

Kenya Witness Claims Kalenjins Prepared for Violence

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Testimony against deputy president describes weapons being assembled before polls.

A prosecution witness told judges at the International Criminal Court (ICC) last week that members of the Nandi community in Kenya's Rift Valley prepared stocks of weapons ahead of the 2007 elections that sparked months of violence.

The witness, known only by the pseudonym PO 423, testified that three days before the polls, a Nandi man in the Yamumbi area showed him a collection of bows and arrows intended for use after the results were announced.

The Nandi people form a subgroup within the Kalenjin ethnic group. The disputed outcome of the 2007 election pitted Kalenjins against Kikuyus as the two groups backed rival presidential candidates, and political differences widened into ethnic animosity.

The witness said that ahead of the vote, he saw rocks being transported to a second man's home, where they were broken up into smaller pieces.

"The bows and arrows that were used in the 2008 post-election violence in Yamumbi area and its environs were assembled at the Kapseret Forest by Nandi youths," the witness said. "Huge rocks were broken into smaller ones to be used by the Kalenjins to stone Kikuyus, just like it happened in the 1992 post-election violence witnessed in the Rift Valley," he continued.

The witness was testifying against Kenya's deputy president, William Ruto, and former broadcaster Joshua Arap Sang. They are being tried in The Hague on charges of inciting and orchestrating the bloodshed that followed the 2007 election.

They are charged with murder, persecution and forcible population transfer in the Rift Valley province. More than 1,100 people lost their lives and 650,000 others were uprooted from their homes during two months of political and ethnic violence.

Prosecutors allege that Ruto's opposition Orange Democratic Movement (ODM) planned attacks against supporters of the Party of National Unity (PNU) with the objective of forcibly expelling them from Rift Valley province.

In the Rift Valley, the Kalenjin community broadly backed the ODM, whereas Kikuyus mostly voted for the PNU, led by the incumbent president Mwai Kibaki, who was declared the winner.

Ruto was not in court this week as judges had given him leave to return to Kenya to attend to the affairs of state.

The witness said young Kalenjins started attacking Kikuyus after December 30, 2007, when Kibaki was awarded victory and a second term in office.

"We started hearing screams and war cries and the Kalenjin youths started burning houses belonging to Kikuyus," the witness said.

The witness said his own house was destroyed.

"We heard people shouting that there was a fire and each one of us decided to go home, but the situation worsened," he said. "There were fires everywhere and that is how the situation unfolded from around 7pm [on December 30] to 2pm the following day."

Asked by the prosecution whether this violence was pre-planned, the witness did not give a definite answer, but said that two men had warned him of impending trouble two days before it started.

The witness told the court that as the attacks unfolded, police officers offered protection to Kalenjin people but not to Kikuyus. He said that when Kikuyus sought their help, officers ignored them and told them they were facing the consequences of re-electing Kibaki.

"Police watched as Kikuyus were attacked and killed during the violence," the witness said. In one incident, a Yamumbi resident was fatally slashed as police looked on.

"He was cut in the presence of policemen and taken away by a driver, but he was in a very poor state," PO

423 said. "His intestines were falling out, and by the time the driver got him to the hospital, he had died. Police also watched as houses were burnt and looted."

According to the witness, police also guarded lorries used to transport cattle stolen from Kikuyu.

The witness told the court that the weapons used to arm Kalenjin youths were transported to the area in ten lorries.

He said he heard that the vehicles belonged to someone by the name of Maiyo, adding that this individual also provided accommodation for the Kalenjin youths who attacked and burned houses.

PO 423 told judges that Maiyo was a wealthy individual and a close friend of Ruto.

"At the time, I did not know who the lorries belonged to," the witness said. "Later I was told that the lorries belonged to some rich individuals. I heard that one of the rich people who was the proprietor of the lorries was Mr Maiyo. Every time there was a political meeting in the area, he would be informed and he would attend."

At this point, presiding Judge Chile Eboe-Osuji warned the witness not to give testimony based on information received from a third party.

"Just tell us the truth from what you have experienced and not what you had been told," Judge Eboe-Osuji said.

According to the witness, before the election Ruto held a rally in Kapseret Forest in preparation for taking up arms.

"There was a big meeting where the weapons were assembled and also where Mr Ruto and others gave money to the young people," said the witness, who did not attend the rally himself.

The cross-examination of witness PO 423 largely took place in closed session. During the public sections of the proceedings, Ruto's defence team sought to undermine the witness's account of events.

Essa Faal, for the defence, asked the witness about the injuries to the man he said had been slashed in the stomach and then driven to hospital.

Faal presented the court with the man's death certificate, which recorded cause of death as a heart attack brought on by shock and head injuries.

"If a person is disembowelled, I think it is something that would ordinarily appear on the death certificate if it actually did occur, because it is so dramatic," Faal told the court. "The medical record clearly shows that the multiple cuts this person suffered were to the head. It doesn't say it was to the stomach."

Faal turned to the case of another alleged victim whom the witness had earlier described as being hacked to death with a machete. Challenging this account, Faal produced the medical records of the individual concerned, which stated that he had been treated in hospital and was then discharged.

The trial has adjourned until November 21.

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