



HURINET– Uganda



Uganda Coalition on the
International Criminal Court

**STATEMENT BY HUMAN RIGHTS NETWORK UGANDA AND THE UGANDA COALITION
ON THE INTERNATIONAL CRIMINAL COURT ON THE ICC PROSECUTOR'S RELEASE OF
NAMES OF SIX INDIVIDUALS OF KENYA'S POST ELECTION VIOLENCE.**

Human Rights Network-Uganda, (HURINET-U) and the Uganda Coalition on the International Criminal Court (UCICC) welcomes the recent move by the Chief Prosecutor of the International criminal court Luis Moreno-Ocampo in making known the names of those individuals believed to be most responsible for the Post Election violence in Kenya.

On the 15th of December 2010, the Chief Prosecutor announced the six individual in two prosecution cases said to be the most responsible for crimes against humanity allegedly committed during the 2007-2008 post-election violence in Kenya. He has requested Judges of Pre-Trial Chamber II to issue summonses for six Kenyan nationals to appear before the Court.

Those named include:

- **William Samoei Ruto** - currently suspended Minister of Higher Education, Science and Technology.
- **Henry Kiprono Kosgey** - currently: Minister of Industrialization
- **Joshua Arap Sang** - currently Head of Operations, KASS FM
- **Francis Kirimi Muthaura** - Currently: Head of the Public Service and Secretary to the Cabinet and Chairman of the National Security Advisory Committee.
- **Uhuru Muigai Kenyatta** - currently: Deputy Prime Minister and Minister of Finance.
- **Mohamed Hussein Ali** - currently: Chief Executive of the Postal Corporation of Kenya and during the post election violence he was Commissioner of the Kenya Police.

Kenya is a State Party to the Rome Statute of the International Criminal Court. She ratified the Rome Statute of the ICC on March 15th 2005 and domesticated the Rome Statute of the ICC by enacting the International Crimes Act 2008. This gives the ICC jurisdiction over Kenya's situation and hence can try any individuals responsible for committing crimes of war crimes, crimes against humanity and the crimes of genocide committed as stipulated under Article 5 of the Rome Statute.

In November 2009, the prosecutor of the ICC acting *proprio motu* (on his own motion) initiated investigation into allegations of war crimes and crimes against humanity committed during the Post election violence in Kenya. The move by the prosecutor in the Kenya Situation followed a commission of inquiry report on the Kenya post election violence that left more than 1, 100 people dead, 3,500 injured and up to 600, 000 forcibly

displaced; marred with hundreds of rapes, possibly more, and over 100, 000 properties destroyed.

The release of these names by the ICC prosecutor has sparked off mixed reactions in Kenya; some supporting the prosecutor's move and others opposing the move with further suggestion to pull the Kenya out of the Rome Statute.

HURINET-U and the UCICC note that:

1. Failure by the government of Kenya to fully cooperate with the ICC on this matter will imply that the Kenyan government is condoning international crimes, particularly crimes against humanity as suffered by Kenyan victims.
2. Failure to cooperate denies the victims of the post Kenya election violence access to redress and thus the hopes of the victims realizing justice will be dashed.
3. Failure to show support undermines the work of ICC on Africa and this would mean that other African countries could follow suit in non cooperation.
4. Not supporting the ICC in the case of Kenya undermines the institution of the ICC and the integrity of the Rome Statute, thereby weakening the international criminal justice system.

In view of the above HURINET-U and UCICC recommend that:

1. Kenya as a State party to the ICC should recall her pledge of commitment to support and cooperate with the Court at the Review conference and thus should take a stand to implement such a pledge.
2. Civil society and the academia should continue to take up the strategic role as always in setting and influencing decisions regarding the ICC
3. Those indicted should respect the due process of the law presented to them since that is the only means by which justice will be achieved for all parties concerned.
4. The Government of Kenya, the Kenya public and the international community should stand firm and bold by cooperating with the ICC to combat impunity not only in Kenya but also universally.

Dated at Kampala this 17th day of **December 2010**.



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