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PEV victims 'don't trust' ICC witnesses

By JUDIE KABERIA and WAMBUI NDONGA | October 26, 2012



Fatou Bensouda, the ICC Prosecutor, visited post election violence victims in Eldoret on Friday. Photo/ CAPITALFM NEWS

ELDOROT, Kenya, Oct 26- Victims of the post election violence in various parts of the Rift Valley on Friday criticised the manner in which the International Criminal Court (ICC) gathered evidence on the deadly poll chaos with some accusing the Court of relying on false witnesses.

Many of those who spoke alleged that they were not involved in the submission of witness accounts even though they were directly affected by the violence that left about 1,000 Kenyans dead and about 650,000 others displaced.

The victims said that they were disappointed by the manner in which the Court gathered evidence that was eventually used to implicate four Kenyans.

Anglican Church of Kenya Reverend Philip Chumo said the former Prosecutor Luis Moreno Ocampo relied on third-party accounts and did not set foot on any of the places that were affected by the poll clashes.

"Ocampo collected his views somewhere but it was not on the ground. We would have given him the truth of the matter. We need a thorough investigation to get to the bottom of it (violence) because we are the people who were affected," he said.

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Other victims added that the former prosecutor did not acquaint himself with the victims' plight alleging that he asked witnesses to send him e-mails.

"Ocampo came here but he never visited the Internally Displaced People. He was sitting in a hotel in Nairobi using e-mails to get what he wanted. Now tell me does a peasant woman in Kiambaa (Eldoret) know what e-mails are?" asked Dorris Kipketch.

"No one came to find out how we were doing or to collect evidence from us. Ocampo did not come and he did not talk to the right people so our hearts are still in pain," said Virginia Wachuka.

The survivors also sought to know how the ICC had arrived at the witnesses that it had selected to support its case.

"Someone told us that the ICC has hidden witnesses but no one asked us who our representatives should be," argued Wachuka.

"Ocampo did not come and he did not talk to the right people so our hearts are still in pain"

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Eldoret – urg
involve them in the ongoing

case saying it would be unfair to lock them out.

Bensouda had earlier held discussions with the victims of the Kiambaa Church tragedy where 36 graves marked 'unknown' remain. They told the ICC Prosecutor that they wanted to be compensated for the losses incurred during the violence.

"Some of us lost everything and we do not know what to do. We hear there is a victims' trust fund but how can we access it so that we can feel part and parcel of the ICC process?" asked one witness.

Bensouda however explained that the Fund was managed by the Registry department of the ICC and not the Prosecutor's office.

Although some of the victims felt disappointed by the ICC, Bensouda reminded them that the Kenyan government must initiate a complementary judicial process to try other perpetrators of the clashes, who are not targeted by the Hague based Court.

"The ICC jurisdiction is not going to replace the Kenyan domestic jurisdiction; it just complements it. That is why the responsibility still remains with the government of Kenya to try and address the crimes committed by others who are not ICC indictees," explained Bensouda.

However, most victims maintained that they had little faith in a local process noting that some of the post election violence cases that were filed before Kenyan Courts were still pending.

"We are worried about the justice process in this country despite the fact that we are reforming it. We were told that there were 5,000 cases that were pending in Court and were supposed to be determined," said one witness.

"A little while later we were told that about 3,000 of them would be thrown out for lack of evidence so we are wondering; are we ever going to get justice?" he posed.

Bensouda further reiterated the need for maintaining peace in the forthcoming polls so as to prevent a repeat of the deadly chaos adding that the ongoing ICC case on Kenya was not a political process.

Tension was also high in Eldoret town at some point with locals demanding to get Bensouda's audience. The locals were gathered outside the Sirikwa Hotel, where the ICC Prosecutor was holding a meeting but security was beefed up and the situation remained calm.

Bensouda has been in the country for five days and is scheduled to leave on an evening flight scheduled for October 26.



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