

## **ICC charges contributed to peaceful elections – US**

**Kevin Kelley**

**April 5 2013**

The indictments issued by the International Criminal Court against prominent Kenyans helped prevent violence during the March elections, a US State Department official said on Thursday.

"The fact that these indictments have been out there has had an effect in terms of the peacefulness of this past election," declared Stephen Rapp, the US ambassador-at-large for war crimes.

"No one in Kenya wants to be on the ICC arrest list," Mr Rapp said at a forum on US-ICC relations held at the Brookings Institution, a Washington think tank.

ICC Chief Prosecutor Fatou Bensouda, speaking at the same forum, affirmed that the cases against President-elect Uhuru Kenyatta and Deputy President-elect William Ruto will proceed.

"What unfolds in Kenya regarding the political process is not going to stop the ICC process from moving forward," Ms Bensouda said.

Peace and justice "complement each other," she said.

"You can't have one exclusive of the other."

Mr Rapp expressed US support for the ICC's actions in regard to Kenya.

"Kenya needs to fulfil its international obligations," he said.

"Individuals charged need to cooperate without regard to their level."

He noted that "Heads of State do not have immunity" from charges brought by the ICC.

### **Ratify treaty**

Kenya acknowledged that stipulation by ratifying the treaty that established the ICC, he observed.

Ms Bensouda said that the charges of crimes against humanity were based on evidence of "individual criminal responsibility".

She said the ICC was not bringing the charges "based on ethnic lines or political parties".

Mr Rapp retraced the steps that led to the ICC's indictments.

He cited the "horror" of 1,133 Kenyans killed in the aftermath of the 2007 election.

Their deaths "required a clear message that those responsible should be held to account," he said, adding that Kenya failed to put in place effective mechanisms of its own for delivering justice.

"Kenyan leaders invited the prosecutor" of the ICC, Mr Rapp recalled.

But national initiatives are still needed, along with the international intervention, in cases arising from the post-election violence, he said.

Ms Bensouda offered a related perspective.

"Truth and reconciliation initiatives" are necessary but not sufficient, she said.

"There must also be prosecution and accountability for crimes committed."

Mr Ruto's trial is scheduled to start on May 28 while Mr Kenyatta will be put on his defence starting July 9.

© Daily Nation 2013