

# ICC confirms charges against Joshua Sang

By [Carole Kimutai](#): [@CaroleKimutai](#)

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The International Criminal Court (ICC) has today confirmed charges against radio broadcast journalist [Joshua Arap Sang](#) and three other Kenyans.

"With respect to the crimes charged and based on the evidence placed before it, the Chamber found that the prosecutor has established substantial grounds to believe that the crimes against humanity of murder, deportation or forcible transfer and persecution were committed.

These crimes resulted in the death of hundreds, and the displacement of thousands of civilians from Turbo town, the greater Eldoret area, Kapsabet town and Nandi Hills. The Chamber also found that these crimes were committed as part of an attack directed against particular groups, namely, Kikuyu, Kamba and Kisii, due to their perceived political affiliation to the Party of National Unity," read Judge Ekaterina Trendafilova, the presiding judge of Pre-Trial Chamber II of the ICC that was made up of three judges including Judge Hans-Peter Kaul and Judge Cuno Tarfusser.

According to the Pre-Trial Chamber, on the basis of the evidence presented, Sang and politician, William Ruto are responsible for the charges levied against them. Sang is the first journalist in Kenya to go to the ICC.

In the Kenyan Case number 1, the ICC prosecutor presented six counts charging three suspects Sang, Ruto and Henry Kosgei (a politician) with crimes against humanity of murder, deportation or forcible transfer of population and persecution. In relation to Kosgey, the Chamber found that the prosecutor's evidence failed to satisfy the evidentiary threshold required and his case was not referred to trial.

"On behalf of the Chamber, I must explain that we are not passing judgment on the guilt or innocence of the individuals. The Chamber is tasked by law only to evaluate the strength of the prosecutor's case at this pre-trial stage - that is to determine whether the prosecutor presented enough evidence before the Chamber to confirm the charges. The standard required by the law, is that there are "substantial grounds to believe" that the crimes charged were committed, and that the suspects were responsible for them," added Judge Trendafilova.

After this, the ICC prosecutor will now have the burden of proving the guilt of the accused four Kenyans beyond a reasonable doubt.

## Media in Kenya

The ICC ruling comes at a time when Kenya is preparing for elections in March 2013, under a new constitution. A most

significant content feature of the Kenya media environment is the attention given to politics. Media scholar, Charles Okigbo has accused the African media of failing to give special attention to the problem of political stability in Africa.

"Some of the media in Rwanda, Burundi, Kenya, Nigeria, Sierra Leone, and Sudan, among other countries, have been accused of actively engaging in destabilizing activities," argues Okigbo.

With a member of the Kenyan fourth estate facing a criminal trial at the ICC, attention is now on how the media will conduct itself before and during the election period.

## ABOUT CAROLE KIMUTAI: @CAROLEKIMUTAI

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