

ICC decision in Kenyan Deputy President's case: the protection of victims is paramount

16 July 2013 – Yesterday, the plenary of Judges of the International Criminal Court (ICC) announced that the trial against William Ruto, the current Deputy President of Kenya and Joshua Sang, head of operations at Kass FM Kenya, jointly accused of violence following Kenya's 2007 presidential election, will be held in The Hague.

The Trial is scheduled to open on 10 September 2013 in The Hague, rejecting requests from both accused that hearings be conducted in Kenya or Tanzania instead. The accused face charges of crimes against humanity, including murder, rape, forcible transfer of population, persecution and other inhumane acts.

REDRESS and Kituo Cha Sheria welcome the judges' decision to hold the trial in The Hague as it resonates with the majority of victims' concerns. While arguments had been put forth on the benefits of serving justice closer to the thousands of victims and their relatives who bore the brunt of the post-election violence, there are serious concerns about the security of victims and witnesses as well as potential pressures that might affect the trial's integrity. The decision shows that the ICC is not subject to manipulation and is set on fulfilling its mandate.

Victims have made it clear to the Court that the advantages of holding hearings locally are outweighed by the risks to victims' and witnesses' security. They have expressed their fears that hearings in Kenya may make it easier for the accused to mobilise supporters and intimidate those involved in the proceedings as well as contribute to flaring up lingering ethnic tensions.

The suspects remain in powerful positions in Kenya. In March, Uhuru Muigai Kenyatta and William Samoei Ruto, two of the accused, were elected respectively President and Vice-President of Kenya, in the general elections, making Kenyatta the first sitting Head of State to face trial before the ICC.

"Victim intimidation has already taken place and it is likely that it will increase if hearings are held in Kenya. Victims may shun the process if they feel endangered," said Carla Ferstman, Director of REDRESS. "It is paramount that the ICC put in place adequate protection arrangements for victims and witnesses so that the proceedings are not disrupted and the Court is able at a later stage to hold hearings locally."

"The ICC must above all, in ensuring effective and meaningful participation for victims, safeguard their rights and heed their voices. The political context within which the victims find themselves, presents security challenges that are real and can derail victim participation, a crucial aspect of the ICC process" said Getrude Angote, Executive Director, Kituo Cha Sheria.

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REDRESS was founded by a British torture survivor in 1992. Since then, it has consistently fought for the rights of torture survivors and their families in the UK and abroad. REDRESS played a role in ensuring that key provisions for victims were incorporated into the Rome Statute which established the ICC. We also coordinate the Victims' Rights Working Group (VRWG), a network of 400 national and international organisations and experts that advocates on victim's issues before the ICC. See: www.vrwg.org .

KITUO CHA SHERIA KITUO was established in 1973 by a group of lawyers who recognized that inability to access justice occasioned by poverty, marginalization and vulnerability undermined fundamental human and peoples' rights in Kenya. See: www.kituochasheria.or.ke