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Title : Ocampo to probe police killings

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INVESTIGATION | Noose still hanging over two suspects whose charges were not confirmed

Ocampo to probe police killings

Ali and Kosgey not off the hook yet after ICC prosecutor says he will investigate cases afresh

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International Criminal Court prosecutor Luis Moreno-Ocampo will investigate afresh the killings of civilians by police during the post-election violence.

Although Mr Moreno-Ocampo yesterday said he would not appeal the rejection of evidence against Tinderet MP Henry Kosgey and Postmaster General Hussein Ali, he said his team would focus more on Kisumu and Kibera slums in Nairobi to reassess possible complicity by the police in the violence.

Speaking a day after the Pre-Trial Chamber issued its ruling, the ICC prosecutor admitted that his investigations into the roles played by Mr Kosgey and Mr Ali were short in substance, but promised to dig out more details with a view to seeking a new confirmation of charges.

"The decision to release the two was based on factual analysis. What we need to do now is more research. The police were providing free zones for the Mungiki, that is why we thought Mr Ali was involved. That is why we are going back to check on Kibera



MARCEL ANTONISSE | AFP

International Criminal Court Chief Prosecutor Luis Moreno Ocampo at a press conference at the International Criminal Court in The Hague, yesterday.

and Kisumu," he said.

The team, he added, would also look into possible evidence that could link Mr Kosgey to the organisation that perpetrated the chaos in Rift Valley.

The prosecutor had presented a single witness against Mr Kosgey, but his testimony was thrown out by the Pre-Trial Chamber on grounds of being insufficient.

Mr Moreno-Ocampo expressed his delight at the confirmation of charges against Deputy Prime Minister Uhuru Kenyatta, Eldoret MP William Ruto,

Head of Civil Service Francis Muthaura and Kass FM Radio presenter Joshua arap Sang, adding that it would take up to a year before the Trial Chamber was constituted.

He explained that this was because the suspects had already said they would be challenging the Pre-Trial Chamber decision and the appeals would delay the speedy conclusion of the cases. "The prosecution is preparing for trial but if the judges accept the appeal, this will delay the beginning of the trial. This further

WAY FORWARD

Can the accused run for office?

On the upcoming elections, ICC prosecutor Luis Moreno-Ocampo said Kenya must decide on the candidates for the upcoming election and seize the opportunity to discuss the way forward and invest in its future.

He said Deputy Prime Minister Uhuru Kenyatta and Eldoret MP William Ruto could contest in the country's elections if the Kenyan law allowed them to do so.

"Who runs in Kenya, how to do it is a Kenyan question. It is not up to me," said Mr Moreno-Ocampo.

delay may be frustrating for victims but this is the legal process and we have to respect it."

The prosecutor said that he might consider consolidating the two cases but that it would be up to the Trial Chamber judges to rule on that.

The prosecutor said that Monday's ruling was "critically important in many dimensions" because it did not only establish individual responsibility for the post-electoral violence but was also a precursor to a peaceful Kenya.