

Government of Kenya refusal to refer the Kenyan Situation to ICC

The International Center for Policy and Conflict (ICPC) is abhorred by the government of Kenya decision that declined to make self referral to the International Criminal Court (ICC). This decision flies in the face of the clear agreements of July 3rd 2009, that Kenya will refer its situation to ICC. We are convinced that by virtual of Kenya government refusing to refer the Kenya situation to ICC has the following implication that;

1. The Kenya government commitment to try perpetrators of 2007/8 post election violence is suspicious. This leaves the claim of cooperation with ICC by the government as a public relation gimmick and a red herring to say the least. The President and Prime Minister are covering and shielding the perpetrators. This is in line with the Foreign Affairs Permanent Secretary position yesterday.

2. That the age long jurisprudence that justice delayed is justice denied has no place in the government which is doing everything possible to block justice and sweep the suffering of the victims under the carpet and continue with business as usual. This position is unacceptable, irrational and insensitive. We hope that ICC will deem it fit to act in the interest of justice and avoid such vexatious and betrayal delays. We suspect that Kenya as State Party to the ICC would attempt to block the ICC progress and intervention in Kenya when the Prosecutor goes to seek authorization at the Pre-trial Chambers. But we want to assure the Government of Kenya that you can run but cannot hide. Time and evidence is against perpetrators regardless of their official capacity.

ICPC retaliates its position that The President and the Prime Minister have to fully cooperate fully with ICC as a show of commitment to the fight against impunity in Kenya.

Earlier ICPC statement

The International Center for Policy and Conflict (ICPC) welcomes the arrival of Chief Prosecutor of the International Criminal Court in Kenya this morning. This is a defining moment for the country in its long protracted fight against impunity and critical for the victims of the 2007/8 post election violence.

ICPC is concerned that the voices of the post election victims who should form the centrality of the ICC Chief Prosecutor business in Kenya has been left to the periphery. We believe that the victims and not the political elites bear the biggest burden as a result of the 2007/8 post election violence.

ICPC further stresses that Mr. Campo's meeting with the President and Prime Minister will be deemed successful if it achieves the following key results:

1. That the Kenya government undertakes to make official self referral of the Kenya situation to the ICC and make a commitment to cooperate in ensuring that those perpetrators bearing the highest responsibility in the 2007/8 post election violence are effectively and fairly investigated, prosecuted and convicted.
2. That the Kenya government commits to form a Special Tribunal for Kenya to try the middle and lower cadre of perpetrators of the 2007/8 post election violence in order to avoid impunity gap.
3. That ICC will stress on the urgency of putting in place an effective witness protection and preservation of evidence.
4. That victims will become central and remain so in the entire process of seeking justice for the Post-Election violence serious crimes. The outcome of today's meeting must reflect the best interest of victims and effective deterrence to impunity.

Thank you

Signed by:

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