

PUBLIC ANNEX C.1

Stay and divulge all, Khan tells ICC witnesses

By OLIVE BURROWS | February 11, 2014



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NAIROBI, Kenya, Feb 11 – Deputy President William Ruto’s lawyer Karim Khan has asked prosecution witnesses in the case at the International Criminal Court (ICC) not to pull out but to testify truthfully.

“I don’t want witnesses just to hide under the carpet. And I’m saying this not only as lead counsel for the defence of His Excellency William Ruto but on the instructions of his Excellency William Ruto himself,” Khan said on a visit to Kenya on Tuesday.

Khan said they should not be afraid to testify because they received inducement to sign up as prosecution witnesses as the real crime was giving false testimony on the stand.

“Even if they say foreign agents like USAID have pushed certain stories, fed them certain stories or encouraged them to tell certain lies, let them come to the court and reveal the truth behind this case,” he encouraged.

Such admissions, Khan continued to say, would act as further proof of the shoddy investigations and external influence on the Office of The Prosecutor.

“That’s what we want to be presented to the judges and that’s what the victims of this post-election violence deserve. The Kenyan electorate have a right to the truth,” he argued.

And to this end, he said he plans on applying for former ICC Prosecutor Louis Moreno Ocampo – who first pursued the Kenyan cases at the ICC – to be called as a witness.

“He was the ultimate boss of that office. He was the person who directed everybody else and I think it’s relevant to this case. It’s not seeking simply to drag a personality and put them in a witness box. But I think there’s a legitimate forensic necessity for the judges to hear how lamentable the investigations in this case were,” he said.

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In a rare interview on the Kenyan cases with Radio Netherlands Worldwide recently, Ocampo admitted that there were diplomats who asked him to stop President Uhuru Kenyatta and Deputy President William Ruto from contesting in the 2013 General Election.

“There were some diplomats asking me to do something more to prevent Kenyatta or Ruto to compete for the elections,” he said during the interview.

On Monday, witness P0323 – David Kiarie Kibe – said he could not in good conscience testify against Ruto as he had been induced by USAID.

It’s due to the increasing number of witness withdrawals that the ICC prosecution has applied for these renegade witnesses to be compelled to testify.

An application Khan is opposed to, despite urging the witnesses to testify.

“On Valentine’s day we’re all going to be busy in court. The trial chamber has asked for oral arguments on that. We say there’s no such power. Witnesses must come voluntarily,” he said.