**ICC case ends with queries on Raila, Keter**

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NAIROBI, Kenya, Sep 8 – The confirmation of charges hearings against Tinderet MP Henry Kosgey, Eldoret North MP William Ruto and Radio presenter Joshua arap Sang ended on Thursday with lawyer Katwa Kigen arguing that the prosecution did not conduct proper investigations since Prime Minister Raila Odinga was not a suspect.

He said Mr Odinga was the head of the Orange Democratic Movement (ODM) whereas his client Mr Sang was not the head of the party yet he was labelled a suspect.

“Apart from the three suspects mentioned today the only other person who is mentioned is the same person that the prosecution say they have found reason not to disbelieve, who is the Prime Minister.  We submit that there has not been equality in terms of investigating the suspects, because some other suspects were accorded an opportunity to clear themselves and others were not,” he asserted.

During the concluding remarks at the confirmation of charges hearings, Belgut MP Charles Keter was accused of allegedly calling Kass FM from The Hague, telling people that he knew who had betrayed the suspects appearing before the court.

The legal representative of the victims Sureta Chana told the court that a Kenyan emailed her complaining that Mr Keter had made allegations that he knew the identity Mr Ocampo’s main witness, witness number Six.

Ms Chana said Mr Keter went further to say, “we are aware of the traitors who are back home alluding to knowing of other prosecution witnesses from the Kalenjin community.”

She said Mr Keter suggested that Prime Minister Raila Odinga housed some of the prosecution witnesses to fix Messrs Ruto, Kosgey and Sang.  “He went on to assert the Kenyan Prime Minister was involved in providing accommodation and a safe haven for the so-called traitors.”

Mr Keter is also accused of making claims that the Party of National Unity (PNU), human rights activists and Nandis were out to fix the three suspects.

Ms Chana expressed concerns that due to high level of insecurity and lack of concern by the government for the victims of the post-election violence, victims were still living in fear and that most of them were afraid of getting involved with the ICC process.

She said the victims also wondered why the government had spent a lot of money to stop the ICC cases and also to send government representatives in the ongoing confirmation of charges hearings without sparing the same or similar energies on them who were most affected by the violence.

ICC lead prosecutor Cynthia Tai discredited the defence evidence presented by the suspects’ lawyers saying their witnesses were inconsistent in their evidence.

She said in cases where they were asked for mere clarifications, they could not recall the events of the days in question over the preparatory meetings of the violence.

She also asserted that most of the witnesses presented by the defence had been implicated in the prosecution’s evidence.

Ms Tai further dismissed their claims that all they did was call for peace to stop the violence accusing them of having first incited and caused violence then resorting to preaching peace to play to the public gallery.

She also said allegations by the suspects that they were attending other meetings in other parts of the country and that they could not have been at the planning meetings was untrue because they used helicopters as Mr Kosgey and Mr Ruto could afford them.

She said Mr Kosgey even displayed his flight schedule within the country as she said it was possible for them to have traversed the country within a short period of time.

Kioko Kilukumi for the defence of Mr Ruto dismissed Mr Ocampo’s evidence saying, “the only thing you can credit Ocampo with is creativity and not investigations.”

He accused him of doing ‘sloppy investigations that shocked the suspects’ as he alleged that he relied on the Waki and the Kenya National Commission on Human Rights’ investigations.

He further alleged Mr Ocampo did not even believe in his own evidence since he did not carry out his own investigations.

Mr Kilukumi also said there was no forensic evidence to show that petrol was used to burn people at the Kiambaa church.

In his summary, he said his client was a ‘sacrificial lamb’ being fought politically for his intention to vie for the presidency in 2012.

Later, Katwa Kigen representing Mr Sang and lawyers for Mr Kosgey concluded their submissions discrediting the prosecution evidence and casting doubts on the prosecution witnesses.

They also urged the court not to confirm their cases since they were being wrongfully targeted.

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