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Press Release: 21.09.2011

Kisumu: Registry and the common legal representative for victims consult with Kenyan victims ahead of the Confirmation of Charges Hearing in the case *The Prosecutor v. Francis Kirimi Muthaura, Uhuru Muigai Kenyatta and Mohammed Hussein Ali*

ICC-CPI-20110921-PR724



Morris Anyah, Common Legal Representative and Mikel Delagrang, VPRS, meeting with victims in Kisumu, Kenya © ICC-CPI

During the first week of September, the common legal representative for victims, Mr Morris Anyah, held consultations in Kisumu, Kenya with victims authorised to participate in the proceedings in the case *The Prosecutor v. Francis Kirimi Muthaura, Uhuru Muigai Kenyatta and Mohammed Hussein Ali* before the International Criminal Court (ICC). Some of the main issues addressed included the victims' concerns for their security, clarity on the issue of reparations for the victims and the continuing plight of the internally displaced.

In line with Pre-Trial Chamber II's order of 26 August 2011, Mr Anyah led the early September consultations with assistance from the Victims Participation and Reparations Section (VPRS) of the ICC Registry, and organised it in conjunction with civil society organisations in Kenya. As Mr Anyah recently replaced a number of former legal representatives of the victims, the meetings were also an occasion for VPRS to explain to the victims the reasons for this change, and to explain the process by which he was appointed the common legal representative.

A key objective of the consultations was to confirm whether or not the victims consented to having their identities disclosed to the Defence or the public. Citing tensions in the areas affected by the post-election violence, all of the victims consulted requested that their anonymity be maintained. The victims were also concerned about their lack of visibility as Internally Displaced Persons (IDPs), given that most of the victims in this case had returned to their "ancestral homes", and therefore had not been considered or given compensation packages by the Kenyan Government. Indeed, one victim likened being an IDP in Kenya "as similar to being disabled". In response Mr Anyah explained the reparations regime available through the ICC and also highlighted relevant limitations, ensuring that the victims were aware that reparations may be awarded only in the case of a conviction and at the end of the trial, and that the process could take years to complete.

In addition to these direct consultations with the victims, VPRS also conducted training exercises with relevant civil society organisations in Kenya that have been working to help facilitate victim participation in one or the other cases before the Court.

At present, 233 victims have been authorised by Pre-Trial Chamber II to participate in the proceedings in the case against Mr Muthaura, Mr Kenyatta and Mr Ali. The confirmation of charges hearing in the case is scheduled to start on 21 September 2011.

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