



**Press Conference by the Prosecutor of the International Criminal Court,  
Luis Moreno-Ocampo**

**Statement**

**Nairobi, Kenya**

**7 November 2009**

Kenya is a State Party to the Rome Statute. The ICC is therefore a part – an independent part - of the legal and judicial system of Kenya, in the same way it is part of the legal system of the other 109 States Parties of the Rome Statute.

The Court, the 110 States parties to the Rome Statute and the fantastic network of civil society organizations which support the Court in Kenya and throughout the world form a fantastic coalition to end impunity for those who commit genocide, crimes against humanity and war crimes, and to prevent future crimes.

The Prosecutor came to Nairobi to inform the leaders of the country about his next steps. At the beginning of December the Prosecutor will present a filing to the Pre-Trial Chamber requesting the authorization to open an investigation.

The Pre-Trial Chamber has been constituted today already in The Hague, just one day after the Prosecutor announced his intention.

In December, The Judges can, if they wish, call for a hearing to discuss the matter. The issue will be decided by the Judges.

Should the ICC Judges authorize the opening of the investigation, the Prosecutor will ensure that the investigation proceeds expeditiously. He has a team of investigators ready to do this case, including lawyers and international cooperation advisers. The Prosecutor has already collected documents submitted by the Waki Commission and others. However, he has a duty to conduct an impartial investigation; this is why the names suggested by the Waki Commission are not binding on him. He has to make his own decision on who should be prosecuted. In accordance with the evidence collected, the policy of the Prosecutor is to prosecute those who bear the greatest responsibility for the most serious crimes.

The Prosecutor expects that the definition of charges and suspects will take place in the course of 2010.

As soon as the Judges authorize the investigation, the Prosecutor will return to Kenya to visit the sites where crimes were committed, and to meet with the victims. In accordance with the Rome Statute the victims of the crimes have a role during the proceedings. They can present their views and concerns and they can request reparations.

In addition, the Prosecutor aims to liaise with the different organizations set up by the Kenyan Government, including the Truth, Justice and Reconciliation Commission.

Should the Court authorize an investigation, the Prosecutor will present in Court a limited number of cases, 2 or 3, against those persons considered the most responsible. Only some of the gravest incidents will be presented at trial.

When the Prosecutor considers he has enough evidence, he can go to the Pre-Trial Chamber and request that the Judges issue a Summons to Appear or an Arrest Warrant. This would be the moment that the names of persons who have to face justice will be revealed, not before.

If the Prosecutor considers that the persons will **not** try to escape justice, that they will not destroy evidence or threaten witnesses, he can propose that the Pre-Trial chamber issue a Summons to Appear, under which the person appears voluntarily before the Court. The Judges followed such procedure in the case of Darfur rebel leader Abu Garda, who voluntarily appeared in Court.