



OTP PUBLIC NOTICE:

**VICTIMS OF POST-ELECTION VIOLENCE IN KENYA HAVE 30 DAYS TO
MAKE REPRESENTATIONS TO ICC IN THE HAGUE**

The Hague, 23 November 2009

By this notice, the Prosecutor of the International Criminal Court informs victims of alleged crimes committed in Kenya during the post-election violence of 2007-2008 that he will request authorization from Pre-trial Chamber II to open an investigation into such alleged crimes, in accordance with Article 15(3) of the Rome Statute and Rule 50 of the Rules of Procedure and Evidence.

The Prosecutor considers that *“there is a reasonable basis to proceed with an investigation into the Situation in the Republic of Kenya in relation to the post-election violence of 2007-2008”*.

According to Article 15(3) of the Rome Statute, *“victims may make representations to the Pre-Trial Chamber, in accordance with the Rules of Procedure and Evidence”*.

In accordance with the Rules of Procedure and Evidence (Rule 50), *“the Prosecutor shall inform victims, known to him [...] or to the Victims and Witnesses Unit, or their legal representatives, unless the Prosecutor decides that doing so would pose a danger to the integrity of the investigation or the life or well-being of victims and witnesses. The Prosecutor may also give notice by general means in order to reach groups of victims if he or she determines in the particular circumstances of the case that such notice could not pose a danger to the integrity and effective conduct of the investigation or to the security and well-being of victims and witnesses”*.

Accordingly, the Prosecutor notifies victims of the post-election violence in Kenya that they can send their comments to the Judges of Pre-Trial Chamber II on whether an investigation on such alleged crimes should be opened. The victims or their legal representatives have 30 days to make representations to the Pre-Trial Chamber.

Victims can make their representations in writing to Pre-Trial Chamber II, which they should channel through the Registry to the postal address below:

International Criminal Court
Pre Trial Chamber II
PO Box 19519
2500 CM, The Hague
The Netherlands

Further information will follow shortly.

The Pre-Trial Chamber may request additional information from any of the victims who have made such representations, and may hold a hearing if it considers it appropriate.

The Chamber will give notice of its decision on the Prosecutor's request to victims who have made representations.

Should the Judges authorize the opening of the investigation, victims will also have the opportunity to present their voices and concerns during the proceedings and, at a later stage, to request reparations.

The present notice has been posted as of today on the website of the Court, and sent to the media of Kenya, and to a wide range of NGOs. The Registry has been informed.