

## **Kenya: Post-Election Arson in Rift Valley Was "Planned"**

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Latest prosecution witness continues narrative of how violence unfolded after 2007 election.

A witness has told the trial of the Kenyan deputy president that arson attacks that took place in the Rift Valley after the result of a 2007 presidential election were in fact planned in advance.

The prosecution witness – the 20th to testify – was giving evidence against William Ruto and former broadcaster Joshua Arap Sang at the International Criminal Court (ICC) in The Hague.

Ruto and Sang are charged in relation to mass violence that broke out after the Kenya following the presidential election of December 27, 2007.

At the time Ruto was deputy leader of the opposition party, the Orange Democratic Movement (ODM). Sang was a radio broadcaster at a radio station called Kass FM.

The political animosity between supporters of the Party of National Unity (PNU) and those loyal to ODM transformed into ethnic bloodshed. Members of the Kikuyu ethnic group largely backed the PNU in the election, while Kalenjin, Luo, and Luhya votes mostly went to the ODM.

According to the witness, ODM supporters demonstrated in Eldoret in the Rift Valley the day before the election to protest against what they believed were PNU plans to stuff ballot boxes.

The witness said that the ODM supporters who held demonstrations were mostly Kalenjins, Luos and Luhyas.

"They said that there was rigging that had already taken place before the elections," the protected witness, identified only by the reference PO-405, told the court.

The witness recalled meeting an individual, also on December 26, 2007, who was identified in court only as "No. 3" on a list of names in order to protect his or her identity.

The witness said this individual had informed him that Ruto was among the "group of people" alleging that the election "had been stolen in advance."

The witness also recalled that on the evening of December 26, he passed by the Brookside dairy in Eldoret where he saw more than 100 people gathered. He said the people were planning to set fire to the building because they believed that ballot papers that were already marked in favour of former president, Mwai Kibaki, had been stored there.

At this point, the judge ordered proceedings to go into private session.

Later in his testimony, the witness said that on the evening of December 26 he heard that ODM supporters set fire to a vehicle belonging to a local public transport company because they believed "it was transporting some more stuffed ballot papers".

Prosecution lawyer Lorenzo Pugliatti asked the witness to describe the atmosphere in Eldoret at the time. "It was tense on the part of some of us who were not supporting the ODM, and people who owned businesses had actually locked themselves up in their shops," the witness said.

The witness told the court that on the evening of December 30, after Kibaki had been declared the winner of the presidential vote, he received information that Kalenjins had set fire to houses in the area. He testified that the houses belonged to an individual identified only as "No. 9".

He said "No. 9" was a Kikuyu. According to the witness, this individual described seeing about six young Kalenjin men come to a house and pour petrol on it before setting it alight.

The witness said the individual told him that the attackers had bows and arrows, wore sleeveless tops and shorts, and had smeared their faces and arms with paint. He estimated their ages to be between 16 and 18.

"How did he [No. 9] know that they were Kalenjins?" Pugliatti asked.

"They had come from the direction of the Kalenjin farms," the witness replied.

The witness said that he believed the fires had been planned. He recalled that those engaged in burning

houses stopped doing so at around midnight on December 30, and then resumed at around 11 am on the following morning.

“That is how I concluded that the burning of property was coordinated and planned,” he said.

The witness later described moving between two locations on January 1, 2008 when he came across two severed human heads by the roadside.

He informed the court that he was told by people nearby that the heads were those of Luos. He explained that Luos were held responsible for looting Kikuyu-owned businesses in the area, and this was an act of retaliation.

During his cross-examination, Ruto’s lawyer, David Hooper, asked the witness whether he actually saw the two severed heads himself, or whether he was told about them by others.

“I hadn’t remembered that, but probably [it] is what I was told,” he said.

Hooper asked the witness why he thought the severed heads had been put on display by the roadside. The witness said he understood it as a warning to Luos that if they continued looting and destroying property belonging to Kikuyus, they would suffer the same fate.

Earlier in his cross-examination, Hooper asked the witness whether he recalled violence breaking out in other parts of the country including Kisumu, Mombasa and Nairobi on December 30, 2007, after the election results were announced.

The witness said there had been violence in these areas, but it was not planned to the same degree as it was where he was.

“In Eldoret, the violence appeared to have been planned and coordinated while in other places it was just haphazard,” the witness said.

The defence also asked whether the witness was aware of riots on December 29, 2007 in an area called Langas near Eldoret, which involved a Kikuyu and a Luo.

The witness said he recalled that the riots were provoked by an altercation between a Luo and a Kikuyu.

Lawyers acting for Sang declined to cross-examine the witness.

The case has now adjourned until July 10.

Anton Steynberg for the prosecution informed the court that the next witness was unable to travel to The Hague this week due to health problems. That individual will be the final witness to testify before the summer recess.

The prosecution is seeking to call two further witnesses in addition to eight others who are the subject of an order by the judges to give evidence. The defence are currently appealing the judges’ decision to order those witnesses to testify.

### **J.J. Wangui is a freelance reporter in Nairobi.**

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