

# **PUBLIC ANNEX C.2**

POSTED TUESDAY, FEBRUARY 11, 2014

## Ruto, Sang want witnesses not to withdraw

Deputy President William Ruto and his co-accused Joshua arap Sang have urged prosecution

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Deputy President William Ruto and his International Criminal Court (ICC) co-accused Joshua Sang want witnesses to stop withdrawing and instead to appear in court and present their testimonies.

They said those witnesses who want to withdraw their testimonies against them should do so in front of ICC judges.

Through lawyer Karim Khan, the pair said the presence of all witnesses in court would also serve to remove “suspicion” and accusations by the ICC prosecution that the defence was intimidating witnesses.

“My preference and that of my client is that those witnesses should come before court; we do not want any suspicion,” said Mr Khan.

Mr Khan who is Mr Ruto’s lead counsel at The Hague based court where the DP has been charged together with Mr Sang and President Uhuru Kenyatta for crimes against humanity said testimonies from both sides would ensure justice was served.

While reacting to media reports that a man who claimed to be ICC witness number 323 had withdrawn from testifying alleging he was coached to fix Mr Ruto and Mr Sang, the lawyer said such a move was an indication that the prosecution had presented lying witnesses.

(Read: I was paid to fix Ruto, ICC ‘witness’ claims - VIDEO)

Addressing a press conference Tuesday at a Nairobi hotel, Mr Khan said both the prosecution and defence witnesses should appear before the three judges and speak nothing but the truth.

“We have nothing to fear in this case and we have said repeatedly that the ICC should be given space to do its work and we want witnesses (for both the prosecution and defense teams) to come and say the truth,”

“We will “test” their evidence through our investigations and the judges will decide whether what they are saying is true or not. If witnesses tell the truth they have nothing to fear,” he said.

While refuting claims that the defence was intimidating witnesses or engaging in any underhand dealings to frustrate the prosecution, the lawyer said witnesses were developing cold feet and were afraid of being cross- examined and being exposed as liars.

Mr Khan who was flanked by his co-counsel and Chief of Investigations Ms Shyamala Alagendra and lawyer Kimutai Bosek also warned any witness against lying before court saying the Rome Statute was clear on the consequences of such an action.

He said witness withdrawal was a sign that they had given false testimonies and were afraid of the truth coming out before court.

Mr Khan exuded confidence that the DP would come out victorious as the prosecution had fronted witnesses who had “cooked up stories”.

He declined to say whether the man who had recanted his witness was a bona fide witness or not.

On recent claims by former ICC prosecutor Louis Moreno Ocampo that he was pressured by some diplomats to ensure Mr Ruto and President Uhuru did not vie for elections, Mr Khan said it was a clear indication that some alien forces were against Kenya's democracy.

"Am surprised that he didn't breathe about it during the confirmation hearing but it's a matter of concern," he said of Ocampo's revelations.

Mr Khan also welcomed Kenya's move to set up a court to try crimes against humanity saying the country had great potential and resources to do so.



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