims are participating in the proceedings.

For further information on Kenya and the ICC, see [FIDH-KHRC questions and answers, October 2009](#).