

**FRAME ANALYSIS OF SELECTED KENYAN NEWSPAPER HEADLINES
ON KENYAN CASES AT THE INTERNATIONAL CRIMINAL COURT
(2011-2016)**

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DECLARATION

This dissertation is my original work and has not been presented for a degree in any other university.

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DEDICATION

This dissertation is dedicated to my mother Mary and my brothers Bernard, Ezekiel, Isaac and peter. May Elohim grant you all you ask for and specifically the eternal inheritance.

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I thank Elohim the Almighty for His grace and because with Him, everything is possible.

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LIST OF ABBREVIATIONS AND ACRONYMS

AMICC: American NGO Coalition for the International Criminal Court.

CDA: Critical Discourse Analysis.

DN: Daily Nation

FA: Frame Analysis

ICC: International Criminal Court.

PEV: Post-Election Violence

STD: The Standard

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OPERATIONAL DEFINITION OF TERMS

Our study adopted the following terms and definitions.

Audience:

Consumers of news media products which in this research will refer to newspaper readers

Bias:

Presentation of information or facts in a way that tilts them towards a certain view point. In this study, bias will refer to presentation of information in a favorable or an unfavorable way

Circulation:

The size of audience which in this study is the size of newspaper readership

Content analysis:

Analysis of headlines to determine its meaning, purpose and effect

Critical Discourse Analysis:

A text analysis approach that investigates how language acts to disseminate particular patterns of thinking within the society

Frame:

Perspective of looking at an issue which in this study refers to the angle from which Kenyan cases at the ICC were reported by the selected dailies

Framing:

Refers to how something or an idea is (re)presented in a text. In our study, this means the way the cases under are constructed

Frame Analysis:

In this study, it is an approach used to analyze how the newspapers defined and constructed the Kenyan cases under study by identifying and scrutinizing key words, clauses and sentences within their headlines.

Headline:

This in our study is a title of a newspaper article

Ideology:

Form of meaning which works to create, support and sustain a framework of ideas and facts about social relations. This study refers to this as the idea behind the headline

Indictees:

Those indicted by the ICC on allegations they instigated the 2007 post-election violence in Kenya

Mass media:

Means of communication that reach and influence a large size of audience, especially newspapers, television, popular magazines among others

ABSTRACT

This study undertook a frame analysis of selected Kenyan newspaper headlines on Kenyan cases at the International Criminal Court. Specifically, the study investigated lexical strategies syntactic strategies that were employed to construct these cases in the headlines of The Daily Nation and The Standard newspapers. In addition, this study also looked at the linguistic frames used to give portrayal of the event and the subject groups. To study these objectives, the study adopted a descriptive design. Therefore, qualitative methods were used in sampling and data analysis. Purposeful sampling was used to select the headlines that were included in the sample. The research used a purposively sampled corpus of 24 newspaper headlines produced in two periods: the pre-confirmation of charges period of June to September 2011 and post-confirmation of charges period covering the pre-election period of December 2012 to February 2013. The data was collected by retrieving the newspapers sampled from the archives and culling the headlines that qualified for inclusion in the sample. The newspaper headlines selected were close-read and coded. The coded headlines were analyzed for the various lexical and strategies, and the possible frames used. The results formed the basis of the discussion in the analysis chapters. The study adopted an eclectic theoretical framework in which Frame Analysis (FA) and Critical Discourse Analysis (CDA) informed the analysis of data. FA holds that we make sense of our experience by actively classifying, organizing and interpreting. This theory holds that news texts constitute organized symbolic devices that vital in meaning construction. CDA views discourse as a social practice that constitutes the social world and is constituted by other social practices. According to this theory, studying lexical choices and syntactic forms in any context leads to an understanding of the discourse social structures like ideology. The analysis shows that the two dailies favored the use of active verbs. This, in turn, had the effect of sensationalizing the cases. The study reveals three dominant frames; political propaganda, justice and credibility of evidence. It recommends that the media operators should be more conscious in their linguistic choices in framing sensitive issues to avoid polarization through sensationalizing issues.

CHAPTER ONE

BACKGROUND TO THE STUDY

1.0 Introduction

This chapter focuses on the background to the study, statement of the problem, research objectives, research questions, and research assumptions, rationale of the study as well as the scope and delimitations of the study.

1.1 Background to the Study

In an increasingly globalized world, the media has a considerable impact on people's perception of reality. The media in general arguably constitute the most powerful institutions that publicize policies and propagate ideologies in the society (Chomsky, 2004). The language used by media enables people to get a variety of information about national and international, political and economic, current and historical about among other events. In times of crises, media is crucial as it plays a crucial role in informing people on the surrounding situation or in the world. For instance, the 2007 post-election violence crisis that erupted in Kenya owing to the disputed presidential election attracted local and international attention leading to the indictment of the alleged perpetrators at the International Criminal Court of Justice (hereafter ICC).

This study looks at how newspaper headlines used language to frame the 2011-2016 Kenyan cases at the ICC. The ICC cases constituted the single a significant event that captured the attention and imagination of Kenyans since the confirmation of charges against the six Kenyans in 2011. The indictment of these six gained overwhelming media and international attention before and after the confirmation of

their cases. Consequently, as Wanyeki (2012) notes, the ICC cases were already influencing opinions and perceptions about the individuals in the cases both locally and internationally, as well as the direction of Kenya's foreign policy. Media coverage was rife with reportage and commentaries about the national, regional, continental and international credibility and moral legitimacy of the suspects (Obala, 2013).

Media shapes public opinion in ways that can affect our world either positively or negatively. De Vreese (2004) argues that framing an issue in a specific way is one way media can influence public opinion. News texts employ language and as Searle (1976) notes, with language, we can tell people how things are, get them do things, effect changes through our utterances and express our feelings and attitude. This agrees with Palmer's view (1976) that language allows us to say something and influence other people in many ways. Routledge and Kegan (1980) contend that news is not only persuasive in what it presents but also how it is covered. In the same vein, Nyongesa (2005) notes that newspapers make strategic use of language and structure to persuade a reader. It is thus clear that news is not just a collection of facts but information package influencing how the readers perceive reality

From the beginning, the Kenyan cases at the ICC received overwhelming coverage and headlined both print and electronic media. Consequently, media was indicted for polarizing and biased reporting of the cases. Mutua (2011), notes that the media overkill and pure hype surrounding the appearance of the so-called Ocampo six before the ICC were appalling. He observed that The Hague cases were politically the most polarizing and divisive litigations concerning Kenyans and Kenya in our generation. Additionally, Rhodes (2013), notes that the mainstream media in Kenya

set the public mood to reject the ICC. He argues that the Kenyan media was partial in reporting on the ICC. He identifies indicators of partiality being the lack of prosecutorial coverage and tampering with the witnesses. As a result, it could be argued that through the heightened expectations and hyped reportage of the ICC process, the media set the tempo leading to the build-up of tension in the Kenyan public.

Therefore, in the light of the polarization that aggravated tension and suspicion among the supporters of the Kenyan ICC indictees in the country following the Kenyan cases at the ICC, the language of the framing of these cases becomes critical and motivates this study.

It is worth noting that language is crucial in the creation of reality. Bell (1991) gives a valid reason why media language should be investigated when he says that media are dominant as far as language presentation and use in our society at large is concerned. Words are laden with the power of people who write or speak (Fiske, 1994; Fowler, et.al., 1979). They are a tool via which the meaning of a text is constructed through various linguistic strategies and devices. It is therefore necessary to analyze these strategies to unravel the message beyond the words. This study sought to establish the linguistic strategies employed in framing the Kenyan cases at the ICC that could have biased and sensationalized these cases occasioning the tension among the supporters of the indicted suspects.

Media fall into two broad classes owing to the technological advances: traditional and modern. Traditional media include television, radio, magazines, newspapers and majority of print publications. New media refers specifically to the present times

forms of communication. It includes the internet. Media can be sub-categorized into print and electronic media. The primary print media are books, magazines and newspapers (Vivian, 2003). This study endeavors particularly to look at how Kenyan newspapers, one of the primary print media, framed the Kenyan cases at the International Criminal Court of 2011-2016 in their headlines during the pre and post-confirmation stages of cases against six Kenyans alleged to bear the greatest responsibility in perpetrating crimes against humanity committed in 2007/8 following the disputed presidential poll results.

Newspapers command wide readership partly because of easy acceptability and variety of content like opinions, news, comment and entertainment sections, and sports (Reah, 2002). The first thing to be noticed in a newspaper is a headline. Headline is a key element in a newspaper as it conveys the main message to the readers. Praskova (2009) notes that newspaper headlines are usually one thing readers read, or at least the first noticeable thing in a newspaper. It guides the reader to decide whether to read the whole report or move to another one.

News reporters employ a variety of linguistic structures and choices. These linguistic options can construct different linguistic representations of issues, events and people. Lexical choices refer to lexical items like titles, words, names and titles. Some of the key lexical features of newspaper headlines are as follows; shortening, abbreviation, fuzzy words, compound words and proper nouns (Zhang & Du, 2014). Agu, (2008) notes, the study of style involves an analysis of diction, imagery, syntax, and idioms. Syntax is the grammatical arrangement of the various elements of a sentence the structure of sentences. Newspaper headlines are usually clauses, phrases or broken syntactic structures. Headlines will lead to different perceptions

on what is being reported based on the reporter's application of linguistic choices. These linguistic choices lead to representations of reality in particular ways.

In constructing events in newspaper headlines, different news writers employ different linguistic strategies in a manner that corresponds to the underlying ideologies of the news producers and presenters. This thesis analyses the diverse linguistic strategies used in the headlines of the selected newspapers to construct the Kenyan cases at the ICC.

1.2 An Overview of the History of the Kenyan cases at the ICC.

December 2007/08 was Kenya's darkest moment owing to the worst post-election violence (PEV) witnessed following disputed presidential poll results. Six Kenyans alleged to bear the greatest responsibility for the violence that led to loss of over 1,000 lives, injury of more than 3, 500 people and displacement of about 600,000 Kenyans from their homes were indicted at the ICC. Rape, sexual harassment and destruction of property characterized this violence.

The 2011 ICC report reveals Kenya's political crisis was triggered by the defunct Electoral Commission of Kenya's decision to declare Mr. Mwai Kibaki, presidential candidate of the Party of National Unity (PNU), the winner of the disputed presidential poll against Raila Amolo Odinga, Orange Democratic Party (ODM) candidate. The post-poll violence that broke out occasioned mediation talks led by the former United Nation secretary general, Kofi Annan, on behalf of the African Union (AU). One of the recommendations by the team was to set up a commission to investigate the violence and particularly the conduct and actions of the police

during the violence. After the inquiry, the commission submitted a list of names of those alleged to bear the greatest responsibility in the commission of crimes against humanity to the lead mediator Kofi Annan with instructions that it be passed to the ICC if the local tribunal was not established to deal with the suspects. Failure by the Kenyan government to prosecute the suspected perpetrators of PEV led to the indictment of the six individuals to at the ICC. On January 23, 2012, the charges against Kenyatta, Muthaura, Ruto and Sang were confirmed and those against Ali and Kosgey declined. By the end of 2012, Kenyatta, Ruto and Sang had their charges confirmed. The accusations facing the trio included inciting masses into murder, rape and forcible transfer of population.

The ICC was for about seven years engaged in the prosecution of the Kenyan cases. By the end of April 2016, all these Kenyan cases had been dropped. The current study focused on the linguistic framing of newspaper headlines of articles on the 2011-2016 Kenyan cases at the ICC that were published in the selected dailies during before and after confirmation of charges period.

1.3 Statement of the Problem

The disputed December 2007 presidential election results in Kenya led to unprecedented levels violence. The mayhem resulted in the loss of many lives and thousands of people being displaced. Owing to the calls for the international community to intervene, the International Criminal Court intervened. As a result, six high-profile Kenyans who, according to ICC prosecutor, allegedly bore the greatest responsibility for violence and crimes against humanity committed following the disputed election results were named and indicted by the ICC. The resulting cases

were accorded a lot of media coverage. The print media, specifically the newspapers were replete with sensational headlines on these cases. This way, the newspapers polarized these cases thus aggravating tension. It is more likely that Kenyan newspapers used linguistic choices and syntactic forms that polarized or biased the cases. This consequently might have inflamed the passions of the supporters for or against these cases precipitated tension that put the country on the precipice. It was important therefore to investigate the specific linguistic choices and the frames the selected newspapers used in their headlines in constructing the ICC cases, which potentially polarized these cases. This study sought to show whether the language strategies employed by the selected newspapers in crafting their headlines about the cases neutral or biased. It sought to interpret the layers of messages in the headlines relating to these cases to find out how linguistic choices and the frames used might have contributed to manipulation of readers, alarmed, biased or polarized these cases. Guided by Framing Analysis theory by Erving Goffman, this study did a critical discourse analysis of the selected headlines on the Kenyan cases at the ICC.

From the existing literature, no research looks at how linguistic choices and frames preferred for headlines on the Kenyan cases at the ICC could be polarizing agents and could be disastrous. This study endeavored to fill this gap.

1.4 Research Objectives

This research endeavored to achieve these following objectives:

1. To find out lexical strategies the selected dailies used in crafting the headlines to frame the Kenyan cases at the ICC.
2. To identify the syntactic strategies used in framing the Kenyan cases at ICC in the headlines of the selected dailies.
3. To identify the linguistic frames used to give portrayal of the event and the subject groups the selected dailies used in their headlines to frame the Kenyan cases at the ICC.

1.5 Research Questions

This research sought to address the following research questions

1. Which lexical strategies do the selected dailies employ in crafting the headlines to frame the Kenyan cases at the ICC?
2. What are the syntactic strategies used to frame the Kenyan cases at the ICC in the headlines of the selected Kenyan dailies?
3. What are the various kinds of frames used to portray the event and the subject groups by the selected dailies in their headlines to frame the Kenyan cases at the ICC?

1.6 Research Assumptions

The proposed study will be based on the following assumptions:

1. The headlines of the selected dailies employed certain lexical strategies in their headlines to frame Kenyan cases at the ICC.
2. The selected dailies used certain syntactic strategies in their headlines to frame the Kenyan cases at the ICC.
3. Certain linguistic frames were used to give certain portrayal to the event and the subject groups in the headlines of the selected dailies to frame the Kenyan cases at the ICC

1.7 Rationale and Significance of the Study

Violence erupted in Kenya owing to the disputed presidential election results of December 2007. To stop political impunity, violence, and serve justice to the PEV victims, charges against six Kenyans alleged to bear greatest responsibility for the violence and subsequent crimes against humanity were brought before the ICC. This historic event received extensive media coverage especially in print media. Thomas & Wareing, (1999) note that from a linguistic perspective, most importantly, the power of media is shown in the way events, issues and people are reported. It is on this basis that this research endeavors to examine how the selected newspapers in their headlines framed the Kenyan cases of 2011-2016 at the ICC.

The study findings could have pedagogical implications as students could be taught the power of words in perpetuating ideologies. Issues like framing and portrayal of

issues or events could be of help to practicing journalists and editors. Moreover, the study shows that different features of language like lexical, rhetorical and syntactic are used in newspaper headlines. Therefore, teachers and students of mass communication might find useful.

The critique of the language used by the newspapers will hopefully be of importance to media institutions in formulating policies to regulate reporting very sensitive and emotive issues.

Further, the findings of this study could be beneficial to policy makers like the Ministry of Information and Communication as they come up with guidelines for change in media institutions with regard to news reporting.

The outcomes of this study will hopefully be of interest to discourse analysts with specific interest in media discourse and newspaper genre. Finally, this research may benefit future researchers especially the critical linguists as it is important to analyze written or spoken language in order to unearth ideologies embedded in overt propositions.

1.8 Scope and Limitation

There are in circulation several magazines, weekly publications and six daily newspapers in Kenya (Ileri, 2013). This study limited itself to the headlines of two mainstream newspapers: *The Standard* and *The Daily Nation*. It particularly focused on the coverage of the ICC cases under study by these two mainstream newspapers. These newspapers have been selected because they have been found to command wide readership (Media Council of Kenya, 2005). The selected headlines may not be

exhaustive considering the various phases the cases went through. This research will not cover headlines of feature stories, editorials, pictorial news, commentaries and others because they require an exclusive study of their own. Of particular focus in our study are the headlines of news articles because they comprise the most essential information. They grab the readers' attention and potentially shape the public opinion on matters of national and international importance, being the first items in the newspaper. The content area to be focused on will be the headline structure, the lexical items and the salient frames in the headlines culled for analysis.

1.9 Conclusion

This section discusses the background of this study which illuminates generally on language and media focusing on the newspapers and explores how this language plays a key role in framing issues on the newspaper headlines. It also outlines the statement of the problem, research questions, assumptions and the objectives of the study. It covers scope and limitation then closes with contributions this proposed research is hoped to make.

CHAPTER TWO

LITERATURE REVIEW AND THEORETICAL FRAMEWORK

2.0 Introduction

This chapter focuses on putting this study into perspective against the available literature. It also illuminates on the theories that informed the study.

2.1 Literature Review

This study concerns itself specifically with framing of the Kenyan cases at the ICC as presented by Kenya's two major dailies: The Daily Nation and The Standard. Under literature review, there are two sub-sections: studies on newspaper headlines and literature on framing.

2.1.1 Literature on Newspaper Headlines

Headlines are central to the newspaper's communicative function. According to Taiwo (2007), headlines initiate and sustain discourse on opinions of the readers. They have therefore been studied by many researchers. To understand how headlines are crafted, how they work, their salient features for purposes of this study, it is necessary to review related studies with an aim of meeting the objectives set.

To begin with, Straumann (1935), the pioneer of the headline studies, views newspaper language as an autonomous and is thus becomes the subject of linguistic analysis. He pioneered the peculiarities of newspaper headlines. He studied syntax of headlines and other registers like advertisements, telegraphs among others

terming the language of these registers as “block language” which has its own grammar similar in some way to the core grammar but considerably deviates from it.

One of the earliest researches on newspaper headlines also worth reviewing here was done by Emig (1928). It evaluated how readers’ opinions formed were formed. Of the 375 respondents, 192 formed their opinions on skimming and reading the headlines. 118, read news items and 144 on headlines and stories. He observes that in the United States, headlines are a powerful tool in forming of public opinion.

Another study is that of Tannenbaum (1953). He researched on the impact of the headlines. He noted that there existed a difference in readers’ views relative to how the headline framed issues (Tannenbaum, 1953). Related to this study is that of Condit et al. (2001). He studied on how headlines related to how the public viewed genetic determinism. The study reveals that headlines are information relaying and framing tools of contents of articles. These studies are very important to this current research because the first two objectives of our study centered on the framing strategies employed in the headlines analyzed. Therefore, the information from these studies was beneficial to the researcher in giving insights how framing devices are operationalized to achieve an intended goal. In relation to our study, we focused on the lexical and syntactic strategies employed by the selected dailies headlines to construct the Kenyan cases under study.

Van Dijk (1988) in his analysis of over four hundred Dutch press headlines reporting on the 1985 Tamil panic, an event characterized by tension between the natives and immigrants found that in active voice headlines, the subject positions

were occupied by the Dutch authorities. The verbs tended to be passive in cases where the disadvantaged Tamils were mentioned first.

Another related research to the current study is that of Scollon (2000). In his five-day study of Chinese and English editions of one newspaper concluded that the English headlines, with the western journalistic tendencies, carried the main point. The Chinese headlines revealed the setting without giving any more information on the message content. He concluded that the major difference was whether the headline focused on the setting or directly on the message contained in the story.

In addition, Khodabandeh (2007) did a contrastive analysis (CA) of English and Persian languages newspaper headlines to establish how similar or different they were. The findings established differences in lexical and syntactic features sample that consisted of a one-week corpus of the Persian and English newspaper headlines. The study concluded there existed similarities in the usage of dynamic verbs, active voice, simple sentences, short words, and differences in use of modifiers, deletion, tense forms and headline structures.

Taiwo (2007) in his study categorizes the headlines according to the surface structure and the issues addressed. He observes that headlines are vehicles in which ideologies are carried in that they reflected the views of the powerful groups. He concludes that headlines serve as editor's strategy used in initiation and sustenance of discourse. The current study in its second objective endeavors to identify the syntactic strategies that the newspapers in focus employed in their headlines to frame the Kenyan cases at the ICC. Besides, this study analyses the portrayals that were assigned to the subjects and the event to unpack the ideology behind the

portrayals presented. Taiwo's work therefore, in the light of this objective, is very invaluable in the current study as focuses on ideology, biases and portrayals behind the different framings for the Kenyan cases at the ICC.

Bell (1991), asserts that newspaper texts of any kind employ specific headlines depending on the message and the audience. It is against this backdrop that some studies have been dedicated to newspaper headlines. White, (2011), examined the phonological, semantic and syntactic patterns employed in crafting Spanish and English headlines. This research discusses implications of headline crafting strategies specifically to the teaching of English as a second language. The current study looked at the syntactic strategies that the selected newspapers made use of in framing the Kenyan cases at the ICC. White's work came in handy as the knowledge on the syntactic strategies informed this study.

Agu (2015), analyses the language of newspaper reportage in Nigerian newspapers headlines. He examines linguistic features such as graphological, lexical and syntactic, which determine journalistic characteristics of news writers. He contends that the study of style involves analysis of syntax, diction, idioms and imagery. He further notes that news writers carefully select words to effectively relay their intended message to their audiences. This agrees with Malgwi's (2009) argument that any individual who uses a language knows how important vocabulary is in communicating effectively. This thus means that the selection of words is based on certain dispositions. Reah (2002), in the same vein argues that headlines journalistic features encapsulate the editorial content, attract readers' attention, and monitor readers' attention and perception. The knowledge on linguistic features specifically

on syntactic and lexical provided an insight into the current research. The three studies were pivotal to the current study in that, the current study attempted to analyze lexical and syntactic strategies the DN and the STD used to frame the Kenyan cases at the ICC.

Tiono (2003) examined linguistic structures, style, words and expressions, used in Indonesian newspaper headlines. He observed that diverse versions of a similar issue being reported were a result of the difference in linguistic style, choices and structures. Thus, people are most likely to perceive same issue relative to the news writer's language choices and style. This study is invaluable to this research as it sheds light on how different syntactic structures and lexical choices are central in constructing an event, an objective which this study endeavored to achieve. It provides knowledge useful to the researcher in establishing the portrayal that the newspaper headlines under scrutiny, through the different syntactic structures and lexical choices, gave to the Kenyan cases at the ICC.

Magena (2011), in studying how Kenya's print media used language to cover the 2007 postelection violence in Kenya compared the linguistic feature similarities and differences between two Kenyan dailies. He discusses the linguistic features that show narrative discourse in news reporting. He looks at how the past tense verbs, perfect aspect verbs and reporting verbs are basic linguistic features important in depicting a narrative dimension in news reporting. He notes that personal involvement in news reporting can be effected through private verbs, present tense verbs adverbial amplifiers and disjuncts. Biber (1988) as quoted in Magena (2011), lists present tense verbs, perfect aspect verb phrases and public verbs as features that

make a text 'narrative'. In agreement with Quirk et al (1985:1180-81), he avers that public verbs, also called reporting verbs are used to set out indirect statements and they include among others report, concede, say, add, won, vow, predict, repeat and admit. In a similar way, reporting, quoting and affirming enhance utility of discourses like modality, agreement and comment adverbs (Martin & White 2005, as quoted in Magena 2011). This study is invaluable in our research owing to the knowledge of the importance of reporting verbs in reporting events. The current study looked how the selected newspapers used verbs as a strategy to frame the cases in focus. Specifically, under the objective of identifying the lexical strategies, the research looked at how reporting verbs were used to give credence to the news sources. Pan & Kosicki (1993) state that who is quoted, how they are identified and their placement in the story is important.

Sherpa (2012), analyses the newspaper headlines construction and the difficulty in understanding them to the target audience. He observes that through the written word, newspapers can leave a lasting impression on issues in the minds of the news articles readers. He further notes that opinions and societal beliefs can bring about certain linguistic behaviors and attitudes. Language styles are dynamic and consequently, journalists create lingos that will help them evoke curiosity from their readers. This work was very important in our study as it gave insights on how stylistic use of language is critical in the construction of newspaper headlines which is basically well within the objectives of the current research.

Taiwo (2007) argues that the language used to describe social events is central in constructing reality rather than interpreting it. He notes that newspapers are a

powerful tool used in presenting the ideological perspectives behind social and national issues. The insights from this study informed the objective of the current study as they were useful in providing knowledge in analyzing the portrayal of the subjects, event and the ideology behind these portrayals.

As noted earlier, this study endeavored to study newspaper headlines. Alamoudi (2017) argues that investigating newspaper headlines is of significance because they employ linguistic features that make them accessible to readers. Specific language structures used in newspaper headlines often influence readers. Ehinani (2014) argues that the objective to communicate some information determines how linguistic patterns are constructed with a conscious syntactic deviation in the structures. Hence, headlines differ significantly based on their structure.

Relating to the lexical and syntactic features of newspaper headlines, many researches have analyzed newspaper headlines. For instance, as earlier cited, Tiono (2003) investigated the diverse language choices and structures employed in the The Jakarta Post and Indonesian Daily headlines. The study comparatively analyses headlines on a similar topic and reveals the language structure and choice. She analyses the grammar and the language choice. The study concludes that both newspapers used simple future tense with the deletion of the verb. They also have differences in the linguistic choices. Our study focused on the lexical and syntactic strategies the select Kenyan newspaper headlines used for the Kenyan cases studied. The knowledge of the syntactic structures and lexical choices from Tiono's work was very vital to our study.

Another study that informed our research was the one conducted by Elmawati (2013) on the structural ambiguity of headlines. The findings indicate ambiguity is at the lexical level where a word can be given different interpretations resulting into many diverse meanings. It further reveals ambiguity is a result of absence of phonological features like stress. It also identifies other causes of ambiguity the syntactic class, position of adjunct prepositional phrase and categorization of verbs. The results also show that the placement of prepositional phrase impacts on the structural ambiguity of a headline owing to the function that that phrase in the headline. The type of verbs used transitive or intransitive, the study indicates, leads to a structural ambiguity. This study was invaluable to our research owing to categorization of verbs and function of prepositional phrases. Our study aimed at establishing the communicative intentions of verbs and nouns or noun phrases in framing the newspaper headlines about Kenyan cases at the ICC.

From a lexical perspective, Ehineni (2014) analyzes Nigerian English newspaper headlines with specific focus on lexical and functional heads. The findings show that Nigerian newspaper headlines give prominence to lexical and functional heads. The study reveals the syntactic patterns of the headlines determine the occurrence of these heads. The results indicate that the phrasal headlines have fewer heads than the sentence ones. Moreover, when both heads occur in a headline, lexical heads are projected. The findings were pivotal to our study because lexical items and syntactic structures are vital in constructing meaning. Our study endeavored to analyze the lexical and syntactic strategies in the newspaper headlines studied and how they were useful in framing the ICC cases.

A deep lexical and the syntactic analysis of newspaper headlines is crucial to comprehending ideological underpinnings in newspaper discourse. Words have particular ideational function and are vehicles of ideologies (Locke, 2004 and Fowler, 2007). Therefore, vocabularies are important feature in textual analysis. Fairclough (2001), notes that a word can have a multiplicity of meanings. He argues that meanings ascribed to a word are contestable. In our study, an analysis of lexical items was done to ascertain their communicative value as far as the cases under study are concerned.

Another very important research to this study was done by Roohani & Esmaili (2010). They did a content analysis that was based on a three-week corpus of the headlines. They analyzed contrastively the variability of syntactic and lexical features of the headlines in two English newspapers. The results of the analysis of syntactic and lexical features indicated a similarity between the two newspapers' sports headlines in using type of verb, headline types, voice, tense and functional types. They varied in their frequency of use of headline types. A difference in frequency in the type of modification, noun type and exclamation type headlines was observed. The study concluded that both newspapers preferred the active voice verbs.

Invaluable to the current study is the work done by Prášková (2009). His study endeavored to identify the most frequently used grammatical features and structures in the British newspaper headlines to establish whether those structures differed from that of the common core which are stylistically unmarked. He studied two hundred British newspaper headlines. His focus was to compare the common core

grammar rules to the language of headlines. He sought to find out the differences in the linguistic structures of broadsheet and tabloid newspapers. The findings showed that there were no significant differences in the language used in the headlines and that of the common core except for a few features noted in the newspaper headlines such as abbreviations and many verb forms. The research concludes some aspects of the core grammar were common to both types of newspapers.

Within the Kenyan context, Owala (2013) analyzed the language the Kenyan newspaper, Taifa Leo employed in constructing terrorism news. He specifically studied how bias was perpetuated through the language used in coverage of terrorism news. He notes that in the presentation of the terrorism news, the main causes of bias include the subsequent discourse structures used and discourse access. This study gave useful information that informed the current study on detection of bias in representation of the subjects and the event in the cases under study.

As evident in this existing literature, studies have been done on newspaper headlines ideology and bias but none speculates on the framing of Kenyan cases at the ICC from a linguistic perspective, which is the endeavor of this study.

2.1.2 Literature on Media Framing.

A frame is a mode of packaging and positioning an issue with an intention to convey a certain meaning (Iyengar, 1991). Reese (2001) and Entman (1993) contest that to frame means to give salience to some aspects of perceived reality in presentation of events in a discourse text. Dimitrova et al. (1997) argue that in news media reporting, framing is a result of selection, salience, exclusion and emphasis by the news writers.

Many studies have been done on media framing. Patterson (1993), in his study of media framing of United States of America political campaigns draws a distinction between policy stories from game stories. He notes that policy stories framed campaigns as based on policy and leadership issues. Game stories framed them as competition based on strategy and electoral competitiveness success. Cappella and Jamieson (1997), made the same distinctions between the two frames noting the game frame is more dominant. They argued that the impact of these frames is that candidates are made to concentrate on playing the game and trapping news writers to ever focus on that game alienating the public from politics. As one of the objectives set out for this study is to identify possible frames that the newspaper headlines studied employed in framing the Kenyan cases at the ICC, these studies are of value to the researcher as the information equipped the researcher with knowledge on what constitutes and how to identify the frames contained in the headlines of the newspapers under study. This knowledge is also useful in examining how the framings used in the newspaper headlines in focus could influence public opinion on the Kenyan cases at the ICC and the court itself.

Van Gorp (2005) views framing as a media package constituting indicators or framing devices that can identify a frame which include catchphrases, metaphors, stereotypes, lexical choices and selection of sources. This is in agreement with Reese's view that framing process involves conscious selection of elements for inclusion or exclusion in stories (Reese, 2001). News writers thus are selective regarding the stories to cover, how they cover and in presentation of their final message to the readers (Baylor, 1996). The insights provided by this literature proved vital to this study as they helped the researcher in dealing with the third

objective of identifying linguistic elements that could signal the possible frames used for the Kenyan cases at the ICC in the headlines of the selected Kenyan dailies.

Framing is an indispensable media tool designed to influence the perceptions the public has on current issues. Entman (1993) argues that frames are both diagnostic and prescriptive. They define the problem by identifying the role of the causal agent and then attribute responsibility by identifying the problem source/cause. Frames then try to mitigate the problem defined by offering possible solutions. This relates to how we communicate about and perceive the world. Spence & Pidgeon, (2010) in their research on perception, demonstrate that individuals or groups perceive events and issues differently. They argue perception of events is largely dependent on the context. In line with our objectives, the information from these two studies was central the contextual cues to identify possible frames used in the headlines in focus.

Entman (1993) argues that framing is giving prominence some aspects of a perceived reality in a manner that defines an issue, gives causal interpretation and proposes treatment for the item described. It is thus arguable that the angle from which an issue is reported gives it a picture or portrayal which is the focus of the third objective of this study.

Matthes & Matthias (2008) discussed the approaches for measurement of media frames and identified five different approaches including hermeneutic, deductive, computer-assisted, manual holistic and linguistic. They aver that the linguistic approach involves identification and analysis of frames by considering the selection, placement of specific words and structures. Pan & Kosicki (1993) present an

elaborate linguistic approach in which they identify structural dimensions of frames: syntax, theme, script and rhetoric. Thus, arguably, linguistic elements signify a frame as words are building blocks of a frame. Knowledge of the linguistic approach of identifying frames from this study studies is vital to this study as its intent is to identify the different frames, lexical and syntactic strategies the selected dailies used in their headlines to construct the Kenyan cases at the ICC.

2.2 Theoretical Framework

This section introduces the theoretical framework adopted for this study namely the Frame Analysis (FA) and the Critical Discourse Analysis (CDA). It states the tenets, approaches to the CDA and the category to use in this study. It discusses on how these two theories will help analyze the data. The study endeavored to identify the linguistic frames and the ideology embedded in the headlines studied. The FA was useful in identification of frames and in interpreting the messages while CDA helped in unravelling the ideologies embedded in the headlines under study. This explains the need for eclectic theoretical approach.

2.2.1 Frame Analysis Theory

Frame Analysis theory was the main theory adopted for the present study as it was through it that the findings from analysis of data were interpreted. This theory was developed in 1974 by the sociologist Erving Goffman. Frame Analysis holds that we make sense of our experience by actively classifying, organizing and interpreting. The schemata of interpretation, called frames, enable individuals to identify, perceive and label occurrences or information (Goffman, 1974, as quoted in Kosiki& Pan, 1993).

Central to this theory is a frame. A frame is a story line that provides meaning to events related to an issue (Gamson & Modigliani, 1987). Frames are interpretive guides for facts. They include key concepts, metaphors, images and symbols used to construct meaning structure the transmission of meaning. The power of a frame comes from its function. Tankard (2001) gives a summary of roles of frames. In his analogy, a picture frame emphasizes certain aspects of an object drawing attention to it. A media frame serves a similar function. The shape and color of a frame suggests an angle for viewing the isolated material, which can be a picture or any other piece. In the same manner, the frame of a house is its organizing and supporting structure. The same applies to messages packaging. Frames prescribes a certain angle of interpretation. Frames in communication serve as the central organizing idea of a message.

In framing, there are various some elements are significant. Van Gorp, (2007) gives frame packages, framing and reasoning devices as examples. It is important to understand them since to comprehend the findings of a frame analysis depends on these elements.

A frame package consists of devices organized to identify a frame. The framing devices and reasoning devices constitute a frame package. These framing devices consist of the word choice, metaphors, exemplars, descriptions, arguments and visual images. Implicit and explicit statements that provide justifications, causes and consequences constitute reasoning devices.

According to Tuchman (1978), news media organizes a frame in which the public discuss events. Entman (1993), argues that framing basically “involves selection and

salience and to frame is to select some aspects of perceived reality and make them more salient in a communication text” (p. 52). The salience given to certain aspects of perceived reality in media content results in construction of varied realities. This, in the view of McCombs & Ghanem (2003), can result in predisposing the recipient of a framed message toward a particular line of reasoning or outcome. Exposure to specific frames can have effects on the evaluation made by recipients of those frames. Frames can be utilized intentionally to achieve various goals. Nerlich & Clarke (1988) argue that in this sense, frames are understood as operationalized rather than utilized and are activated through the use of particular language, syntax and semantics.

The textual frames can be identified and analyzed via frame analysis. Entman (1993) argues that frames are manifested by the occurrence of certain keywords, stock phrases, sources of information and sentences that provide information that reinforce clusters of messages. In this sense, one fundamental approach to framing is frame implementation. This is done by putting information into a text. Frames are operationalized to deliberately influence readers’ interpretation of an issue. This is a very powerful way to manipulate the recipients of the message.

Framing Analysis is a discourse analysis approach that is basically deals with how issues are defined and problematized and how this affects the presentation of the issue (Hope, 2011). FA is a framework of news discourse that involves not only the cognitive activities of the players in the process but also the social and cultural contexts in which these players operate. Entman (1993) observes that FA shares similar principles of meaning construction, potential effect of discourse beyond the

text and has its methodological origin in detailed linguistic analysis. It views news texts as constituting organized symbolic devices that will interact with a recipient's memory to construct meaning.

In application of the FA to identify and study frames, Gamson & Modigliani, (1987, as quoted in Kosicki & Pan, 1993) in agreement with Van Gorp (2007) lists devices that identify frames: metaphors, exemplars, catch phrases, visual images and depictions. This theory prescribes a systematic way of collecting news texts data to identify the signifying devices audience might use. Kosicki & Pan (1993), argue there are certain functional relations between the signifying elements and meanings of a news story. These relations are usually used by news writers and audiences to enhance their chances of getting across their intended meanings. Framing analysis attempted to show how the possible signifying devices have been used to frame the said cases in the newspaper headlines under scrutiny.

Framing analysis regards news texts as packages of signifying devices that the recipients of information will use to construct meaning. Gitlin, (1980) states that FA is connected to news discourse production as frames allow journalists to process and package chunks of information to efficiently relay it to the consumers. Goffman (1974) maintains that we all actively classify, organize, and interpret our life experiences to make sense of them. In this sense, framing is positioning information in a way that certain aspects of an issue are given more prominence in a text. Consequently, the selected elements become crucial to a reader in making inference. This agrees with Arowolo (2017) that FA contends that the media create frames by introducing news items with predefined and narrow contextualization. He

avers that frames are designed to enhance interpretation and as comprehension shortcuts to the bigger picture. It is on this basis that the FA theory was adopted in this study. The theory was crucial in identifying possible frames and describing how they were introduced operationalized in the headlines of the selected newspapers in the coverage of the Kenyan cases at the ICC.

The main weakness of this theory as far as this research is concerned is that it was applicable in identifying and interpreting frames. The current study endeavors to investigate the linguistic strategies and the ideology behind these linguistic choices employed in framing. This theoretical deficiency necessitated CDA theory to help identify the units of analysis and unearth ideologies embedded in linguistic choices preferred in framing the Kenyan cases at the ICC.

2.2.2 Critical Discourse Analysis

Language is crucial in initiating, expressing and perpetuating ideologies. Language is produced in discourse contexts that have underlying ideologies of institutions and social systems. Since language operates within this social context, it constructs and represents ideology. Critical discourse analysis (henceforth CDA) views language as the tool for unravelling opacities. CDA stresses on the importance of critically examining the newspaper language. Fowler (1991) argues that the ideology of the news writers, according to CDA, is not always obvious but is embedded in the subtle choice of linguistic forms and by critically examining linguistic structures, ideological inclinations of news discourse can be unraveled. This way, CDA makes it possible to investigate how language works in social context.

A number of scholars have used this theory to explain the relation between language and the society in various domains like media discourse (Van Dijk, 1998). Notable approaches to CDA include those of Van Dijk (1993, 2001), Wodak (2001), Hodge and Kress's (1993) and Fairclough (1992, 1993, 1995).

Fairclough's approach focuses on society and power and how they relate to discourse. He views discourse as a discursive event that can be analyzed at three levels: the linguistic description of the formal properties of the text, the interpretation of the connection between the discursive processes and the text and lastly, the explanation of the relationship between discourse and socio-cultural reality. Wodak's describes language systems patterns and verbal communication while Van Dijk's cognitive discourse approach focuses on cognition. This model by van Dijk operates on the assumption that cognition mediates between society and discourse. The memories and certain mental models shape our perception, interpretation and understanding of discursive practices.

Hodge and Kress's (1993) CDA approach uses language and ideology as a tool to detect manipulation of realities in a text using euphemistic and derogatory terms. Though these theorists hold differing views on CDA, they generally agree that CDA is an approach consisting of different perspectives and methods to investigate the relationship between language use and social context. These scholars argue that different euphemistic or derogatory terms will lead to diverse construction of realities and ideologies.

CDA is based on common tenets as identified by Fairclough & Wodak (1997). CDA addresses social problems, power relations are discursive, discourse constitutes and

is constituted by society and culture, discourse is ideological, discourse is historical, the link between society and text is mediated, discourse analysis is interpretative and explanatory, discourse is a form of social action and CDA has an ethical stance. The current research premised itself on the argument that discourse is ideological. CDA does ideological work; it constitutes society and culture and is interpretative and explanatory (Fairclough and Wodak (1997).

For the purposes of this research, we adopted Fairclough's approach premised on the view that discourse is a social practice which establishes power between various entities. Fairclough, (1992) states that language use in the society is a form of social practice rather than an individual activity. This notion correlates to the existence of ideology and power in discourse. A social group may adopt propositions appropriate to their social practice that propagate power and ideology.

In his approach, Fairclough (1992) formulated a three-dimensional model in CDA which contains text, discursive practice and social practice. These three dimensions should be applied in a particular discourse analysis of a text. Fairclough's CDA approach emphasizes on the linguistic aspects of discourse as they aim to reveal the discourses or propositions embedded in them. The analysis therefore should focus on the linguistic features of the text, processes relating to the production and consumption of the text (discursive practice) and the wider social practice to which the text belongs.

In this three-dimensional analytical framework, the first one is the text that makes analysis of text possible. This analysis involves the analysis of language features and the discursive practice (Fairclough, 1992). Language constitutes different linguistic

features and this makes each feature hard to analyze. To mitigate this, Fairclough categorized these linguistic features; text structure, grammar and vocabulary (Fairclough, 1992).

In the light of Fairclough's (1995) argument, CDA does not only analyze the textual and structural frameworks within media texts. It also analyzes and explains the three levels of texts: structure, production and comprehension. In this research, the level of text will be used in the analysis as it encompasses the elements needed for the analysis framework

In line with this approach, the data was analyzed at three levels; description, interpretation and explanation. It is worth noting that is ideological. The shape and the structure of the headline reflect the content that is ideologically motivated. In fact, the nature of the news headline can tell the whole story, interrogate issues or be questioned. Van Dijk (1998) writes, newspaper headlines discourse can be looked in terms of the headline position, boldness, punctuation, vocabulary, syntax, frequency on the same event and most importantly the power of the presenter.

This theory was useful in this current study in identifying the ideologies and biases embedded in the framing strategies used for the Kenyan cases at the ICC in the headlines of the newspapers under study. This is an endeavor that no previous researches achieved.

2.3 Conclusion

This chapter looks into various literatures that exist on the subject under study. It examines the previous studies on newspaper headlines and framing in a bid to highlight the existing gap. The literature review and the theoretical framework provided the base for the analysis, presentation and discussion of data in the fourth chapter. It explores the theories that guided the research and how they were useful in identifying frames used and the ideologies embedded in the headlines of the selected newspapers.

CHAPTER THREE

METHODOLOGY

3.0 Introduction

In this section, the researcher discusses the research design, the sample, data elicitation technique that the researcher employed to meet the objectives stated.

3.1 Research Design

This study adopted qualitative descriptive research design. Descriptive research focuses on describing the characteristics of a particular individual, or a group (Kothari, 2004). Descriptive studies according to Mugenda, (2008) are best suited for investigating social issues and researchers are able to come up with recommendations on how to deal with the disparities observed. This research design concentrates on achieving an in-depth understanding of meaning. In particular, it offers a high context sensitive micro perspective when investigating an issue as opposed to a wide perspective of the overarching trends offered by a quantitative research design.

The current study sought to describe newspaper headline framing and how frames can be achieved through a linguistic means by identifying lexical and syntactic strategies used newspaper headline writers to polarize an issue. This design enabled the researcher to describe language usage in the text whereby possible frames, syntactic and lexical strategies were identified in the headlines. These can best be studied within the framework of a descriptive design using qualitative methods and thus this justifies the choice of this design for this study

3.2 Study Population

The target population of the research was all the newspapers in Kenya. There are several magazines, weekly publications and six dailies in circulation in Kenya (Ileri, 2013). Pelley (2012) states that according to the different estimates including various publishers and the *Audit Bureau of Circulation*, the largest circulating papers in Kenya include *The Daily Nation*, *the Standard*, *The Star*, *Sunday Nation* and *The People*. News headlines culled from two English language newspapers in Kenya the *Daily Nation* and *The Standard* were analyzed. The corpus for analysis was those produced in two periods: The pre- confirmation of charges period of June to September 2011 and post-confirmation of charges, covering the pre-election period of December 2012 to February 2013.

3.3 Sample Size and Sampling Procedures

News items on the Kenyan cases (2011-2016) at the ICC in the headlines of news articles from *The Daily Nation* and *The Standard* were analyzed. The two newspaper brands were selected on the basis of their wide circulation and readership (*GeoPollreport*, 2015) and (Pelley, 2012). Purposive sampling was adopted in this study in which only headlines on the Kenyan cases at the ICC and appearing in the selected dailies were considered. Kombo& Tromp (2006) argue that purposive sampling enables the researcher to select cases rich in information for in-depth analysis related to an issue under investigation.

Sampling was done on the basis of the time frame and the newspaper type. Sampling was at two levels. First, two mainstream newspapers were selected from the six dailies based on their being the leading brands in terms of circulation (*GeoPollreport*, 2015). Second, using the key terms ICC, Ocampo, suspects and victims, this yielded a total of 120 articles. Articles with headlines focusing on the coverage of the Kenyan cases at the ICC and not just those that only had key words listed for search. Therefore, more emphasis was put on the articles about the ICC cases with specific focus on those reporting on the court, suspects, victims, lawyers and prosecutor or his office. With this objective, only 29 newspaper headlines qualified for the analysis. Five headlines were left out because they constituted corpus from one brand, the Daily Nation. For fair representation, 24 headlines were considered for analysis. A total of 6 headlines from each newspaper brand in each period were selected. It was expected that the target population of this study was homogenous with regard to variables under scrutiny. This justified the use of a relatively small sample (Mugenda & Mugenda, 1999). In addition, linguistic studies have shown that small samples are able to provide data that can represent the wider reality thus do not require large samples (Cheshire, 1982; Mesthrie, Swann, Deumart, & Leap, 2000; Trudgill, 1974). In fact, in linguistic studies, use of large samples is likely to cause saturation resulting in redundancy and data handling issues.

The sampled corpus was produced in two periods. The period before the ICC cases were confirmed (pre-confirmation) was chosen as it was the time the Kenyan people were getting introduced to a foreign court and most importantly, it was the first time ever, Kenyans were being tried in the ICC. The period after the confirmation of the

cases (post confirmation) was picked because it was a run-up to Kenya's general elections, the event in which two of the ICC suspects contested for the presidential seat. Coupled with this was the tension that engulfed the nation as it was still recovering from the effects of PEV and the public was anxious for the outcomes of these cases. The media coverage arguably sensationalized those cases precipitating tension among the supporters and ethnic bases of those indicted. The proceedings took place in a foreign court far away from Kenya and the public largely depended on media especially newspaper reports. This is because the newspapers gave considerable attention and coverage of the cases. Also, the Kenyan public tends to trust newspaper reports more. Under normal circumstances, most Kenyans could watch the proceedings on televisions or through the radios and even on the social media. It was a time the ICC cases dominated media and in particular the newspapers. It is possible Kenyan newspapers could have sensationalized these cases through the different framings.

On the basis of the newspaper types, the Daily Nation and Standard were chosen because it is believed that they gave extensive coverage to the proceedings of these cases. And as Obiero (2016) notes, the two are the most influential newspapers in Kenya and the whole of East Africa. They are of great importance in influencing the opinions of East African Citizens. They therefore, because of their wide readership, are most likely to be influential in setting the agenda and shaping public discourse and perception of events.

This sample gave a fair representation of major print media that is the object of our study.

This enabled the researcher to make reliable generalizations about the Kenyan newspaper discourse especially in regard to presentation of issues in the headlines manifest in linguistic structures, strategies and the different framings.

3.4 Data Collection Methods and Instruments

The researcher obtained the data that included the ICC related headlines from The DN and The STD newspapers retrieved from the archives. These newspaper headlines included those limited to June to September 2011 and December 2012 to February 2013 with any of these words and the context being Kenya: *post-election violence victims, suspects, ICC, Ocampo and Hague*. The researcher used close reading to identify the lexical, syntactic strategies and frames. A close reading schedule was used. These key words were picked because they constitute the most critical components of subject under study, the ICC cases. Thus, they enabled the researcher get data relevant for sampling and analysis for purposes of achieving the objectives of this study.

The research considered a total of 24 headlines of ICC related articles. The study used textual content analysis to collect data to achieve the set out objectives. The headlines were read through and the lexical items and syntactic structures were identified. The study used content analysis that involved analysis and coding of articles on ICC cases published by the DN and the STD newspapers over the stated duration. The units of analysis were individual headlines from articles that touched on the Kenyan cases at the ICC. The content analysis captured the following indicators for analysis; the lexical choices, syntactic forms, frames and the general

tone of the headline, whether they was critical of any side such as the suspects, victims, lawyers, ICC or prosecution.

To identify the linguistic strategies employed in the sampled headlines, close reading was done to each headline. The lexical and syntactic strategies used in the corpus for the ICC cases were then identified using the identification schedules where the items were listed under their respective categories drawn (appendix 2). Lexical items were then subjected to the dictionary for their meanings. Context played a key role in determining appropriate meaning of the lexical items identified. This is because different words have different meanings in different contexts. To identify frames, the researcher used the inductive approach to framing analysis. D'Angelo (2017) argues that in the inductive approach, there is no perfect theoretical model to guide observation of framing devices. Rather, frames are observable through patterned associations of words, propositions, and images. Here, manual observation is used to detect frames from clusters of keywords or sets of propositions. Potential frames were then identified guided by Alozie's (2005: 66) three-phase suggestion. Phase one entails general multiple reading of the articles taking descriptive notes on the content. Phase two involves reading to identify certain recurring themes, frames, values and topic categories and stage three, doing an in-depth interpretation of the articles. Similarly, Gamson & Lasch (1983) argues that to identify frames, the researcher has to analyse the text for symbolic devices located within news reports. It should be remembered that headlines summarize the stories contained in articles. This then means to understand the headlines, one needs to read the entire article in order to make correct interpretation.

The articles that carried stories about the Kenyan cases at the ICC from DN and STD were culled and carefully and thoroughly read to understand the content. In this process, words, phrases and sentences regarding the Kenyan cases under study were picked and treated as data. The focus was on syntactic and lexical strategies, and the possible frames used. Each of the retrieved headlines was close read and examined to ascertain the most important based on the objectives of this study that would be included for analysis.

3.5 Data Analysis and Presentation

Data analysis involves examining, categorizing, tabulating or putting together the evidence to address the objectives of the study (Yin, 1980). This study employed qualitative approach in the analysis of the data. Mass of raw data collected must be systematically organized to facilitate analysis (Mugenda and Mugenda, 2003). In this regard, the data was first analyzed by rewriting the individual headlines in a notebook and assigned numbers 1, 2, 3 against each for ease of reference (see appendices 1A and 1B). Then, the researcher proceeded, guided by a unit checklist containing lexical, syntactic features and frames items to identify the linguistic choices and frames from the DN and STD.

Headlines accompanying stories about the Kenyan cases at the ICC were analyzed to determine how they constructed these cases. All these headlines were read to understand the meaning they communicated. As Van Gorp (2007) notes, analyzing message content enables one to find out how media describes a certain topic. To establish their meanings, words and phrases used in the headlines were subjected to the dictionary. The contexts of their usage were also considered. Using Frame

Analysis theory, lexical items and syntactic structures used in each headline were analyzed for meaning and its usage in constructing the ICC cases in focus. Entman (1993) avers that a text contains frames manifested in keywords and sentences that provide facts or judgments. This analysis was done to show whether they had biases, what portrayal they expressed and which frames they contained.

The possible frames were then identified inductively guided by Alozie's (2005: 66) three-phase approach. In the inductive approach, there is no sure-footed theoretical model to guide observation of framing devices. Rather, frames will be identified through the discovery of patterned associations of words, propositions, and images. Frequencies of the frames were determined and deductions made to establish the portrayal given to the event and the subjects in focus. The aim was to analyze how each headline constructed Kenyan cases at the ICC.

Each headline was close-read and coding system covering such areas as word choice, headline structure and the frames used was devised. This is in line with Coleman & Dysart (2005:13) in analyzing frames that "a deep reading... informed the authors of the emergent frames". This study used open coding. Grey (2009) defines open coding as a process involving assigning a number to the data for identification purposes. Two annotators were used in the coding process. This research used content analysis of the headlines of news articles about the Kenyan cases at the ICC.

It is important to note data obtained from descriptive research is generally analyzed using descriptive statistics like frequencies. This provides information like the frequency of certain language phenomena and the typical use of elements of

language (Seliger and Shohamy, 1989). In the present study, frequency tables were used reporting the frequency of occurrence of the units. This helped the researcher to get an understanding of the data and the results.

3.6 Ethical Considerations

The study upheld ethical standards of research and before starting the fieldwork, the researcher obtained a research permit from the relevant government department. This being a qualitative study, it was based on secondary sources of data. Therefore, the researcher was responsible for ensuring the quality, scope of data and its interpretation.

Moreover, plagiarism was avoided. All sources of information were acknowledged. Citation of information sources was clearly and properly done based on the APA 7th edition citation format and referencing. The data collected, findings conclusions and recommendations are presented with no duplication and falsification. This ensured that the quality of the research was not compromised.

3.7 Conclusion

The study adopted a descriptive study design. To obtain the sample used for analysis, purposive sampling procedure was employed. Generally, this chapter describes the methods that were adopted in the collection, analysis and presentation of data drawn from the Daily Nation and The Standard dailies.

CHAPTER FOUR

DATA PRESENTATION, ANALYSIS AND DISCUSSION

4.0 Introduction

This study draws its data from the headlines of articles about the Kenyan cases at the International Criminal Court from *The Daily Nation* (DN) and *The Standard* (STD) newspapers retrieved from the archives. In this chapter, data is analyzed and discussed by describing lexical and syntactic strategies employed in the headlines of *Daily Nation* and *The Standard* in framing the Kenyan cases at the ICC. The frames evident and the portrayal of the event through the identified frames will also be shown.

This chapter is divided into three major subheadings: the lexical strategies, syntactic strategies and the frames used to portray the event and the subjects. Entman, (1993) posits that frames are signaled by certain keywords, quoted sources, phrases and structures that provide clusters of information that support a theme. As we discuss the lexical and syntactic strategies used, the emergent frames will be drawn.

4.1 Treatment of Data

Two theories informed the analysis. These are the Frame Analysis and Critical Discourse Analysis theories. The Frame Analysis theory is important in identifying the existing frames realized through the linguistic strategies employed in the headlines of STD & DN in representing the cases under study. The CDA model by Fairclough helped to unravel the underlying ideologies behind the framing used and portrayal of the subject in the cases under study.

The most dominant frames were identified by reading through every article in the sample to get an idea of the frame hinted at by the headline as guided by Alozie's (2005: 66) systematic procedure of identifying frame. Moreover, lexical items used in headlines were considered because meanings of words are context based and frames are identified within contexts.

This study draws from 24 headlines of articles on the ICC cases in the two leading newspapers, the DN and the STD. The texts are coded using numeral labels. Thus for the Daily Nation, we have DN 1,2,3...and for the Standard STD 1,2,3...The headline items constituting the entire study sample are provided in the appendices.

This chapter has three sections. Section 4.2 discusses lexical strategies used in the headlines of the DN & STD in representation of ICC cases. Section 4.3 deals with the syntactic strategies. The identification and discussion of frames will be subsumed in discussion of lexical and syntactic strategies because these strategies are vehicles of frames. Section 4.4 discusses the portrayal of the subjects.

A discussion from the data and tables showing the frequencies is given. Tables on lexical and syntactic strategies provide insight into the data. The analyses are then followed by a summary reflecting the major ideas and findings of the research.

4.2 Lexical Strategies used in the sampled headlines

This section presents verbs used as a lexical strategy. The following verb types were observed in the data.

Table 4.1 Distribution of verbs as a lexical strategy in the sample analyzed

Lexical strategy	Total no. verbs in the DN		Total no. of verbs in the STD		Grand total	
	No.	%	No.	%	No.	%
Active verbs	4	20	5	25	9	45
Phrasal verbs	4	20	4	20	8	40
Reporting verbs	2	10	1	05	3	15
Grand total	10	50	10	50	20	100

These constitute the first objective of this study sought to investigate lexical strategies the selected dailies used in crafting the headlines to frame the Kenyan cases at the ICC. Different words derive from different ideological positions (Fairclough 1995). In his view, the structure of a vocabulary is ideological based. In a similar manner, Van Dijk (1988) avers that there are many lexical choices that express opinion in newspapers, some more subtle than others. He notes that the lexical and semantic implications are evaluated based on the ideological disposition of the writer. Words are essential in language and they can potentially influence the impact of whatever user writes or says. Thus, word choice has great influence on the effectiveness of the message being communicated. In this section, the focus will be on the meaning created by the lexical items used.

In covering the Kenyan cases at the ICC, a variety of lexical choices were used by the DN and the STD. Reah (1998) points out that the language of the headlines is peculiar in its lexical, syntactic and rhetorical levels for its brevity, attractiveness and clarity. Certain linguistic features of titles make headlines particularly effective and this enhances the impact of headlines on the readers (Makena, (2011). Title choices enhance a deliberate impact of the headlines (Develotte & Rechniewski, 2001 as cited in Magena, 2011). In the same vein, Gamson & Lasch (1983) opine that identifying frames implies that the researcher analyses the text for symbolic devices or signature elements that are located within news stories. There are several devices used to frame a specific event. On how to look for frames, Wimmer and Dominick (2006) suggest in their constant comparative technique for qualitative research analysis that a researcher needs to search for relationships and themes among categories in order to identify frames

In this regard, our research focused on the lexical strategies found in the data. Such include active verbs, phrasal verbs, reporting verbs and nouns and noun phrases.

4.2.1 Active Verbs

Active verbs are preferred to imply the actor's responsibility for the action carried out. According to Bell (1989), the inclusion of an agent in the structure of a headline is essential. Thorne (1997) notes that active voice is preferred to the passive as it is more forceful, immediate and aimed at making news stories more sensational. According to Pisarek (1983), journalistic information is based to a larger extent on the choice of words. The choice of active verbs is thus invaluable. As exemplified in

the following headlines, the choice of the active verbs is deliberate in framing the headline.

1. Shun the ICC suspects, says Annan (**DN7**)
2. Karua: reject ICC suspects(**STD8**)

Clearly, the two headlines, though they are quoted from sources, are biased against the suspects. Speaking to the BBC, Koffi Annan (the former UN Secretary General) had urged Kenyans not to elect politicians who had been indicted by the ICC, in the general election that was due on fourth of March 2013. The statement was made at a time when the presidential campaigns were entering the home stretch. He claimed that the country risked isolation if the suspects were elected into office. The verb ‘shun’ in headline in example forms the basis of exclusion (of the suspects). The statement was made in the political context with intent to lock out the suspects from running for the top office in Kenya. Since the source was an important person given his position then and the role he played in the Kenyan cases at the ICC, it apparently legitimized the rejection of the ICC suspects in the presidential race in which the key suspects Uhuru and Ruto were the presidential candidate and running mate respectively took part. The statement disregarded the fact that these politicians were just suspects and that they were not criminals to be unfit for office. The intent was to portray the ICC suspects as unfit to hold office for lack of integrity thus indirectly rooting for the suspects’ political competitors at the time. Headline 2 quotes Martha Karua, a politician who was a presidential hopeful in the March 4th 2013 general elections in Kenya. In her political campaigns, she warned Kenyans against electing leaders who were facing charges at The Hague, arguing they would perpetuate impunity if elected into office. The verb ‘reject’ performs a similar function as that

of example 1 though the former is particularly stronger. The intention is to portray the suspects as unfit to be elected into the highest office in the country while portraying herself as the only aspirant with integrity and in so doing gains political mileage. In these two headlines, politics is being played. These two verbs in the two headlines above thus set out a political propaganda frame as Kenyan electorates were advised against electing the ICC suspects elections.

4.2.2 Phrasal Verbs

Phrasal verbs function as linguistic unit designating one action, process, state or relation in the referential dimension of the discourse. Quirk et al (1985) views phrasal verbs as idiomatic combinations which behave as a single unit. One function of news phrasal verbs is to attract a reader's attention and as such they make use of figurative expressions laden with ideologies that influence framing. As shown in the examples below from DN and STD, the phrasal verbs are useful in framing the cases under study;

3. Suspects' lawyers poke holes into Ocampo's evidence (**DN5**)
4. CORD takes on Uhuru, Ruto over ICC charges (**STD10**)

During the confirmation of charges hearings, the lawyers representing the suspects questioned how much investigations the ICC the prosecutor had carried out before bringing the charges against the suspects as the charges had changed significantly. The phrasal verb in example 3 '*pokeholesinto*' paints a picture of a fierce contest between the prosecution and the defense lawyers. It creates an impression that the defense lawyers were out to discredit the prosecution's evidence as weak and unreliable. Primarily, the court should undertake to serve justice but in this headline,

the case has been reduced to a contest of legal minds in which the defence lawyers are pitted against the prosecution lawyers. Thus, the contest frame is easily discernible in this headline. Moreover, it is suggestive of the fact that the evidence gathered by the prosecutor against the suspects is not watertight and is not strong enough to sustain the case. In this regard, the prosecution is brought to question.

CORD (Coalition of Reforms and Democracy) was a political outfit in the run up to March

4th 2013 general elections that had fielded a presidential candidate to battle out with Uhuru and Ruto, the ICC suspects the time, running for the top seat on a Jubilee coalition ticket. In their political campaigns, the CORD politicians cautioned the electorate against entrusting the countries leadership to the ICC indictees facing serious crimes against humanity. The phrase

‘takeson’ in example 4 underscores the political contest between the ICC suspects and the CORD politicians. The epicenter of the contest necessarily was the ICC charges facing Uhuru and Ruto who were then running for the presidency. The CORD politicians took advantage of the cases facing their opponents at the ICC using them to campaign against the suspects in a bid to win the masses against them. Thus, it is clear that the cases in question have been framed as a political propaganda tool.

4.2.3 Reporting Verbs

Reporting verbs attribute quotations to the speakers. Quark et al (1985) categorize reporting verbs, otherwise known as private verbs, under factual verbs and are speech act verbs introducing indirect statement. Bergler (1992) defines reporting

verbs as verbs used to convey the language or speech of others. They indicate the manner in which the reported utterance is expressed. They ‘frame’ the statement that comes after them. Bell (1991) contends that a reporting verb may be evaluative: cueing the audience on how to interpret the speaker’s utterance. He asserts that there is a relationship between the reporting verb and the speaker. In our corpus reporting verbs are used to a lesser extent as exemplified here;

5. Work with the ICC, **says** Merkel (DN 1)
6. ICC will end impunity, **says** British envoy (STD 9)

The verb ‘says’ is generally considered a neutral verb. Kress (1983) argues that attributing a statement to a person has a specific effect depending on the ideological valuation of that person in the paper’s ideology. According to Jukannen (1995), quoting important people is more effective and objective than presenting the presenting the writer’s views. In the two instances, the statements are made by individuals from the developed countries. Given the sources to which the statements are attributed, power relations play out. In example 5, DN 1, the statement was made by the German leader, Merkel. She had visited Kenya when the ICC had just named six Kenyans as possible masterminds of the post-election violence that had rocked after the 2007 disputed presidential poll results. The Kenyan government had shown reluctance to cooperate with the ICC. The statement is an imperative giving an order to the Kenyan government by a leader from a first world country, Germany. It is apparent that an order is being given to a powerless third world country leadership by a powerful first world leadership to submit to the demands of a powerful institution, the ICC. In ordering Kenyan government to “work with the ICC”, the

German leader implied that justice was indispensable and it needed willingness and support from the government. The cooperation needed was to ensure justice was achieved through the ICC process as working with the institution facilitated the dispensation of justice. This lays bare the justice frame.

Similarly, STD 9 is a quotation attributed to an envoy from a first world country. During his visit to Kenya's Rift Valley region, he made clear the British government's position that it supported an end to impunity. The headline is a prescription in itself. It basically prescribed the only cure to Kenya's problem in fighting impunity. It suggests that Kenya is incapable of punishing law breakers and thus needs a more powerful institution to do so on her behalf. Basically it is the powerful against the powerless or less powerful. This is summarized by Van Dijk's (1996) view that a dominant group exercises social power over minds and actions of another group. The prescription entailed in the headline brings out justice frame. "ICC will end impunity" is not only a prescription but an assurance that the powerful institution would no doubt deliver justice and put an end to impunity. In these two headlines, using a neutral verb enables the reporter to include opinions in the story and still remains objective as he or she is just reporting what someone has said without committing to the truth of the proposition in any way. This agrees with Jukanen's (1995) view that the uses of quotations relieve the reporter of responsibility. In our sample, the use of verbs in framing the ICC cases has been summarized in tabular form.

In this analysis, it is interesting to note that the two dailies used equal number of verbs in the sample. The intention here probably was coincidental and it was to attract the attention of the readers, for effective framing of the issue and to propagate

the newspapers' ideologies. Reporting verbs, comprising only of 5% of the sample, were the least used as journalists may have deliberately chosen to remain neutral and impersonal given the sensitive nature of the cases that were being reported. The preference of active verbs by both the DN and STD is notable in this analysis. Active verbs help in expressing urgency and in sensationalizing the news item being reported.

4.2.4 Nouns and Noun Phrases

We now look at noun phrases.

Table 4.2 Distribution of noun phrases in the sample

Newspaper	No. of Noun phrases	%	Categories described			
			Suspects	Witnesses	Prosecution	ICC
DN	8	38.1	3	2	1	2
STD	13	61.9	7	0	2	4
Total	21	100	10	2	3	6

Odebunmi, (2008), states that naming is the referential spine of identification in any language and culture. Naming is a universal linguistic practice. According to Bruck & Bodenhorn (2009), names in many cultures carry valuable information such as gender, marital status, birthplace, nationality, ethnicity, religion, and position within a family. Thus naming, they argue, is rendered a linguistic practice via which the ideological processes behind names can be affected.

Naming is ideological. It is a linguistic process that utilizes a noun phrase or nominal group to name an entity. The choice of a noun or a noun phrase is not only referential but also indicates the reporter's opinion or assessment of the entity named. This is because according to Jeffries (2010) the principal ideological

importance of noun phrases is their ability to package up ideas or information which is not fundamentally about entities but which are really a description of process, event or action.

From our corpus, the following examples of noun phrases were identified.

7. No **Ocampo witnesses** during the Hague September hearings (DN 2)
8. Suspects' lawyers poke holes into **Ocampo evidence** (DN 5)
9. **Uhuru** takes a big risk on ICC(STD6)
10. G7 plots survival as **Uhuru, Ruto** date with Hague nears

In headline DN8, the defense lawyers had dismissed the prosecutor's evidence saying it was unreliable, hearsays and unattributable to the source. They had argued some prosecution witnesses that were parties to an extortion attempt on the ICC suspects in 2011 and they had attempted to pervert justice by giving incriminating evidence to the prosecution after they had given exonerating accounts to the defense. It represents a biased description of the witnesses and by extension the prosecution. The noun "Ocampo" used before "witnesses" and "evidence" paints a picture of personalized, procured witnesses and hired memories. This means that the witnesses and their witness accounts could not be relied on and therefore illegitimate. This put to question the credibility of the prosecutor's evidence. The credibility of evidence frame is thus salient here. Fowler (1987:69) writes "vocabulary encodes ideology, systems of beliefs about the way the world is organized." These descriptions present a biased representation of the prosecution and the witnesses.

The headline DN8 introduces the events during the confirmation of charges hearings. The suspects' lawyers had questioned how much investigations the ICC

prosecutor had carried out before bringing the charges against the six Kenyans to the court. The evidence the prosecutor had was described as “Ocampo evidence” effectively delegitimizing and rendering the evidence a concoction by the prosecutor thus making the case appear weak due to evidence that could not be trusted. This description personalizes the prosecutor’s evidence. The impression is that the evidence the prosecutor had was not authentic. It was not the witness accounts but rather a concoction of cooked up evidence to incriminate the suspects. This cast doubt on the nature and quality of evidence and raised the question on whether the prosecutor really carried out proper investigation and scrutiny of evidence he was given to be able to sustain the case he had before the court. With the evidence personalized, it lacked in credibility. This biased representation creates a contest frame in which the suspect’s lawyers are coming out strongly against prosecutor’s evidence. The expression “poke holes” paints a picture of a duel between legal minds of the defense and the prosecutor, shifting the focus from the central objective of seeking for justice for both the victims and suspects to a legal showdown. It also suggests that the evidence presented by the prosecutor was questionable and not credible enough to make the cases water-tight.

In example 9, (STD 6), Uhuru Kenyatta, an ICC suspect, had taken a bold step to appear at the ICC to take the witness stand to be cross-examined by the defense lawyers, the prosecutor and the judges during the confirmation of charges hearings. This was billed by many as a potentially dangerous move. The adjective ‘big’ suggests a greater possibility of playing into the hands of the prosecutor by implicating himself before the court. This adjective pre-modifies the noun ‘risk’ which implies an unfavorable outcome if he presents himself on the witness stand

before the judges. This suggests a possibility of the suspect “exposing” himself, a move which could lead to self-incrimination before the prosecution and the judges and could have his charges confirmed. It also presents Uhuru, the suspect, as guilty and the ICC as a powerful and uncompromising institution that can prosecute individuals regardless of their status or position. Since the headline suggests a deliberate move by the suspect to appear as witness before the judges and the prosecution despite being aware of the consequences of his choice, this presents a risky choice frame. Descriptions determine representation of actors or events.

Headline 10 refers to the suspects by their real names. This underscores the individual responsibility in the commission of the alleged crimes. In effect, this headline singles out the two as those to bear the greatest blame and the buck should stop with them. This effectively discriminates and portrays them as criminals even if they were still regarded legally as suspects.

In our corpus, the two dailies depict different dispositions on the suspects, the ICC and the witnesses in their descriptions in the sample analyzed as evident in table below.

From the tabular summary above, the STD has evidently used a greater percentage of noun phrases most of which make reference to the suspects. The STD uses 7 noun phrases for the suspects. As shown in example 7 & 8 above, the DN labelled the witnesses and their evidence respectively possibly to depict them in an unfavorable way and subsequently downplaying their importance in the cases. Of importance is how the DN names witnesses. It personalizes them. Clearly, the two brands named the different categories of actors variously probably owing to their ideological

dispositions on these cases. It is interesting to note that the two newspaper brands gave the least focus to the witnesses and prosecution yet they were equally central to the ICC cases.

4.3 Syntactic Strategies used to frame the ICC cases in the sampled newspaper headlines

We now look at the syntactic strategies that include thematization and active sentences. The table below summarizes these strategies.

Table 4.3 Distribution of the syntactic strategies in the sample

The Daily Nation

Strategies	Categories framed			
	Suspects	witnesses	prosecutor	ICC
Thematization	1	2	1	0
Active sentences	1	0	1	0

The Standard

Strategies	Categories framed			
	Suspects	witnesses	prosecutor	ICC
Thematization	2		1	3
Active sentences	1	0	1	1

This is the second objective the study aims to achieve. Syntax is important in the news texts analysis. People, events or actions can be presented in a variety of ways

by different syntactic means. Sometimes, syntactic choices are ideologically motivated. News frames are important in how events are reported, as they reflect a process of recurring selection and emphasis in communicating perceived reality (Entman, 1993). Frames present a central part of how individuals cognitively comprehend and file events and, as such, are an important determinant of how a news story is told. In identifying frames, Capella and Jamieson's (1997) criteria for recognizing and classifying frames come in handy. They write that frames should have "identifiable conceptual and linguistic characteristics, distinguishable from other frames" (p. 47). In this section, we will present findings on thematization and active sentences.

4.3.1 Thematization

The table below summarizes the use of this strategy by the two dailies

Table 4.4 Distribution of thematization as a framing strategy

Newspaper Brand	No. of headlines	% Prevalence	Categories Topicalized			
			Suspect	Witnesses	Prosecutor	ICC
DN	4	40	1	2	1	0
STD	6	60	2	0	1	3
TOTAL	10	100	3	2	2	5

Bell (1991) avers that thematization patterns organize the initiation of a clause and direct the focus of the target receiver of the message to the parts the sender wishes to emphasize. When a news article thematizes a particular agent in the story, it mean is

putting it in a place of focus. Then, the story will revolve around it. According to Fairclough (1994), a theme constitutes the text producer's point of departure in a clause. This suggests that a theme is what the clause is all about. It usually occupies a prominent position at the start of a sentence. In other words, it foregrounds the information for focus, attention and importance (Fairclough 1995).

What a writer selects to put in the topic position creates a perspective that influences the readers' perceptions. McGregor (2003) argues that thematization frames a sentence. It presents the perspective the writer wants in order to influence the readers' perception by putting something in the topic position and is important in propagating an ideology. In our corpus, this is exemplified below.

11. Ocampo's witnesses 'extortionists' (**DN 6**)

12. Uhuru, Ruto strategy to delay trials (**STD 12**)

Example 11, DN6 is a headline introducing a story in which the defense lawyers had dismissed some prosecution witnesses saying they were out to take advantage and pervert the course of justice as they had before given exonerating evidence to the defense but had gone ahead to give incriminating evidence to the prosecution. Therefore, they were unreliable. The DN thematizes the prosecutor's witnesses. "Ocampo's witnesses" personalizes them thus raising questions on the credibility of witnesses. This paints the witnesses as tailored, coached and the evidence they had was therefore inadmissible. This in effect delegitimizes their witness accounts thus putting into question the credibility of their evidence. This biased reporting against the witnesses brings to fore the credibility of evidence frame.

Headline 12 from the STD fronts the suspects' strategy. Just after the status hearing at The Hague, the suspects' lawyers had faulted the prosecutor's handling of the matter they had realized that the cases had changed fundamentally prompting them to ask for more time to prepare for trials that were due in two months' time. The suspects on the other hand were running a political program that would see the trial date coincide with a possible presidential election run-off, in which they were to participate. Whereas "strategy" implies a deliberate effort by the suspects mentioned to scuttle the justice process, it is apparent that there might have been a feeling on the part of suspects that the process was unfavorable to them given the short time they had to prepare for the trials. The fronting of the suspects' "strategy" is implicative of the desperation on the part of the suspects to fight off the charges facing them by seeking to delay the trials. Trials are meant to dispense justice by the court. Seeking to delay trials is a plot to delay justice. It also suggests a scheme to interfere with the justice process and subtly implies that suspects' intention to defy the court's orders. This yields a justice frame.

As clearly shown in table 3 above, thematization mainly focused on the suspects, witnesses, ICC and the prosecution. The analysis was done on the basis of how extensively each newspaper brand faired in thematization of the subject categories featured as this has a bearing on the framing and portrayal of these subjects. As shown, the percentages present an interesting trend. A total of 10 headlines were found to have been used in framing the cases through thematization.

Though it tried to be fair in its representation, the DN has thematized witnesses dedicating 2 headlines to them. The STD does not feature the witnesses in the thematic initial position. It is interesting to note from the analysis that 3 out of 6

headlines from the STD, which makes about 30 % of the total, thematized the ICC effectively indicating the centrality of the institution in these cases. By making the ICC the point of focus, this suggests that the STD supported and by extension intended on influencing the perception of the public of the institution and its processes relating to the cases under study. Interestingly, the two dailies have differentially given treatment to the suspects and witnesses in terms of how they thematized them. The STD thematizes the suspects in 2 headlines while the DN does so in 2 headlines to the witnesses. Generally, in the corpus analyzed, the STD has favorably framed the ICC while downplaying the witnesses, prosecution and the suspects probably because of its ideological inclination.

4.3.2 Active Sentences

Table 4.5 Active sentences distribution and attribution of agency in the sample per newspaper

Newspaper Brand	No. of active sentences	Agency			
		Suspects	Witnesses	Prosecutor	ICC
DN	2	1	0	1	0
STD	3	1	0	1	1
TOTAL	5	2	0	1	

Active sentences may emphasize the responsible agency of the subject. Active verbs normally attribute agency to humans. Van Dijk (1988) suggests that individuals or events may be accorded agency primarily when they are associated with negative outcomes and actions. In this sense bias and ideology can be propagated. Fowler, et

al (1979) demonstrated that syntactic structures of sentences can express news bias. The use of active or passive constructions allows reporters to express or suppress agents from subject positions. This means it is possible to find linguistic correlates of ideological positions of newspapers and journalists. This is exemplified in our corpus;

12. Ocampo drags military into poll violence case (**DN 4**)

13. Ocampo threatens to send more chaos suspects to The Hague (**STD 5**)

In example 12, DN4, the ICC prosecutor had presented new evidence that had put the Kenyan military on the spot claiming that had played a nominal role in the post-election violence. In this headline, it is suggested that the agent Ocampo, the former ICC prosecutor, is desperately trying to build a case. The verb “drags” suggests a desperate attempt to victimize the Kenyan military in a bid to get evidence to bolster his case. This suggests a struggle to prove the case he has before the court by all means. This desperation to get more evidence implied by ‘drags military into poll violence case’ to strengthen his case casts doubt on the quality of evidence the prosecutor had against the suspects. It also raises the question of whether the evidence he had was reliable, credible and admissible in a court as powerful as the ICC. This headline sets out the credibility of evidence frame.

Headline STD 5 from the standard in example 16, headlines a story in which an ICC senior legal officer had warned politicians who issued inciting and threatening statements against the witnesses or any person obstructing the course of justice would be prosecuted. The headline assigns the active verb phrase ‘threatens to send’ to the agent Ocampo. This phrase is a warning to those who attempted to impede

collection of evidence process by intimidating the witnesses. The prosecutor was faced with allegations that he bought and coached witnesses for whom the evidence would be used against the ICC suspects. He had sought to protect these witnesses against the public and this he did to get more evidence. This is suggestive of the prosecutor's desperate move to get more evidence to boost his case. This could impact on the credibility of both the evidence and the cases. The headline sends a warning to those attempting to abuse or obstruct the ICC process. The prosecutor was a powerful individual as mandated by the ICC and could initiate the prosecution of whoever threatened or obstructed the course of justice before, during the execution of cases at the ICC against the Kenyan post-election violence suspects. Power relations is evident in this headline. In the analysis, the focus is on the agency with regard to the important subjects of the cases under study. It is noted that the two dailies attributed agency to the subjects: suspects, witnesses, prosecutor and the ICC.

Active sentences headlines form about 20.8% of the total number of headlines under study. Out of these 6 headlines, one headline from each brand was found to have attributed agency to the subjects of focus; the suspects, prosecutor and the ICC. The minimal usage of active sentences in these headlines could be due to the fact active sentences are more revealing and considering the sensitive nature of the cases in question, the media endeavored to conceal some detail to the public. From this analysis, the headlines 12 & 13 from the DN and STD respectively attribute agency to the prosecutor. They underscore the prosecutor's desperation to buttress his case raising questions on how credible the evidence was and thus yields the credibility of evidence frame.

4.4 Portrayal of the Subjects

Table 4.6 Portrayals of suspects

Newspaper Brand	No. of Headlines	portrayal		
		Culpable	Lacking Integrity	Law Abiding
DN	3	-	1	2
STD	6	5	1	0
TOTAL	9	5	2	2

Portrayal in this study means representation: how the event and the subjects are represented. Representation refers to the production of meaning. In Hall's (1982, as cited in Pasha 2011) view, representation and reflection are two different notions. He notes it implies actively selecting, presenting, structuring and shaping and not merely transmitting already existing meaning but making things mean. Media construct own meanings through signifying practice (Poole, 2002). Language presentation is central in representation of individuals, objects and events. Portrayal involves language representation. Hall (1997), holds the view that language presentation relates to language as used in discourse. This relation between language and object representation to Gee (1996) is discourse, the linguistic words, signs and sounds. This definition of representation is important in studying how the event (ICC cases) and the subjects were depicted in the DN and STD newspapers. In our sample, the subjects under consideration include the suspects, witnesses, prosecutor and the ICC. Portrayals were manifested at different levels as follows.

4.4.1 The Suspects

Given the centrality of suspects in the cases under study, their representation is very important as this shaped how the public perceived them. From the corpus, different portrayals are evident;

- 14. Shun ICC suspects, says Annan (**DN 4**)
- 15. Mixed reactions after IEBC clears Uhuru, Ruto despite Hague trials (**DN 9**)
- 16. Karua: Reject Hague suspects in the polls (**STD 8**)
- 17. Uhuru, Ruto strategy to delay trials (**STD 12**)

From examples 14, 16 & 17, it is clear that the suspects have been given a generally biased or negative representation in the headlines. The headlines 14 & 16 from the DN and STD respectively, the use of “shun” in DN4 and “reject” discriminates the suspects and portrays them as guilty or responsible for the commission of the alleged crimes against humanity and are therefore unfit to run for presidency, considering they are strong verbs. Headline 15 from the DN apparently has given a balanced reporting in the treatment of the suspects. The phrase ‘mixed reactions’ is apparently neutral as it does not specify the subject to whom these reactions were directed or whether they were that of approval or disapproval. In example 17 (STD 12), whereas the headlines underscore ICC’s urgency to dispense justice, the suspects are portrayed as desperate to interfere with the process. The expression “strategy to delay trials’ implies a deliberate attempt by the suspects to derail the justice process. This portrays them as possibly culpable.

Out of the 24 headlines under study, only 9 headlines reported on the suspects. Interestingly, 4 out of the 5 DN headlines apparently portrayed the suspects in the

same way. In the same manner, 3 out of 4 headlines from the STD portray the suspects in a similar way as far as the number of headlines used by each newspaper is concerned as the below tabular summary illustrates.

It is clear that the two newspaper brands portrayed the suspects differently. It is noted that the DN largely portrayed the suspects as law abiding despite the charges facing them at the ICC. The STD in all its headlines on the other hand portrayed them in a way that the suspects could probably be taken as criminally responsible, culpable and unfit to be elected or run for presidency for lack of moral authority or integrity following their indictment by the ICC for the alleged crimes against humanity. This clearly shows a very biased representation of the suspects.

4.4.2 The Witnesses

These constituted a very crucial component in the cases under study as the fate of the suspects lay in their hands. It is thus worth considering their representation in the headlines in focus. In the sample, interestingly, both DN and STD give them a wide berth with the DN dedicating only two headlines and the STD not covering them at all. Even the coverage given by the DN is biased against the witnesses as evident in the examples below;

18. No **Ocampo witnesses** during Hague September (**DN 2**)

19. **Ocampo's witnesses** 'extortionists' (**DN 6**)

In these two headlines, the witnesses have been personalized by being described as Ocampo's. In so doing, their importance is diminished and devalued. The reason for witnesses being given the least or no attention at all is probably because of their lack

of credibility due the perception that they were hired and coached. In these two headlines, they are portrayed as being hired memories “owned” by Ocampo and thus will be used to achieve not justice but the objectives of Ocampo. Therefore, they could be manipulated and thus could not be trusted to give credible testimony.

4.4.3 The Prosecutor

Like the suspects, this is the most critical component of the event. The way the prosecutor was least represented in the headlines of the two famous headlines could seriously impact on the perception of the quality and legitimacy of cases at the ICC. Therefore, the portrayal accorded was important as it could potentially influence the public perception and the support of the court and the ICC process. In our corpus of 24 headlines, only 2 headlines were found to have given varied portrayals to the prosecutor. This constitutes 8.3% of the sample under study. Of these headlines, the DN and STD each has one. As seen from this analysis, the DN has given an unfavorable representation to the prosecutor. In its framing of the headlines, it clearly indicates it is against them as seen in the examples below;

20. Ocampo drags military into poll violence case (**DN 4**)

21. Ocampo threatens to send more chaos suspects to the Hague (**STD 5**)

In example 20, STD 5, Ocampo’s desperation to buttress his evidence and make a case is subtly suggested by the phrase “drags military into”. This portrays Ocampo as witch-hunting, incompetent and prosecutor without enough and credible evidence to incriminate the suspects and convince the judges that crimes against humanity had been committed in Kenya. He was presented as desperate and out to victimize the

innocent (military) in order to appear to be exercising the powers his powers having a strong case.

On the other hand, example 21, STD 5 the use of the verb ‘threatens’ portrays the prosecutor as a very powerful individual. The power is felt in the warning he gave to those attempting to obstruct, abuse or undermine the ICC process that they might invoke his wrath. This headline paints an adversarial picture of the prosecutor.

4.4.4 Portrayal of the court

As earlier noted, the ICC is the most critical of the three subjects in focus. Interestingly, in our corpus, it is found that the two newspapers dedicated only 5 headlines constituting about 21% of the whole sample to representation of the court. This constitutes one of the least represented category of subjects considering the centrality of the ICC in the cases under study. Out of these, only 2 are from the DN and the STD has 3. It is important to note that the two newspapers were similar in representing the court. They both generally gave the court a positive portrayal as shown in these given examples.

22. ICC will end impunity in Kenya, says British envoy (**STD 9**)

23. Justice Aluoch defends ICC over claims it is fighting African states (**STD 3**)

24. Work with ICC, says Merkel (**DN1**)

Example 22 from STD 9 portrays the ICC as powerful and capable of prosecuting and punishing those who commit crimes against humanity and escape unpunished. The phrase “will end impunity” is prescriptive and gives a sense of assurance and presents it as the only hope and last resort for victims of injustice who cannot get

justice from the local courts. It implies that the court has the instruments and power to combat impunity and thus the implicit certainty to bring impunity to an end.

In example 23 from STD 3, the clause "...claims it is fighting African states" paints the court as colonial. Despite this being 'claims' the impression is that the court was being biased and was meant to suppress African countries. In effect, the court is owned by the west and was being used to rule African states. The phrase depicts ICC as a victim of unwarranted attacks in pursuit of its mandate. It also underscores the need to protect the court. The court is also depicted as prone to manipulation by strong western powers to influence its decisions. The headline paints a picture of a compromised and biased court hence allegations that it is prosecuting cases from African states. This portrayal could have contributed to the polarized environment during the period around which the headlines were crafted

Moreover, example 24 from DN1 portrays the court as a just, crucial universal judicial body or arbiter that should be respected and supported by all stakeholders. Though prescriptive, the proposition coming from one of the most powerful individuals in the world paints the court as legitimate and a solution to impunity that needs commitment and cooperation.

4.5 Discussion of Findings

This research endeavored to achieve three objectives that included to identify the lexical strategies, the syntactic strategies the Kenyan newspaper headlines used on Kenyan cases at the ICC and the frames used to give portrayal to the event and subjects.

Regarding the first objective that sought to identify the lexical strategies used to frame the cases under study, the research found two in our corpus; verbs and nouns. Verbs in the corpus account for 49% of the lexical items identified in the sample. The two dailies preferred to use active verbs forming 45% of the verbs used. This probably was because of the urgency and the necessity sensationalize the cases.

The preference of active verbs was also found to be ideologically motivated. Bell (1991) notes headlines contain traces of the underlying ideologies of headline editors and the newspaper. He says, what or who is foregrounded, back grounded, included or excluded, or whether a verb is active or passive may reflect the ideological positions of headlines editors. The use of active verbs both framed the participants negatively and revealed the underlying ideology propagated by the newspaper. The findings show that whenever on the subject position was the suspects, the DN used more favorable or positive active verbs. For the STD, when the subject was the prosecutor or the ICC, the active verbs were positive or favorable. When it was the suspect, verbs were negative. The results corroborate Van Dijk's (1988) who found that the Dutch authorities dominated subject positions in the headlines with active verbs. This was found to be ideologically motivated. However, our results were contrary to Khodabandeh's, (*cf.* Khodabandeh, 2007) who established the variability of lexical and syntactic features across and within the Persian newspaper head and English newspaper headlines. Our findings indicate that the two newspapers used similar lexical and syntactic strategies to frame the cases. Their conclusion was similar to ours on newspapers' similarity in the usage of active voice.

According to Huckin (1997), language in texts is often used to portray certain people as powerful through initiating actions and others as recipients of the actions and therefore are passive. This agrees with Taiwo's view in his findings (*cf.* Taiwo 2007) that newspapers are a powerful tool used in presenting the ideological perspectives behind social and national issues. Verbs used in the corpus demonstrated that the headlines under study framed the subjects and the event almost in a similar way with exception of a few where differential bias was noted. Regarding the portrayal of subjects in focus, the findings of this study agree with that of Tiono (*cf.* Tiono 2003) in which he observed that the differences in the linguistic choices, language style and linguistic structures lead to different versions and views of the same event in different newspapers. Therefore, people are most likely to develop different perceptions on the same event depending on the writer's usage of linguistic choices and structures. Our findings were similar to those of Roohani & Ismaeili (2010). The results show the two newspaper headlines were similar in lexical and syntactic features. Both newspapers gave preference to the active voice verbs.

The phrasal verbs category was second most popular category. As revealed in the findings, this class constituted 40% of the total number of verbs used. The findings show that they were important in concealing the ideology perpetuated by the newspapers studied. As Quirk et al (1985) views phrasal verbs as idiomatic combinations that behave as a single unit. They are figurative in nature and as findings show, they were critical in framing the subjects and the event. This strategy could easily manipulate the audience and thus influencing their perception of the ICC cases and the participants. Fairclough (1995) in analyzing an extract from radio

news demonstrates how features of the report can influence the interpretation of the discourse and that is how framing can be deliberately manipulative.

Reporting verbs constitute the least used category in the corpus analyzed forming only 15% of the total number of verbs found. Nkansah (2013), notes that reporting verbs are the most important features of a reporting clause and occur in most reporting sentences. These verbs are less varied in news discourse than in other kinds of discourse, probably because most journalists aim to maintain neutrality in reporting. Our findings indicate that reporting verbs only reporting verbs were used in quoting sources. In reporting news, for one's utterances to have news value, they often have to be elite persons. Journalists give more space to those who are attached more importance. So, the fact that a person's utterances are reported in the press means they are considered important. For this reason, high-status sources in government, industry and business are given more preference to lower status sources. They constitute the primary sources of public understanding of events because of the aura of authority attached to them. In our results, powerful individuals were quoted using the verb "say". In news discourse, the sources often determine what facts are, while news writers absolve themselves of responsibility (Tuchman, 1978). The way different people are reported using different reporting verbs influences the opinion of readers towards them (Floyd (2000). Also, the choice of reporting verbs shows the underlining preferences of journalists. The preference of "say" for instance frames the statement from the powerful individuals. This verb is favorable as it has some positive connotations and indicates that there is some truth in the utterances and as Zelizer (1989) notes, using quotes lends authority to the story. It also gives a deeper meaning to the report to and to the evidentiality. It

makes the utterance to be taken for truth. Clearly, ideologically, it is prescriptive. It leaves no doubt that the ICC suspects were unfit to hold office as stated by the quoted sources.

The other lexical category is that of nouns and noun phrases. Out of the identified items in this category, the findings indicate the STD takes 61.9% while the DN 38.1%. The results show that the headlines in our corpus predominantly named for categories of subjects of the ICC cases namely; the suspects, witnesses, prosecution and ICC. It was noted that the STD gave more premium to naming the suspects. It accounts for 61.9% of the identified nominals.

Fairclough (2003) asserts that the way people are named can have significant impact on the way they are perceived. In our findings for instance, witnesses have been personalized through naming. This framed them as memories for hire and downplayed their importance in the cases. Richardson (2007) states that the way people are named in news discourse can significantly impact on the way in which they are viewed. The naming choices allow news reporters to highlight certain aspects to which they want to draw audience's attention to. Our results affirm Agu's (*cf.* Agu 2015) in examining linguistic features of headlines, that conscious selection of lexical items in reporting is based on certain dispositions and that reporters select words to convey meanings to their target consumers within a given thematic context. As observed in the data, the choice of nouns does not only make reference to people but also shows the text writer's opinion of the entity referred to. This is so because ideologically, nouns or noun phrases 'package up' information that describes a process, action or event (Fowler 1991).

The second objective dealt with the syntactic strategies. It was found that the STD the ICC the most. Two strategies were found to have been used in the corpus, thematization and active sentences. Thematization was found to focus majorly on four categories of subjects. These include the suspects, witnesses, prosecutor and the ICC. Fronting these subjects was found to be ideological and served to frame them. Huckin (1997) notes that framing, foregrounding and back grounding are closely related. They indicate the perspective of the writer in presenting the message of the text and the viewpoints the writer intends to emphasize or de-emphasize.

In our analysis, it was noted that thematizing the suspects by mentioning their names the STD framed the suspects as individually responsible for the crimes that had been committed. The implication here was that the suspects needed to carry their own cross and should face trial without delay. As for the DN, although the fronting seemed to indicate a similar framing, the treatment of the subjects was fairly positive. Ideologically, the newspapers displayed different positions.

The witnesses, as noted in the findings, received wholesale condemnation by the two papers. First, the STD remained silent on them. Fairclough (1995), asserts that linguistic analysis concerns itself with absence and presences in texts that could include representations, participant categories and constructions of participant identity or participant relations. This basically back-grounded them and effectively downplayed their importance in the cases. The implication here is that there was no need for the witnesses as what was important in serving justice was the suspects, the prosecutor and the court! The DN equally diminished the value of witnesses by fronting their personalized nature. This revealed that witnesses on account of the

two newspapers could not be trusted to give credible evidence if justice was to be served.

On the prosecution, the DN accorded it little focus. As our findings show, the prosecution was given only one headline thematization. Ideologically, the newspaper took a stance against it. In fact, generally, this newspaper made mention of the prosecutor by way of using it a pre-modifier to paint witnesses and the evidence in a negative light. The STD on the other hand displayed the same attitude towards the prosecution. It fronted the prosecution only in one instance. This biased coverage of the prosecutor frames him as incompetent. It was also noted that although the STD is skeptical of the prosecutor, it supported the ICC process for justice.

The ICC being the most important player in the cases studied were never focused on by the DN. It was found that clearly ideological disposition of the DN stood against the institution. This indicated that the newspaper never supported the institution. It was found that the STD favorably framed the ICC. It fronted the institution in 3 out of the 6 instances dedicated by the newspaper. This ensured the readers' attention was drawn to the fact that the court was indispensable. Fairclough (1995) notes that framing draws attention to how features of the report can influence the interpretation of the discourse and that is how framing can be deliberately manipulative.

The fronting of ICC formed 50% of the sample under this category. It was noted that the paper's ideology was supportive of the ICC and the process. It was also discovered that the STD framed the ICC as the only antidote against impunity.

The second syntactic strategy found is the use of active sentences. It was found that out of the 16 headlines that used this strategy, active sentences accounted for only 37.5%. This shows that it was less preferred despite the urgency that was needed to report the cases due to their sensitive nature. As findings show, in these headlines, agency was attributed to the suspects, prosecutor and the ICC. The attribution of agency concerns the arrangement of items in a sentence so that the subject does the action implied by the verb. Fairclough (1995) argues that ideology uses language in producing or interpreting a text and the ways they are articulated together in orders of discourse through both lexical meanings and all aspects of meaning. He adds that this results in establishing a categorical and decisive image than with giving information.

Active sentences involve active verbs. Crystal (2003) shows that in the active voice, the focus is on the subject which does the action. The choice of active voice can attract the reader's attention on the actor or doer of an action which indicates a specific representation of an individual or group. The agency attributed by the DN to the suspects framed them as responsible and law-abiding individuals and by extension, were innocent. The suspects 'lost bid' after they had followed the deferral request legal procedure. Ideologically, the DN, as findings show seemingly supported the suspects. The STD billed the suspect's appearance before the ICC judges as a 'big risk' implying that he was just presenting or handing himself to the ICC authorities for a possible detention and incarceration. This framed the suspect as criminally liable and that presenting himself on the witness stand at the ICC was akin to confirming that he was liable. Ideologically, the newspaper supported the ICC and was generally against the suspects.

Again, findings show, the prosecutor was framed unfavorably by the DN. The prosecutor 'drags' in DN 4 suggests desperation to have 'something to show' in his cases. The newspaper depicted him as incompetent and his cases as sham. The STD on other hand framed the prosecutor as powerful and out to defend the justice process at all costs. Ocampo 'threatens' in STD 5 implies that he was not just a prosecutor but an institution exercising its power. Ideologically, the two newspapers were different. The DN was not supportive while the STD seemingly applauded the prosecutor.

Regarding the agency given to the ICC, the findings show that the STD framed the institution as the only hope of justice and an antidote to impunity since the local courts had failed to try the suspects. In terms of the ideology, the ICC was indispensable. On the other hand, the DN never attributed any agency to the ICC despite it being the most central of the subjects under study. Hence the institution was completely back-grounded it to indicate the ideological disposition of the newspaper towards the institution.

The findings of the study made clear that the two Kenyan newspapers employed almost similar strategies in framing the ICC cases studied. It was also clear from the findings that the headlines in the corpus reflected what the entire message of the article. This finding confirms that of Condit et al. (2001) that headlines are truly information conveying and framing devices for the content of an article. The findings show how headlines can be operationalized to frame an issue. They also are a summary of the content of the article.

Another very important aspect of the study was that of the subjects involved in the cases. It was found out that the categories represented here included the suspects, witnesses, prosecutor and the ICC. Of our corpus, 37.5% of the headlines dealt with representation of the suspects. These subjects were portrayed variously by the two newspapers. As Poole (2002) notes, media construct own meanings through signifying practice.

Our findings indicate that generally, the suspects were given a biased representation by the STD newspaper. They were either portrayed as guilty or lacking integrity and thus could not be trusted to run for the highest office in Kenya. It is noted that almost all the 6 headlines from the STD portray the suspects as culpable. Hall (1997), holds the view that language as used in discourse relates to language presentation relates to. The use of 'reject' and 'strategy' in headlines STD 8 and STD12 respectively portrays the suspects are culpable.

On the other hand, the DN painted the suspects positively as law abiding in 2 of its 3 headlines. In headlines DN3 and DN9 the use of 'lose bid' and 'IEBC clears' indicated that the suspects followed the law in the legal processes they were engaged in.

The other category that was represented in the corpus was the witnesses group. Our results show that of the two newspapers, the STD never covered the witnesses. The DN represented the witnesses albeit negatively. In our corpus, the use of the phrase 'Ocampo witnesses' personalizes and portrays them as hired memories whose testimonies could easily be manipulated and at the mercies of the Ocampo, the prosecutor. This diminished their value in the cases. It was discovered that though

the ICC was intent on serving justice and the witnesses played a central role, the two Kenyans newspapers ignored them.

The prosecutor formed an important category in terms of representation in the corpus. Our results show that 8.3% of the total sample was dedicated to the representation of the prosecutor. This represents the least focused on subject in as our corpus. Despite this, it is noted that the STD positively portrayed the prosecutor by painting a picture of a very powerful and feared individual through the use of the verb phrase 'threatens to send' in STD5. The DN conversely portrayed the prosecutor negatively. The phrase 'drags the military into' constitutes desperation and abuse of powers of his office. This painted an impression that the cases were sham and lacked enough credible evidence and thus the prosecutor was doing everything he could to bolster his case, including victimizing the military.

The last but most crucial entity represented in the corpus is the court, ICC. As the results indicate, this is one of least represented category in the corpus. Only 21% of the sample constituted the representation of the ICC. The findings indicate that the two newspapers generally gave a positive portrayal to the court. The headlines STD9 and DN1 are direct quotes from some the most powerful individuals from powerful nations in the world. These quotes portray the court as a universal judicial body that is powerful, serves unbiased justice and can prosecute individuals regardless of who they are and what positions they hold hence a cure to impunity.

It is clear that language is a powerful tool when used effectively. Reah (1998, as cited in Magena, 2011) contends that it is easy to resist a particular viewpoint or ideology when you know it is being presented to you, but not so easy to resist when

the viewpoint or ideology is concealed. Language users through syntax and lexis are provided with a variety of linguistic possibilities through which to express themselves. Different lexical and syntactic choices evoke different emotions and perceptions from the readers on questions of responsibility, truth, reality, cause and effect. In the context of this study, the most prevalent syntactic strategies such as thematization and active sentences, and lexical strategies like verbs, noun phrases and lexical choices have been accounted for. It has been noted that the two dailies frame issues differently depending on their ideological leanings. However, it is possible to notice similarities despite the ideological diversity. Therefore, despite the difference, these two dailies are similar when it comes to coverage of events since the task of reporting past events was still the same during the period when the ICC cases were being executed.

4.6 Conclusion

The analysis of newspaper headlines from the selected dailies, *the Daily Nation* and *the Standard* has illustrated how events, issues or subjects can be given different framings via different linguistic strategies to give them different portrayals in a bid perpetuate certain ideologies. This supports the argument that news does not merely reflect the reality but rather shapes it through the way it reports events (Fairclough, 1995).

From the findings presented, the study made the following conclusions. Framing presents itself in the continuous newspaper content coverage with a consistent slant. This has an impact on what the audience relates the subject to. The findings lend themselves to this assertion. Newspaper headlines presented content on the ICC

cases in their headlines with emphasis laid on the nature, character, conduct and actions of the suspects, victims, prosecutor, court and the witnesses giving the different framings with ideological leanings. This implies that the audience would view them from those perspectives. This certainly influenced public perception and consequently aggravated the already volatile situation Kenya was in. This reinforces the fact that the media intensified tensions and animosity instigated by the highly divisive Kenyan ICC cases.

It was found out that indeed language use in the newspaper headlines has an ideological effect. The linguistic features used in framing the ICC cases in the selected Kenyan newspaper headlines contributed to more polarization during the period of study. Nouns and noun phrases used in naming and referencing the subjects and the event were potentially divisive. Therefore it is evident that lexical choices, syntactic choices and the frames employed in reporting sensitive issues in newspaper headlines could contribute to worsening of a polarized situation.

The analysis has also fulfilled the primary purpose of FA of establishing instances of framing in a text in order to reveal patterns of frames and their usage. Moreover, the objective of CDA which is to uncover hidden ideologies that can propagate bias. Analyzing headlines of the newspapers texts studied critically highlights the role language plays in creating a point of view and influencing the reader to adopt that view.

4.7 Recommendations

Based on the conclusion from analysis and interpretation, the following are the major implications of the study. The researcher recommends that media houses

should introspect on the current practices around framing of sensitive issues. The editorial policies should have specific guidelines on managing and conveying content on the sensitive and emotive issues.

The study findings could have implications for pedagogy as students could be taught the power of words in portraying and shaping ideologies. Some of the issues brought out like framing and portrayal of issues or events could be of help to practicing journalists and editors. Moreover, the study shows that different features of language like lexical, rhetorical and syntactic are used in newspaper headlines. Therefore, teachers and students of mass communication might consider the findings of the study.

The study is equally a linguistic contribution to research on media framing during crises. More research could be done on other linguistic elements like aspects of grammar, pragmatics and sociolinguistics, used to talk about the crisis in newspapers so as to increase the validity of this research.

4.8 Conclusion

In this chapter, data has been analyzed, presented and discussed by focusing on the linguistic strategies used in the headlines of the Daily Nation and The Standard to frame the Kenyan cases at the ICC. The salient frames, subsumed in the discussion of the syntactic and lexical strategies, and the portrayal of the event and the subjects in our corpus were also considered.

In the subsequent chapter, a summary of findings, implications and recommendations for further research is presented.

CHAPTER FIVE

SUMMARY OF FINDINGS, IMPLICATIONS AND RECOMMENDATIONS

5.0 Introduction

This section is divided into three sections: summary of the findings, implications and the recommendations.

5.1 Summary of the findings

Our study focused on three objectives which included identifying the lexical strategies, syntactic strategies and the linguistic frames used to give portrayal to the event and the subject group the selected dailies used in their headlines in framing the Kenyan cases that were at the ICC. From the analysis of the data, the following findings emerged.

In line with the lexical strategies, the headlines under consideration appear to favor active verbs. The two dailies preferred to use active verbs in framing the ICC cases that were under investigation. The choice of active verbs may have been helpful in expressing urgency and in sensationalizing the news item being reported.

Concerning the syntactic strategies used by the two dailies to frame the Kenyan cases at the ICC, the analysis indicates two findings. One, both dailies have used active sentences to a lesser extent. This probably was deliberate to conceal some detail because active sentences are more forceful, revealing and make news more appealing to the readers hence eases manipulation. It is worth noting that the cases involved high profile and powerful individuals and were arguably the most emotive. Therefore, necessarily, the dailies had to avoid more revealing structures.

Two, interestingly, the two dailies differed in thematizing the subject categories. As the analysis reveals, STD greatly exploited this strategy as regards the ICC. It deliberately made the ICC the focus probably to show its ideological disposition towards the institution and its handling of the cases. In the reportage of these cases, the most important is the ICC.

The third finding which concerns the linguistic frames, the analysis reveals both dailies exhibited three dominant frames including political propaganda, justice and the credibility of evidence frames. Under this objective, the frames identified gave portrayals to the event and the subjects. In the two dailies, it is observed that;

- (a) The two dailies dismissed the suspects as either criminally liable or lacking moral authority to lead and thus should be rejected.
- (b) Both dailies least focused on the witnesses. This is probably because of their lack of credibility due to the perception that they were hired and coached. Consequentially, their value was diminished. The DN gave a biased representation of the witnesses by personalizing them.
- (c) The DN has given more focus on the prosecutor albeit its unfavorable representation. It has personalized both witnesses and the evidence to the prosecutor effectively delegitimizing them. This is probably owing to the ideological disposition of the newspaper towards the prosecutor.
- (d) Despite being one of the most critical components of the cases in focus, the ICC has been given the least focus by the two dailies. It is observed that the

STD gave a better focus and a favorable representation. It generally was supportive to the institution.

In framing the headlines, the findings showed that indeed language use in the media has an ideological effect. The linguistic features employed in reporting sensitive issues and events in Kenya could instigate polarization during the period the study focused on.

5.2 Implications of the study

5.2.1 Teaching

News writing does not just involve collection and reporting of news items. Presentation of news reports is very important. The way journalistic information is packaged impacts on perception of issues by the public and presentation of an ideology. This study has pedagogical implications for teaching journalistic English by adopting Framing Analysis theory-based approach since there is need for journalists to understand the conventions of English language important in framing.

5.2.2 Further research

This study focused of framing strategies print media. A study worth undertaking by future researchers is on narration and personalization devices in newspaper texts and their centrality in framing and concealment of ideology. This will go a long way to answer questions on how the narrative was constructed and told and the possible ideology about the ICC cases was being advance by the newspapers.

Lastly, future researchers in critical linguistics might analyze the spoken language for hidden ideologies coded behind statements and structures used in spoken discourses like television interviews.

5.3 Conclusion

To demonstrate how the Daily Nation and The Standard newspapers fared in framing the Kenyan cases at the ICC has not only helped rationalize how news writers used language but also revealed the framing strategies they employed. This chapter has highlighted the purpose of this study and synthesized the conclusions arising from the findings. A discussion of the implications of the study for teaching, and suggestions for further research has also been made based on the findings of the study.

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APPENDICES

APPENDIX I: THE DAILY NATION

DNI

DAILY NATION
Wednesday July 13, 2011

National News | 5

VIOLENCE | German leader urges Kenya to cooperate over post-poll chaos trials to avoid repeat in 2012

Work with ICC, Merkel says

CONTINUED FROM PAGE 1

Kibaki and Prime Minister Raila Odinga to implement the Constitution and fight corruption.

In separate meetings with the two, Ms Merkel said German investors were keenly watching the country's politics and added that their investments will only go to a stable and secure country.

"We are, however, happy that the new Constitution has offered Kenya a good opportunity for attracting more investments. We are also happy to note that its implementation is on track," she said in Nairobi yesterday.

Electoral system

The violence that erupted following the closely fought Presidential elections left 1,133 people dead and 850,000 voters homeless.

Elections are due in August next year. Ms Merkel expressed Germany's willingness to assist Kenya strengthen the country's electoral system.

Ms Merkel said Mandera Central MP Abdikadir Mohamed, had helped steer the Constitution-making process smoothly and that he had been earmarked for the German Africa Prize award.

Mr Abdikadir was formerly the chair of the parliamentary committee on Administration of Justice and Legal Affairs. He currently chairs Parliament's Constitution Implementation and Oversight Committee.

"The government must, however, fight corruption. It should co-operate with the ICC while ensuring that elections are peaceful. We do not want to see violence," she said.

The ICC has named six Kenyans as possible masterminds of the post-election violence. They are Deputy Prime Minister Uhuru Kenyatta, Head of the Public Service Francis Muthaura, Eldoret North MP William Ruto, Tindiret MP Henry Kosgey, former Police Commissioner Mohammed Hussein Ali and radio presenter Joshua Arap Sang.

Ms Merkel said she would back Kenya's request to upgrade the United Nations Environment Programme and ensure that the location of its headquarters remain in Nairobi.

The German leader, who flew into the country on Monday evening, met President Kibaki at State House, where she inspected a guard of honour mounted by the Kenya Air Force.

This is her first visit to the country as Chancellor, having previously visited Kenya as her country's minister for the Environment. She will also visit Angola and Nigeria.

After her meeting with the President, she proceeded to the InterContinental hotel, where she and Mr Odinga witnessed the signing of two agreements for the establishment of a delegation of German Industry and Commerce and another for the support of research activities at the International Livestock Research Institute.

She later met House Speaker Kenneth Marende and then delivered a lecture at the University of Nairobi. She also visited ILCRI offices and the United Nations Environmental Programme headquarters in Nairobi.

President Kibaki said the progress made so far included the passage of several laws crucial to the implementation process.

"The task of implementing the Constitution requires a lot of resources and manpower. We have underlined the importance of support from the German government in terms of finances and capacity building," the President said.

STEPHEN MUGAGI/NATION

President Kibaki with German Chancellor Angela Merkel at State House, Nairobi yesterday.

Germany urged to help

DN 2

DAILY NATION
Friday July 15, 2011

National News | 5

FOOD CRISIS | Minister Mugo had conceded Kenya does not have capacity to test safety of cereal

MPs threaten

No Ocampo witnesses during Hague September hearings

BY NATION
CORRESPONDENT

ICC prosecutor Luis Moreno-Ocampo will not call any witnesses during September's confirmation of charges hearings for six Kenyan post-election violence suspects.

The prosecutor said that not calling live witnesses would allow the cases to be handled in a speedy manner by the court. He was responding to an order by the Pre-Trial Chamber that the parties to the cases justify why they need to call live witnesses.

Instead, the prosecutor plans to use witness statements against the suspects.

Mr Moreno-Ocampo also plans to use evidence contained in 7,800 pages of witness statements, media reports and human rights groups' reports.

"In an effort to conduct the hearings in the most efficient and expeditious manner, and in light of the ongoing and persistent concerns related to the security in Kenya, the prosecution indicates that it does not intend to call any live witnesses at the confirmation of charges hearings," he said.

The prosecutor had earlier indicated that he would call 20 witnesses to testify against William Ruto, Henry Kosgey, Joshua Sang, Uhuru Kenyatta, Francis Muthaura and Hussein Ali. The hearings for Mr Ruto,

“

IN AN EFFORT TO conduct the hearings in the most efficient manner, the prosecution will not call any live witnesses.”

Luis Moreno-Ocampo



Mr Kosgey and Mr Sang's charges will be on September 1 while those of Mr Uhuru, Mr Muthaura and Mr Ali will be on September 27.

Judge Ekaterina Treadwell had told the parties that although oral testimony is permitted, the evidentiary debate at the confirmation of charges hearing can be based on witnesses' written statements.

The defence teams will now have to seek strategies to use

in fighting the witness statements without knowing who they are.

The six suspects have indicated that they will be calling up witnesses but after they have known what evidence the prosecutor has. Mr Ruto, Mr Kosgey and Mr Sang were scheduled to receive the last batch of evidence from the prosecutor on Wednesday.

Yesterday, Mr Sang's lawyer Kemboi Boock said that they are yet to receive any communication on the evidence from their support teams at The Hague.

A confirmation of charges hearing is held to determine if there is sufficient evidence to believe a suspect committed the crimes he is charged with and if the case should go to trial.

Meanwhile, Mr Moreno-Ocampo will have to prove that two lawyers who have joined Mr Muthaura's defence team were privy to information on his case before they left the ICC.

Mr Muthaura's defence has hired Shyamala Alagendra and Easa Paul who formerly worked for Mr Moreno-Ocampo.

An international crimes lawyer who could not be named as he is working closely with the defence in the Kenyan cases said the Rome Statute provide that the Chamber will be the arbiter in case such objections are raised.

JUSTICE | Defence teams ready to face Ocampo/say Kigen

Ruto, Kosgey lose bid to defer ICC hearing

Reasons given didn't meet threshold for granting extensions, says Pre-Trial court

BY OLIVER MATHENGE
omathenge@nationmedia.com

Edward North MP William Ruto, Deputy MP Henry Kosgey and co-prosecutor Justice Sang have lost their bid to have the confirmation of hearing starting date extended to October.

The International Criminal Court Pre-Trial Chamber on Friday night rejected the request on the grounds that the reasons given did not meet the court's threshold for granting extensions.

Lawyer Katusi Kigen representing both Mr Ruto and Mr Sang confirmed that the request had been rejected but vowed to appeal.

"We find it disproportionate that the prosecutor has had three years to prepare for his case and we have only 15 weeks to do so. The prosecutor also

got several extensions and we have had the first and only one rejected," said Mr Kigen.

However, he added that the defence teams were ready to take on the prosecutor during the hearings that ran from September 1 to September 20 even if the Appeals Chamber does not rise to their favour.

Mr Sang and Mr Ruto wrote to the ICC last Thursday asking that they be granted more time to interview their witnesses ahead. Mr Kosgey was enjoined to the request on Friday by his lawyers.

They wanted the court to push the start of the hearings to October 13 in order to "give the defence ample time to prepare our witnesses".

"We are seeking an extension to the date of hearing of confirmation of charges by six

weeks. This is because we have not been given the greenlight to interview the witnesses we have planned to use in our defence," Mr Kigen said mid last week about his clients' application.

The date for the confirmation of charges hearings against Mr Ruto, Mr Kosgey and Mr Sang is set for September 1.

The confirmation of charges hearings against Deputy Prime Minister Uhuru Kenyatta, Head of Civil Service Francis Muthaura and former police boss Hussein Ali is scheduled for September 13.

The lawyers for Mr Ruto, Mr Kosgey and Mr Sang are seeking permission from the ICC to contact their six witnesses.

They were given two weeks to submit the evidence they would depend on to counter the arguments raised by Mr Luis Moreno-Ocampo against their clients.

Judge Tordella restricted the trio to two witnesses each. They had proposed to call 43 witnesses, but the prosecution opposed the request.

See also pages 28 and 27

CELEBRATION | Exchange of vows



Vice-President Kalonzo Musyoka, centre, and his wife Pauline present a gift to newlyweds Josh Muli and Rachel Muli during their wedding ceremony at the Co-operative Bank management centre in Karen, yesterday. The bride is Mr Musyoka's niece.

Harmonise school systems, EAC urged

BY WALTER MENYA
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The five East African governments have been asked to fast-track the harmonisation of education systems in the region to give more citizens access and fully affect the protocol signed in 2009. The deputy vice-chancellor of the University of Dar es Salaam, Prof Yumas Muganyizi, said

the different education systems in the region have reduced the number of students seeking admission across borders.

"The University of Dar es Salaam is still a preferred destination for students in the region but not as much as it was in the last century," Prof Muganyizi said. He was speaking at a meeting with the university's alumni from Kenya in Nairobi yesterday.

The university that produced some of the top lawyers in Kenya today is celebrating 50 years in October this year.

"The dean of the faculty of law at the university, Prof John Kabudi, said many Kenyans failed to get admitted as many apply without first completing A-levels. The A-level system in Kenya was replaced in 1985 with the 3-4-4 system.

DN 4

ICC CHARGES | Dossier claims attacks in Naivasha were launched in an orderly and well planned manner

Ocampo drags military into poll violence case

The dossier claims attackers in Naivasha and Naivasha had been transported from Nairobi in military trucks driven by men wearing Kenya Army uniforms

BY SUNDAY NATION TEAM
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Evidence collected by ICC chief prosecutor Luis Moreno-Ocampo has put a twist in the tale of the role played by security agencies in helping to quell post-election violence in 2008.

It is widely believed that security agencies were working overtime to help stop the violence that threatened to engulf the country after the presidential vote. The situation was helped by the suppression of military personnel in violence hotspots of Naivasha, Nakuru and the North Rift, where police officers and prison wardens appeared to have been overwhelmed by mob violence gangs.

The military retained its respect as other institutions were shaken to the limits by the violence.

New evidence sent to Deputy Prime Minister Uhuru Kenyatta, Civil Service chief Francis Muthaura and former Police Commissioner Maj Gen (rtd) Hussein Ali suggests that the military, or subordinated officers or soldiers, played a pivotal role in the violence.

The dossier claims that the attacks in Naivasha were launched in an orderly and well planned manner on the morning of January 20, 2008 and coordinated by attackers who had been transported from Nairobi in military trucks driven by men wearing Kenya Army uniforms. The Department of Defence has not responded to the dossier.

But testifying at the Waki Commission in 2009, the then Chief of General Staff, Gen Jeremiah Kiambu, said that the military were well prepared for the PKV.

"By all accounts, they not only took heed of the 2018 reports but considered their own assessments, consulting and planning arrangements based upon their view that the 2007 elections would see a least

of violence occur in at least levels seen at post-war elections," the Waki Commission reported. "The military prepared contingency plans, including policy, loaded troops and released in order to respond appropriately to likely scenarios, conducted exercises with staff around their need to remain vigilant in accordance with military rules, and close work to ensure that should the need arise, military support could be provided quickly and effectively."

Mungiki members in Nairobi who had been earmarked to carry out the attacks were mobilised through text messages to Nairobi from where they were picked up by Civil Reserve Forces and transported through secret routes to the State House in Nairobi. Upon arrival at the State House, the Mungiki members were addressed by a Mungiki leader in the presence of senior government officials. Mr Moreno-Ocampo has told the ICC judges.

New machetes

The Mungiki members were then transported from the State House to Naivasha in military trucks by men wearing Kenya Army uniforms. Mr Moreno-Ocampo told the judges. The trucks contained brand new machetes as well as wooden clubs which the Mungiki were instructed to use for the battle in Naivasha. The Mungiki were broken up into groups of 10 fighters, each to be commanded by an experienced Mungiki member of the military wing.

And at the provision of State House, the presidential Press Service issued a dispatch on Friday evening that denied the claims now before the court.

According to the evidence presented in the judge - and which the suspects are expected to attempt to demolish beginning September 1 - the strategy employed by



THE EVIDENCE
What is before ICC

ICC chief prosecutor Luis Moreno-Ocampo says Mungiki members in Nairobi who had been earmarked to carry out attacks were mobilised through text messages requesting them to report at specific locations in Nairobi from where they were picked up by Civil Reserve Forces and transported through secret routes to the State House in Nairobi.

They were addressed by a Mungiki leader in the presence of senior government officials. Mr Moreno-Ocampo has told the ICC judges.

The attacking Mungiki and pro-PKV youths were to deploy secretly through the forests on the outskirts of town, join with the other local Sikoyas to swell the numbers available for the fighting, deploy simultaneously in different places in town, monopolise the attention of the authorities and efforts of the Kenya Police, and demand the lifting of a curfew within the town and withdrawal of a rank of deployed police guards who they accused of harassing the local population and supporting ODM.

Despite knowing that there was a short-

age of police officers. Mr Moreno-Ocampo has charged the Naivasha District Commissioner with the curfew and directed the withdrawal of the prison guards.

According to the documents supplied to the suspects and posted on the ICC website, following the DC's actions, groups of Mungiki and pro-PKV youths deployed immediately to invade the town and transport and set up barbed wire and checkpoints to block transit and request people to identify themselves in Kisumu language.

The prosecutor is charging that Mr Kenyatta, in his capacity as the chairman of the National Security Committee, and with the support of Gen Ali, who as Commissioner of Police was a member of the Committee, provided safe passage for the attacks to be carried out.

Mr Moreno-Ocampo also accuses them of ensuring that the Kenya Police did not intervene before, during or after the attacks, despite having prior knowledge of the attacks.

DNS

POST-POLL VIOLENCE | Defence lawyers claim prosecution over-relied on NGO reports

Suspects' lawyers poke holes into Ocampo evidence

No magical bullet to turn the case in Ocampo's favour, say lawyers

BY ERIC SHIMOLI
eshimoli@kenyaobserver.com

Just how much independent investigations did the International Criminal Court prosecutor carry out before seeking to bring charges against the Ocampo trio?

This has been the question occupying the minds of lawyers of three of the six suspects currently facing confirmation of charges hearings before the International Criminal Court at The Hague.

Judge Patricia Tumbahillie, Isaac Peter Kari and Casso Tumbane are hearing evidence to determine whether to commit MPs William Ruto, Henry Koggy and radio presenter Joshua Sang to full trial for the killings, including those and mauling that occurred after the disputed presidential elections of 2007.

Mr Ruto, Mr Koggy and Mr Sang represent the ODM wing of the coalition. Another case involving Deputy President Kenia Atieno Odhiambo, Chief Justice Louis Odunga, and former Police Commissioner Hussein Ali representing the PDU wing of the coalition starts on September 12.

Throughout the six days of the hearings so far, the suspects and

lawyers say they have been waiting for ICC chief prosecutor Luis Moreno-Ocampo to submit the magical bullet that would turn the case in the prosecution's favour.

The suspect lawyers claimed their had not materialised.

Mr Katus Kigen, one of the lawyers for Mr Sang, said they were convinced that the prosecutor did not carry out any investigations before bringing charges against the suspects.

"We are completely convinced that the prosecutor did not carry out any investigations and we have managed to poke holes into his case," said Mr Kigen in an interview.

Common position

It is a position that has been taken by the suspect lawyers throughout the proceedings so far.

Even the usually reserved Mr Koggy's team tried to grant a rare interview.

"We are confident we will be vindicated and the truth will emerge," he said.

The feeling among the suspects is that Mr Moreno-Ocampo and his team of investigators relied too much on NGO reports, which were more anecdotal.

Mr Moreno-Ocampo, even in his most confident before taking the case to attention the six suspects, insisted that he would carry out his own investigations.

He criticised the report of the Commission of Inquiry into Post-Election Violence chaired by Judge Philip Waki as one of the reports he would consider but that he would not overly rely on it.

But scrutinising the case



Incumbent MP Henry Koggy, the MP yesterday said he was confident he would be vindicated of charges against him at The Hague.

presented by the prosecution, lawyers representing Mr Ruto, Mr Koggy and Mr Sang say they find similarities between what the prosecution is alleging and the report of the Kenya National Commission on Human Rights.

Most of the evidence and sources of information remains uncorroborated but the prosecutors have advanced using the report of the Human Rights Watch.

The realisation that the prosecution case may hinge too much on reports by the NGOs caused the various defence teams to change tact.

While Mr Ruto's lawyers brought two witnesses to defend him, Mr Koggy's lawyer resorted to a technical analysis

of the evidence in her 8 apart with what they say is rebutting evidence.

They have, for example, produced evidence they say proves that Mr Koggy did not attend meetings he is alleged to have attended as he was attending other functions elsewhere.

His lawyer George Oron said: "We did not call any witnesses because I think we had sufficient information to help us go on with our defence without them."

He denied claims of attempt to defame Mr Koggy's case from that of the other suspects although he commented: "Mr Koggy's case is completely different from the other two suspects and that is the way we have approached it."

Uhuru and Ali seek to push forward hearing date

BY NATION REPORTER

Deputy Prime Minister Uhuru Kenyatta and Prosecutor General Houssein Ali want their confirmation of charges hearings held in December.

Even though Head of Civil Service Francis Muthaura said November date with the Pre-Trial Chamber judge, he does not object to a December date.

The three, who are scheduled to appear for the confirmation of charges hearings at the International Criminal Court on September 22, have asked Judge Patricia Tumbahillie to hold Prosecutor Luis Moreno-Ocampo from attending the evidence he has against them.

They say, however, since the prosecutor attends the documents on Friday and file them with the judge.

Change of direction

Mr Kenyatta, Mr Muthaura and Mr Gen Ali have alleged that the prosecutor has changed the direction of the prosecutor's case.

But Mr Moreno-Ocampo argued the defence had repeatedly given the impression that his office did not already seized until the last moment to disclose its last tranche of a corroborating evidence.

The new allegations cited by the suspects include that Mr Kenyatta and Mr Muthaura put in phone conversations of relations that he carried out by Mwangi and pro-PDU youth.

It is also alleged that Mr Kenyatta organised and financed the military attacks in the Rift Valley.

The three suspects are also concerned about allegations by Mr Muthaura regarding phone meetings after the elections.

The new allegations cited by Mr Ali include that he orchestrated the killing of Mwangi and Mr Mwangi in the post-election violence.



“We have managed to poke holes into his case” says lawyer Katus Kigen

DNS

THE HAGUE NOTEBOOK

By MURITHI MUTIGA

From the Netherlands

TRANSPORT Getting around as easy as ABC

Life at The Hague is, as you would expect, quite organised. Almost too organised, in fact. You can plan your day precisely by consulting the bus time when the transportation is expected at your nearest stop.

You have had just two or three minutes before it is there. The routine is repeated like this to the day when you commute to work.

But like all things run by human beings, the system can occasionally be disrupted. If you do not have a season ticket (a bit like the old Kenyan bus tickets) you need to pay for bus fares before a 30-minute ride.

On Saturday around 10, I boarded a train from the central station and after paying the fare, the driver took

DEFENCE | Uhuru's lawyers hired forensic investigator after they grew suspicious of witnesses

Ocampo's witnesses 'extortionists'

CONTINUED FROM PAGE 1

greeting disappointed with them. The lawyers said they had expected an independent counsel, who identified three prosecution witnesses as individuals who had offered evidence concerning the violence.

They subsequently changed their position and pointed to Mr Kenyatta as the key initiator of attacks in Ndlovu and Ndlovu, which assumed the nation for their brutality weeks after another killings were carried out in parts of Rift Valley, the defence team claimed.

"The evidence the prosecution is relying on is inherently flawed, unreliable, irrelevant, hearsay and/or unsubstantiated by the author or the source," said Ms Gillian Higgins, counsel for Mr Kenyatta.

Ms Higgins claimed that analysis of the prosecution's case pointed to contradictions in accounts of witnesses, which undermined the overall strength of the case.

The defence's assertions on the identity of the witnesses are subject to challenge by the prosecution who will name another Mr Kenyatta witness.

"They are based on a report by a forensic investigator, Mr Gray Swann, who was retained by the defence team after they grew suspicious of the identity of the prosecution witnesses."

Mr Higgins said another defence witness, Kibet MP Lewis Njorog, would testify that he identified the two Mwangi members who agreed to offer evidence for the Kenyatta



Deputy Prime Minister Uhuru Kenyatta and Public Health minister Botha Mogozi at the ICC in The Hague yesterday.

defence team. The agreement, the defence claimed, was that they would only be paid transport expenses.

"Not only did the forensic investigator confirm that the defence had correctly identified the two prosecution witnesses, he made the following conclusion. That it was the refusal to pay travel expenses to the witnesses that led to their discreditation. Both witnesses were knowing and willing parties to an extortion

depredation and rape that took place in Ndlovu and Ndlovu in the last week of January 2008.

Chief prosecutor Luis Moreno-Ocampo says this was part of a campaign initiated by Mr Kenyatta to help President Ruto's PDU hold on to power "by any means necessary".

Ms WILSON Ruto and Henry Koggy and radio journalist Joshua Sang faced separate charges in connection with killings in other parts of Rift Valley.

Lower the stakes

In her opening statement, Ms Higgins claimed that the prosecution's witnesses were motivated by an unenviable desire to "bribe the justice of the court" if the case was allowed to go to full trial.

The lawyer said that one witness had given contradictory accounts of Mr Kenyatta's and Mr Muthaura's involvement in the violence.

She said Prosecution Witness No Four claimed that Mr Kenyatta and him and another member of the Mwangi at 8:30 on November 25, 2007, at a cafe on the ground floor of Yaya Centre, Nairobi, where he proceeded to take them to State House.

Ms Higgins said they had established that the last call on the ground floor of Yaya Centre closed at 8:30pm that day. She told the chamber that the seven witnesses had placed the meeting on the second floor of Yaya Centre in a separate statement to the Waki commission.



CAUTION | Leading candidates Uhuru and Ruto among four Kenyans facing charges at The Hague

Shun ICC suspects, says Annan

Mediator says voting for those facing crimes against humanity charges would isolate country

BY OLIVER MATHENGE
omathenge@kenyanationmedia.com

Former UN secretary general Kofi Annan has urged Kenyans not to elect politicians who have been indicted by the International Criminal Court in the upcoming General Elections.

Though he did not mention Deputy Prime Minister Uhuru Kenyatta and Eldoret North MP William Ruto, the former chief mediator told the BBC that electing such leaders will sour Kenya's relations with the international community.

Mr Annan said that it is "not in the interest of the country" for the electorate to elect a leader who will not be able to freely interact with the rest of the world including travelling to some countries.

"No country today is an island. We live in an inter-dependent world. A leader of a nation should be able to travel out and in with other leaders being able to come here. There must be confidence and trust by other nations and the international community," Mr Annan said.

Pressed by the BBC reporter on whether he was asking Kenyans not to elect Mr Kenyatta and Mr Ruto, Mr Annan was diplomatic that this was not what he meant. Instead, he told



2008

The year when the former UN boss brokered a peace deal that ended Kenya's post election violence

“

No country is an island...a leader of a nation should be able to travel”

Ex-UN boss Kofi Annan

the reporter "not to put words in my mouth."

"What I have said is that certain actions are not in the interest of Kenya and I stand by that. Why should it be in the interest of Kenyans to put themselves in a situation where

their relations with the rest of the world is complicated?" Mr Annan asked.

His comments are likely to draw fierce reactions from the Kenyatta-Ruto camps as the two have previously accused Mr Annan and other Western

leaders of interfering with the forthcoming elections. Mr Kenyatta and Mr Ruto have formed a coalition to contest the election in which they have also roped in Deputy Prime Minister Musalia Mudavadi.

Even as they prepare to stand trial at The Hague over cases facing them and two other Kenyans in April next year, Mr Kenyatta and Mr Ruto have declared that it was their right to bid for the top seat.

Clear our names

"Even suspects have their own rights, in their own nations. From the time we were named (as suspects), we said we are determined to follow the due process to clear our names, but this does not mean we should be denied our rights," Mr Kenyatta said on Monday.

The European Union and the United States are viewed as opposed to the candidature of the ICC suspects. Mr Kenyatta has, however, told them off saying, "We don't interfere with your internal affairs. We appreciate your concerns as friends, but you must leave the (Kenyan people) to decide," he said.

In his interview, Mr Annan said that the international community was not meddling with Kenyan affairs and especially the elections.

OUTLOOK | New Year set to dawn with intense campaigns expected to culminate in a closely contested presidential election

Mixed fortunes for Kenyans amid

While the Treasury and the World Bank are optimistic about the health of the economy as long as the March 4 elections are peaceful, civil society warns that the country may suffer isolation if Hague suspects elected

Historic polls and ICC

BY ENIKA-MAYANA GEKARA
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April 10

The day next year the trial of the Kenyan Case One is set to start at the International Criminal Court at The Hague

“

What is clear is that the loss of Western goodwill would lead directly to cutbacks in international financing for important sectors such as infrastructure, health and currency stabilisation, leading to economic turmoil”

Prof Margaret Rivett of United States International University

The ICC cases facing four Kenyans — two of whom form the core of the Jubilee Coalition leadership — are at the heart of the intense Kibaki succession politics that will characterise the race for power in the March 4, 2013 elections. The shape of things to come has been drawn up by the coming together of Deputy Prime Minister Uhuru Kenyatta and Eldoret North MP William Ruto, who belonged to protagonist parties in the 2007 General Election, but who have now closed ranks to pursue the same political path.

The two have formed an alliance which will see Mr Kenyatta run for the presidency with Mr Ruto as running mate in the elections. Their cases are set to come up for trial in April.

The ICC prosecutor alleges that the accused in Case One — Mr Ruto and radio journalist Josphat Gwangwa — had started the violence to which those in Case Two, Mr Kenyatta and former civil service chief Francis Muthaura, responded.

They have denied the allegations. The prosecution that Mr Kenyatta and Mr Ruto face, wrote lawyer George Kegoro recently, was supposed to “stigmatise and stigmatise the accused, making it difficult for them to sustain a political career. But the converse is now true.”

Instead of the expected stigmatisation, the ICC cases have transformed the two into heroes in their communities.

Formidable alliance
The result is a formidable alliance which has for the first time raised the possibility of a presidential fighting gross crimes and generated debate on the consequences to the country. Former UN secretary-general Kofi Annan said Kenya's external relations could be damaged if the suspects are elected.

He said any Kenyan leader must be able to travel to meet other heads of state and be trusted by the international community.

“When you elect a leader who cannot do that, who will not be free or will not be easily received, it is not in the interests of the country and I'm sure the population will understand that,” he said.

During a meeting of TNA delegates, Mr Kenyatta told them that some forces had persuaded him that foreign countries will stop buying Kenyan coffee and tea if he is elected president. He has also persistently said that the Kenya Government will not be run by foreigners.

And according to Prof Margaret Rivett of the United States International University, Kenya will be isolated if the two win the presidency.

“Hours after the defeat pair's open-top ride into State House, the diplomatic repercussions of the collective vote of no confidence in Kenya will shake the very foundations of our country,” he said.

“What is clear is that the loss of Western goodwill would lead directly to cutbacks in international financing for important sectors such as infrastructure, health and currency stabilisation, leading to economic turmoil”

“The candidates were nominated by national political parties which enjoy support beyond their tribes.”

TNA Treasury general Ouyango Oloo on the Candidates of Mr Kenyatta and Mr Ruto

BACKGROUND

Ruto made a pitch for Hague trials

On February 22, 2009 Eldoret North MP William Ruto made the case for the intervention of the International Criminal Court in the Kenyan violence case.

In an interview with this paper, Mr Ruto, then Agriculture minister, declared that he wanted the envelope containing names of the post-election violence suspects handed over to The Hague-based court “without further delay”.

In a clear breach of the spirit of collective responsibility required of Cabinet members — led by President Kibaki — and PM Ruto Odinga — which was in favour of a local court, Mr Ruto called support for the ICC saying it was better placed to conduct “proper investigations”.

But Mr Ouyango Oloo, the secretary-general of Mr Kenyatta's The National Alliance (TNA) party, says emotional solidarity for the Uhuru-Ruto ticket is a commentary about the lack of credibility of the ICC case.

“The candidates were nominated by national political parties which enjoy support beyond their tribes,” says Mr Oloo.

“Kenyans participated in the violence and they knew what happened. They know that Mr Kenyatta and Mr Ruto were not in the ring. It was President Kibaki and Mr Odinga who were contesting the presidency. The Rome Statute targets those who bear the greatest responsibility.”

But Mr Simelika JMR, a governance expert, introduces a different dynamic to the



ICC narrative and its effect on the coming polls. He says that the March 4 election will be a moral test for the country.

“The fact that individuals accused of gross crimes could be instead heroes of their communities, speaks volumes about the place of values in our society and morality in election politics,” he says.

He says that the Constitution promises the two innocent until proved guilty.

Mr Simelika thinks that the two accused are exploiting the “political ignorance” and vulnerabilities of the ordinary folk.

He says that the two have successfully manipulated their communities to believe that the whole lot of them were under attack.

“They have made it clear that they are ready to sacrifice their communities for individual interests. There are no considerations for morality and ethics.”

The ICC is the glue that binds the ticket.

For the past two years, they have solidified their campaign on the Hague prosecution and tactfully tied their fortunes and those of their communities on the progress of the upcoming ICC trials with Prime Minister Ruto Odinga projected as the man behind their woes.

As a sign that the case is a major campaign issue, Mr Ruto last month declared that the election will be a “referendum on the ICC”.

Mr Odinga's unqualified support of the ICC proceedings has antagonised him with the accused who have barely disguised their resentment for him.

Their supporters have been persuaded that if Mr Odinga is elected President, he will put the accused rivals in the first place in The Hague. They cite the case of former

ICC prosecutor and its effect on the coming polls. He says that the March 4 election will be a moral test for the country.

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Kenyan strongman Laurent Gbagbo who was ferried to The Hague by his rival President Alassane Ouattara.

The strategy is calculated to ensure Mr Odinga does not assume power.

Opinion is divided over the Uhuru-Ruto candidacy. While the two have done the political right to seek leadership, a group of NGOs have released a report warning even if the courts clear them to run for office, and even though they undoubtedly popular, a presidency by either Kenyatta or Ruto is “highly to hold Kenya and will be impossible to conduct national elections while the President is away on trial.”

“And after a highly difficult set of elections, Kenya may remain leadershipless as the president has to abandon the process midway and go to The Hague for trial.”

According to the report, an Uhuru-Ruto victory has considerable effect on the military command and instead of agencies.

The 2010 Constitution sends the presidency extra roles to legislative in Parliament and Senate which are expected to send ERAs into law.

The presidential ascent to office is done within 14 days and then published within seven days into law.

“An ebullient president will not have such efficiency. The fact that the president will have a second chamber of legislature, creating a new executive legislative process, makes it more difficult for the president to be effective in this process.”

TO COMMENT ON THESE AND OTHER STORIES GO TO

DN 9

Mixed reactions after IEBC clears Uhuru, Ruto despite Hague trials

BY NATION REPORTER

Justice coalition presidential candidate Uhuru Kenyatta and his running mate William Ruto yesterday announced the first hurdle in their quest to lead the country when they were to run in spite of integrity cases facing them.

The Independent Electoral and Boundaries Commission (IEBC) chairman Isaac Hassan accepted Mr Kenyatta's nomination papers and declared him validly nominated to contest the presidency. The two leaders then announced on a meet-the-people tour in Nairobi where Mr Kenyatta said IEBC had cleared doubts about his being in the presidential race.

"Today we were given papers by the IEBC clearing us to stand in the coming elections and now our critics have nothing to say as we shall meet on the ballot," Mr Kenyatta said.

Yesterday, views were varied on the decision of IEBC to clear Mr Ruto and Mr Kenyatta yet they faced criticism against immunity charges at the International Criminal Court.

There are also pending cases at the High Court challenging their suitability for the presidential race.

Former Law Society of Kenya chairman Naamba Kibanga, in a telephone interview said although IEBC should

have waited for the verdict of the court before clearing them to contest, its options were limited. "Ideally, IEBC should have waited for the court verdict, but the law has a time frame for elections and the agency had no choice because the courts have dragged their feet on this matter," he said.

Mr Kibanga, who also chaired the Committee of Experts that wrote the new Constitution

said aggrieved parties can challenge the IEBC decision in court.

Prof Yash Pal Ghai who led the drafters of the new Constitution, said the courts are not bound by IEBC decisions and remained free to reach their own verdict.

"The court's ruling will largely be based on what the Constitution says," Prof Ghai said.

The chairman of Centre for Multi-Party Democracy Justice Mbatia said pending cases would not have stopped IEBC from clearing Mr Kenyatta and Mr Ruto.

"All IEBC was supposed to do was ensure the two people met conditions set out for presidential aspirants and that is what they did," he said.

Last Friday, Chief Justice Willy Mutunga, appointed five High Court judges: Mwangi Kiambu, Loken Njiru, George Kioondo, Pauline Nyamwaya and Helen Githongo to determine the integrity of Mr Kenyatta and Mr Ruto to lead the country's top leadership.

The judges will determine the petitions by the International Centre for Policy and Conflict, Kenya Human Rights Commission, and International Centre for Justice over the suitability of Mr Kenyatta and Mr Ruto. The hearing is scheduled on February 6.

April 10

Date when war crimes cases facing Uhuru and Ruto are set to begin at The Hague

“

Today we were given papers by the IEBC clearing us to stand in the coming elections and now our critics have nothing to say as we shall meet on the ballot," Mr Kenyatta said.

Uhuru Kenyatta

DN 10



Police impostor 'gave promotions'

P9 Powerful Waiganjo could also fire and assign duties, probe told



UTAHAMA ROUNDI HILL. WIN YOUR FREEDOM! Get a piece of the apartment inside. DAILY NATION

Poison scare as ICC official finds tablet in food

BY ZADDOCK ANGIRA zangira@kenyanewsmedia.com

An ICC team visiting Kenya had a scare of possible poisoning after a tablet was found in the food of one of its members. Police are investigating the incident at the

Jomo Kenyatta International Airport.

Mr Roach Purnell, the head of the International Criminal Court's Support Unit, was taking breakfast at the Kenya Airways lounge when he found a tablet in his food.

But police spokesman Eric Kiraithe yesterday said that even though they did not

have all the facts, they were looking into the matter. "We are reliably told that he served himself and this makes us doubt whether he was being targeted. It could be a case of corporate war or just a matter of hygiene,"

CONTINUED ON PAGE 2

DN10

DAILY NATION
Wednesday January 23, 2013

HIDE TO YOUR DAY

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ALLEGATIONS | ICC official finds a tablet in his food

Police probe poisoning scare

CONTINUED FROM PAGE 1

said Mr Kimathi.

On noticing the tablet, Mr Pursell is said to have reported the matter to the management of the catering services company, which took the sample to a private analyst without informing the Kenyan airline.

The private analyst demanded \$830,000 (\$2,000) which the catering firm could not raise immediately, prompting the analyst to return the sample.

KCA's head of catering Abdulla Masoud, who was tipped of the matter, informed the airline's head of security Swadish Siles and the Kenya Airports Police Unit deputy CID boss Joseph Ng'anga.

Detectives from KAPU yesterday forwarded the tablet to the Government Chemist for analysis. However, some detectives doubted whether

the original tablet was the one forwarded to the chemist.

Witnesses were still according statements yesterday, but Mr Pursell, who flew to Amsterdam shortly thereafter, left without recording a statement.

This implies that even if a suspect were arrested, he or she may not be charged in court without the statement of the complainant. However, such a statement can be recorded anywhere, before the police or a lawyer, and sent to the Kenyan detectives.

Kenya Airways corporate communications manager Chris Karanja declined to comment on the matter, saying the police were dealing with it.

"I believe the matter has been taken up by the police. Please contact the airport police on the same," said Mr Karanja.

ICC communications officer Nicola Fletcher declined

to state whether Mr Pursell had reported the matter to The Hague, stating that the court did not respond to reports in the media.



"We have received this enquiry from you. Please note as a matter of principle we do not comment on speculation in the media," she said.

The incident comes at a time the ICC has suspended a warning over reports that prosecution witnesses due to testify at the trial of four prominent Kenyans at the court are increasingly being threatened.

The ICC had warned that the threats to witnesses and family members of those perceived to be witnesses could further intensify as the trial, now three months away, gets closer.

Deputy Prime Minister Uhuru Kenyatta, former Eldoret North MP William Ruto, former Head of Civil Service Francis Muthaura and FM radio journalist Joshua Arap Sang are facing charges of crimes against humanity stemming from the 2007/08 post-election violence.

“It could be a case of corporate war or just a matter of hygiene”
Police spokesman Eric Situmei

8 | National News

ELECTION COUNTDOWN 30 DAYS TO GO

SAURDAY NATION
February 2, 2013

VOTE HUNTING | Former Gichugu MP tours the North Rift

Karua casts doubt on Jubilee over ICC

Narc Kenya leader says she has no personal issues with Uhuru or Ruto but they should put on hold ambition for top seat

BY PHILIP BWAYO
pbwayo@nationmedia.com

Presidential candidate Martha Karua yesterday said she had no personal issues with TNA's flag bearer and his deputy but said it would have been good if they could relinquish their ambitions until they are cleared at the ICC.

She said it was hypocritical of them to expect the country to be left with a power vacuum when they were away.

Ms Karua asked Jubilee Coalition's presidential candidate Uhuru Kenyatta and his running mate William Ruto to relinquish their ambitions until they are cleared by The Hague based court, where they are charged

with crimes against humanity.

Speaking at Makutano Stadium in West Pokot during the home coming of her running mate Augustine Lotodo, Ms Karua said: "They should first think of clearing their names at the ICC because they cannot expect to run this country like a shop so that when they leave to face their cases all businesses come to a standstill."

The Narc-Kenya leader cast doubts on Jubilee's presidential bid wondering how its captain and deputy would run the country, if elected, when they were expected to spend time at The Hague defending themselves.

The former Gichugu MP also hit at Cord and Amud presidential candidates saying that they could not be trusted to transform the country as they are claiming in their campaigns, when they had done nothing to wipe out mass corruption in the government yet they held influential positions.

"The Prime Minister and his two deputies are telling Kenyans that they will champion for economic growth and eliminate corruption yet they have done nothing in their capacities to wipe out mega graft scandals that were



Presidential candidate Martha Karua and her running mate Augustine Lotodo campaign yesterday at Kapenguria's Makutano Stadium.

witnessed in the current government," she noted.

Ms Karua also took issue with candidates who are banking their hopes on pollsters' ratings wondering why they are hunting for votes on a daily basis if they had an upper hand as claimed.

She added that she was the only candidate who had shown that she had the interest of Kenyans at heart since she chose her

Raila set to campaign in Nyanza

BY NATION REPORTERS

Cord presidential candidate Raila Odinga is set to campaign in Nyanza on Monday against the backdrop of the chaotic ODM primaries in the region.

Mr Odinga's visit here will be preceded by campaign rallies by the recently formed Cord effect team, which start their meetings on Sunday.

The team will campaign in Kisumu, Nyanza and Elgeyo counties on Sunday and Monday.

According to a press release by the head of the Cord presidential campaign Elud Ochieng, Mr Odinga will start his campaign in Homa Bay and Siaya counties.

The Premier will be accompanied by his running mate, Vice-President Kalu Nderitu and Trade minister Moses Wabungira.

They will address rallies in Kisumu, Nyanza, Migori, Elgeyo and Siaya counties.

As preparations for the next gain momentum, Mr Odinga will pitch tent in Kibati, headquarters of his political ally, Charity Nguni, to drum up support for the alliance.

PLEDGES
What she said

Her government would offer basic services like health care and free primary to secondary education since funds no longer will be lost through graft.

If elected, her government would wipe out corruption and other scandals to ensure all the funds lost through graft finance provision of basic services.

with crimes against humanity.

DN 12

ELECTIONS | Leaders trade accusations over their role and that of Parliament over the 2008 post-election violence

Hague trials dominate first presidential debate

Candidates say Uhuru should have stepped down from State House race but he says the post is elective and Kenyans should decide

BY ALPHONCE SHIUNDO
ash@dailynation.co.ke

The pending trials at the International Criminal Court at the Hague against a presidential candidate and his running mate took the prime time at the first presidential debate as candidates clashed about the legitimacy of Deputy Prime Minister Uhuru Kenyatta vying for Kenya's top job.

Mr Kenyatta had termed the cases against him and his running mate William Ruto as "personal challenges". He said the cases will not prevent him from running the government.

"It is my democratic right to present myself to the people of Kenya. If they so choose to elect me, it means they have confidence in me to continue doing my job as president while handling the cases," said Mr Kenyatta at Brookhouse School auditorium in Nairobi where the debate took place.

Mr Mohammed Abdoba Dida (Alliance for Real Change) and Ms Martha Karua (Narc Kenya) told Mr Kenyatta that he had no business running, because the law directs that people have to be cleared first before they occupy public office.

"The culture of justice is that if you are suspected, the norm is that you step aside until you're cleared, why is it different with Uhuru and his friends?" asked Mr Dida.

And Ms Karua added: "I consider it a matter of display of impunity. We have laws. If you're just suspected you step aside or stand suspended. Since the charges were confirmed, my brother ought to have been suspended as Deputy Prime Minister."

Ms Karua said Mr Kenyatta's presidency will be challenged in court, that is if he wins in the March 4 General Election.

Prime Minister Raila Odinga said it is Parliament, at the behest of Mr Kenyatta

and Mr Ruto, which decided to send the cases to the Hague only to turn around and accuse him of taking them there.

"I do not want to eliminate my competition, but I know that it will pose a serious challenge to run a government through Skype from The Hague," said Mr Odinga.

The PM added that together with President Kibaki, he rallied Parliament to vote for a local tribunal but MPs rejected their lobbying.

Mr Karua and Mr Kenyatta differed with the PM about the sequence of events. She said the matter was shot down by MPs, including those loyal to the PM. Ms Karua said that after the Cabinet approved the Bill on a local tribunal, President Kibaki and Mr Odinga failed to marshal support for it in Parliament.

"They left me with the baby. The two principals failed to come and persuade members to vote for a local tribunal. In their full view there was rebellion even from Cabinet ministers. They did not stand in Parliament and persuade their troops," said Ms Karua.

Salina's Paul Muite said if he wins the presidency, he will hand President Kibaki and Mr Odinga to The Hague to answer to the post-election violence, because

“

I know that it will pose a serious challenge to run a government through Skype from The Hague"

Raila Odinga, Prime Minister and Cord presidential candidate



JOSEPH KAMAU/EP/ON

A guard sets up a board to advertise the presidential debate at Bells Restaurant in Nyeri town yesterday. The presidential candidates had a heated exchange on the ongoing trials over post-election violence at the Hague.

they are the ones who bear the greatest responsibility for the violence that rocked the country.

"It is impossible; you cannot persuade my mind or that of rational people that the two people did not know about it," said Mr Muite.

Mr Odinga termed Mr Muite's statement as "very irresponsible".

"I don't fear. I have nothing to hide. I will be very willing to go to The Hague," said Mr Odinga.

Mr Kenneth said there were so many people who were displaced by the violence and who were still languishing in IDP camps, yet the national dialogue was based on the four who were at the ICC.

"For me I will go with the presumption of innocence until proven guilty. I want to

defeat my brother (Mr Kenyatta) fairly," said Mr Kenneth.

Mr Mudavali said the ICC issue was a "delicate matter" and that it should be handled carefully, noting that in the end Kenya has to live in the world.

Mr Mudavali said there were "dangerous signals" from the West regarding the next elections vis-a-vis ICC indictments, and asked Kenyans to think through their decision in the vote.

Prof Kiyiapi said the charges were grave and the best Mr Kenyatta and Mr Ruto to do would have been to clear their names first.

The debate was moderated by Mr Linus Kakai of NTV. It was aired live on all television stations in Kenya and leading radio stations.

APPENDIX II: THE STANDARD

STD 1

Power & Politics

Blogs, archives, reader forums and more: www.estandard.net/politics&power

ONLY
From The Standard
STANDARD Pullout Section E
July 3, 2011

EXCLUSIVE TODAY

MPs losing taxation battle as debate rages, p26



Court order throws ODM in disarray, p23

Seeking plan 'B': Prime Minister Raila Odinga's rivals up their game as The Hague process threatens to take out Uhuru and Ruto from next year's epic presidential race



From left: Eldoret North MP William Ruto, Deputy PM Uhuru Kenyatta and VP Kalonzo Musyoka are in the 2012 presidential race.

“UDM is going places. Kaparo, Too and Mwakwere are part of our think tank.”

— Aden Duale, MP

About G7

- The G7 Alliance was formed to oust Prime Minister Raila Odinga from ascending to presidency.
- However, competing interests within the alliance have started undermining its unity.
- The alliance has had two original sponsors of either leaving an alliance or parties before election or top leaders combining separately to form a presidential run-off. (But only names whoever will be in the run-off race.)

G7 plots survival as Uhuru, Ruto date with Hague nears

By **SAKUMI MATHENGE**

In two months time, the confirmation or dismissal of charges against the Odinga side is likely to change the political landscape drastically regardless of the verdict.

The Hague process threatens to take out Deputy Prime Minister, Uhuru Kenyatta and Eldoret North MP William Ruto from next year's presidential race if the charges are confirmed.

On the one hand, a confirmation would fundamentally shift relations, and radically realign power centres in Kenya politics. On the other hand

a dismissal would cement their positions as the most formidable politicians to take on Prime Minister Raila Odinga next year.

But the big question about how Kenyatta would react, and with what consequences if the charges are confirmed, remains dicey.

While opinion leaders say Kenya needs to openly discuss possible eventualities, and prepare for September, politicians insist there is no cause for alarm.

But evidence abounds of over-enthusiastic and reactive activities that have been coordinated for years.

Ruto and Uhuru are refurbishing their political parties although they keep their game plans close to their chests.

Together with V-P Elikem Mwangi, they form part of the leadership of the FDU Alliance and the G7 political formation that is the least lit by The Hague process.

It is no longer secret Ruto is out to create a political home. Among big names who have come out to identify and campaign for the little known United Democratic Movement include former Speaker of the National Assembly Francis Oti Kaparo, former Kenia era power man Mark Too, and

Cabinet Minister, Ali Chirui Mwakwere.

“UDM is going places. Kaparo, Too and Mwakwere are part of our think tank. We are combining both the old and young. ODM-K (Kalonzo's party) is refurbishing itself too. Kenia is preparing for election. The G7 alliance members are building their houses in readiness for next year. When we finally come together, they country will sit up, listen and take notice,” Assistant Minister Aden Duale said.

Last month, Uhuru gave instructions to Kenia's National Organising Secretary Justin Muturi to commence

POWER & POLITICS

Power rifts undermine unity of G7

By **STÉPHEN MAKARILA** and **VITALIS KIMUTAI**

Competing political interests within G7 is threatening its survival. All is not well, but in public, the group maintains its united alliance, tailored to win power in next year's General Election.

Draft MP Aden Duale made it clear when he said: "One or two may fall on the sideways for failing to agree on terms but we are sure most of us will hold together."

Duale said G-7 had two options, one being to form an alliance of parties before the polls and the second, to form a coalition and support one of their own, after running separately and forcing a presidential run-off.

"First is to agree on three positions of President, deputy President and majority leader in Parliament and form a pre-election alliance of parties. Second is each of the key leaders to run for president independently, then the alliance will back whoever qualifies for the run-off," Duale noted.

The G7 consists of Duale, Vice-President Kalonzo Musyoka, Deputy Prime Minister Uhuru Kenyatta, Eldoret North MP William Ruto, Saboti MP Eugene Wamalwa and former MP Oginga Odingo.

Minister Ali Chirchir Mwangi, the Matigu MP is said to have replaced fellow Cabinet colleague Najib Balala in the alliance, as Coast point man.

But even before consensus on which way to go, most of the G7 members, driven by pressure from supporters in their home regions the one

hand and personal power ambition on the other hand, seem to be gravitating towards the second option.

Earlier, suggestions of a joint nomination process suggested by Uhuru during a rally in Nyeri weeks back, is dying out, with some members feeling their colleagues are concentrating on strengthening parties to be their 2012 vehicles instead of solidifying the alliance.

Kalonzo, who appeared to agree with Uhuru's sentiments at the Nyeri rally, said without unity of purpose, the ride to State House would not be easy. "We need to remain united till the end. There is no need for Kalonzo to be the President without agreeing with my brothers. The country is more important than an individual," said Kalonzo.

Uhuru is associated with PNU and Ruto, Kalonzo with ODM-Kenya, Wamalwa with New Ford-Kenya, and Duale with UDM. MPs allied to Ruto have said UDM had not made a decision on whether to go it alone.

MPs Isaac Ruto (Chapungu), Charles Keter (Belgut) and Jackson Elgattani (Kisumu South), however, admitted they were pre-occupied with popularising the party at the grassroots.

Elgattani said: "We are thinking of going it alone in the next election and forming coalitions with others in the presidential run-off. But no decision has been arrived at so far as we still have a long way to go."

Ruto (Isak) said: "We shall cross the bridge when we get to it, but for now, our main concern is setting up



"We are strengthening the party across the country and other parties will come to us"

— Isaac Ruto, UDM official

Eldoret North MP William Ruto and his Chepusop counterpart Isaac Ruto (left) are popularising UDM, after they fell out with ODM.

grassroots structures to adequately compete with established parties". The Chepusop MP said it was possible for youthful presidential candidates to hold together until the next elections.

"The so-called G7 is a creation of the media, but what is clear is that the youthful politicians will work together until the next polls. It is such a formidable force of focused leaders," added Ruto. UDM Youth Affairs Secretary Kibet Komen was, however, plain, stating the party was planning to go it alone.

"We are strengthening the party across the country and when it comes to coalition, other parties will come to us as opposed to us going to join them," Komen said.

UDM plans to hold its elections beginning August 15. A National Executive Council

meeting held last week resolved the elections would go on despite a dispute registered at the Political Parties Tribunal by former chairman John Koech. UDM Secretary General Martin Kamworo announced all was set for the polls. "We want to hold grassroots elections to popularise UDM," he added.

William Ruto has been popularising UDM through rallies and has campaigned in Coast Province this weekend. The MP has also hinted he would be seeking his running mate either from Coast or Mera region, an indication UDM may go it alone.

While Ruto and group will be heading down Coast, Wamalwa, who is the Alliance point man in Western Province, will be heading Uhuru and the New Ford-Kenya leader Saito Sitaula in Bungoma County, with rather planned for Siris, Kisumu and Bura. Kangundo MP Johnstone Muthama maintains the alliance will hold, but has also been slowly re-

moving to re-brand the party.

"An emerging theme may be three distinct groups within the G7, with each secretly scheming against the other," an operative well versed with G7 matters told The Standard on Monday. Energy Minister Kiraitu Murungi and Agriculture Assistant Minister Karuki Mbiuki have warned members of the alliance against running for the presidency separately, saying they would lose to whoever will be the ODM flag-bearer.

Mutitu MP Kiama Kiloro, who originally was a Ruto ally in the 'No' campaign during the referendum, was, however, quick to speak about G7.

Political scientist Frank Mutunga says these are indications the alliance will not hold.

Head of Political Science at the University of Nairobi Adams Oloo says the G7 may not hold because it has no common purpose but a common enemy and that it is not driven by a shared ideology, policy or goals and objectives.

Hague trials

Stakes high as post-poll chaos suspects date with ICC nears

30 *Continued from Pg 17*

Euro's involvement process in preparation for party elections.

"We are also instructed to commence the process of aligning the Kenyan Constitution with the new Constitution," says the memo sent by The Standard on Sunday. It is dated April 28, 2011, and signed by Uhuru.

CCM-K too has been organising region meetings of so called 'grassroots opinion leaders', which is expected to lead to grassroots elections.

While Kenyan admits he is gearing for the UDM's chairmanship when elections are called in August, he dismisses as "gossip and rumour" any suggestion he was the UDM's plan X, in case Ruto was out of the game.

Cheungonyi MP and Ruto's confidant Joshua Kinyua denies any debate had taken place over a possible plan B.

"There is no need to talk about plan B since we have not seen anything so far in what Odingo has been saying that should make anyone lose sleep. When he was asked to share evidence, he produced newspaper cuttings. Where on earth did newspaper cuttings become evidence in court?" Kinyua asked.

But Duale says any serious political project must be ready for contingencies.

"But we cannot discuss that at the moment. The point is no one should write the G7 group off. Whether we choose to go for the run off option, or decide to back one of us in this is the fac-

tion to beat," Duale said. Their supporters and sympathisers are reluctant to talk about the matter for fear of being accused of dancing on their comrades' political graves, while their opponents, especially in the ODM, are keen not to be seen to be playing into the propaganda about alleged collusion with ICC Chief Prosecutor Luis Moreno-Ocampo, to "fix" their rivals.

"This is a political nuisance in the making, especially if the charges are confirmed. No one should pretend it will be business as usual. The ramifications will be drastic across the country. We should stop discussing this matter in whispers and talk openly to prepare the country for any eventuality," former Centre for Multi-Party Democracy Chairman Larry Gushie says. Prof

Gushie, a candidate for ODM secretary general's position, urges political parties to be proactive, discuss, and develop party positions on the matter "to defuse anxiety" and trigger debate.

He says it is important to manage The Hague process responsibly so that "any fallout does not disintegrate the country".

It is prudent and reasonable even for ODM to prepare for what is to come, as the most significant political player likely to become the target of hate campaign. There is need to make the point that the destiny of the country is not tied to the fortunes of a few individuals. Even the Ocampo Six need to be challenged in all their suppositions to remain calm as they defend themselves. That is the mark of visionary, bold and

ethical leadership," Gushie said. Former Subdira MP Koigi Waigway says Kenyans need to engage in open debate around possibilities of charges being confirmed, "to the public it really makes denegatory make with tales of persecution, victimisation, and betrayal to whip up emotions".

"Uhuru and Ruto have successfully managed to use ethnicity in their own defence. They are smart and are thinking beyond September and planning ahead. They plan to use The Hague process to permeate themselves as long as it takes. The strategy is to play Kingmaker, and bless someone to inherit their mantle if they are not in the field themselves. Indeed, they are likely to be more popular and influential out of the race than in it," Koigi said.

STD 2

POWER & POLITICS

Endemic graft: Police officers have been on the receiving end seen it their inability to tackle murder and robbery incidents due to lack of a forensic laboratory, among other crucial tools of trade

...nics that were awarded.

But even before the Government

Leaders call for reconciliation as Ocampo date nears



Wamahua: Peace is paramount

By STEPHEN MAKARUA

September could significantly change Kenya's political landscape, coming with confirmation of charges against the 'Ocampo Six'.

al Hassan Ali, Tinian MP Henry Engey and radio presenter Joshua Sang are accused of bearing the greatest responsibility for post-election violence.

Libyoni, Njue reminded politicians they should focus on peace. Sabodi MP Eugene Wamahwa and area MP Cyrus Kiragon, who attended the event, said Kenyans should seek reconciliation.

some view. But the National NGO Council chairman Ken Wafala disagrees, saying impunity has to be punished for post-election violence victims to get justice.

STD 3

Justice Aluoch defends ICC over claims it is fighting African States

By WILLIS OKETCH

International Criminal Court (ICC) judge Justice Joyce Aluoch has denied claims that the court is an international tool of Western states targeting African countries.

"One criticism so often heard about the court is that ICC is a tool of western states targeting African countries. This is unfounded," said Aluoch.

The judge said this during the on-going judge's meeting in Mombasa while presenting a paper, ICC perspectives and Experience.

She said ICC is a fully functional court and is engaged in a growing number of cases. She said the United Nations Security Council referred the

Kenyan cases to ICC. Thereafter, Aluoch said the Pre-trial Chamber II authorized the prosecutor to investigate the situation in Kenya in relation to alleged crimes against humanity.

She said the cases in question were committed between June 2005, and November 2009.

WITHOUT PEACE

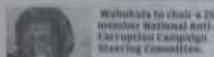
She said the ICC was established to fight inhumanity and seek accountability in every member state.

"There cannot be sustainable peace without justice and justice cannot be pursued without peace," said the judge.

She said achieving peace and justice is the goal of the international criminal justice system and ICC.

State declares August 31 public holiday

The Government has declared August 31 a public holiday to mark the end of Ramadan and usher in the start of Eid-ul-Fitr celebrations.



Wahukaha to chair a 25-member National Anti-Corruption Campaign Steering Committee.

Ramadhan Timetable

The Hague: Naming of suspects, tribal and party politics affect process

Support for ICC process drops in Central, R.Valley

By ATHMAN AMRAN

Tribal and party politics has contributed to the decline of support for the International Criminal Court (ICC) process by 10 per cent since October last year.

Results of an opinion poll released yesterday by Transparency Africa that, by last month, Kenyans who support the ICC process dropped to 30 per cent from 40 per cent in October last year.

Appropriate Managing Director Maggie Ireri attributed this to the naming of the suspects in which Deputy Prime Minister (DPM) Kenyatta and Finance Minister (FM) William Ruto, ODMs are. Ireri said MP Henry Rotich, Head of the Civil Service Francis Muthaura, former Police Commissioner Major General Mwaniki Mwangi and radio personality Justice Mutua were named.

"We can conclude that the support for the process went down when Kenyans knew who the suspects were," Mr Ireri said during a press conference at the Synagogue offices in Nairobi.

Since the naming of the suspects the support for the ICC process in Central has declined from 73 per cent in October to 36 per cent last month while in Rift Valley dropped from 61 per cent to 37 per cent.

unchanged

Eastern region, has also recorded a decline from 71 per cent to 59 per cent. But, this is not the case in Nairobi, Kenya. Mr Ireri said, Central region where support for the ICC



Appropriate Managing Director Maggie Ireri addresses the press during the release of polls on Kenyan support for the ICC process in Nairobi, yesterday.

process remains strong and relatively unchanged.

In Nairobi 65 per cent support the ICC process, Coast 78 per cent, Nyanza, 79 per cent, Western 84 per cent, and North Eastern 79 per cent. The support in the Party of National Unity, which is associated with Uren and Ruto has also declined to 40

per cent last month, from 60 per cent in October last year. But 72 per cent of DCM supporters back the ICC process, which is a one per cent increase, compared to last October. The support by the supporters of the two parties has declined from 60 per cent in October, last year, to 56 per cent last month.

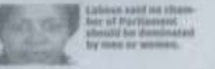
MPs protest plot on gender representation

By DAVID OCHAM

Women MPs have warned that they will be a backbone of Parliament outside the Constitution to deny women an automatic one-third share of seats in the Senate and National Assembly.

"The reason women passed the Constitution overwhelmingly was because of the gains it gave them," said Sarah MP Joyce Laboso.

She said the chamber of Parliament should be dominated by women, because that is the culture agreed on Wednesday in



Laboso said no member of Parliament should be dominated by men or women.

appoint the first appointments of the Constitution to ensure equality and that it is important to achieve and maintain.

"The women of this country will not accept it," declared Ms Julia Adenau referring to the Cabinet decision. Adenau argued that the Cabinet decision was unconstitutional, unacceptable and harmful and claimed that any bill brought to make amendments will be unsuccessful.

She said a formula can be found to ensure women capture all the 60 seats meant to be reserved for the women in the National Assembly.

Incitement : If one is found guilty of the offence ICC may impose five years imprisonment

Ocampo threatens to send more chaos suspects to The Hague

By EVELYN KWAMBOKA

The International Criminal Court Prosecutor Luis Moreno-Ocampo may submit charges against those suspects, the court's senior legal officer Gilbert Biro has said.

"This is not the end of cases. Offences can be initiated by the prosecutor," he said.

Biro said police have been making statements against suspects that the House Speaker is very clear on what was reported in court during the closing session for confirmation of charges hearing for the victims' representative, Sarah Gitau.

"If there are charges against witnesses, measures have to be taken against those who are inciting," he said. Biro said Charles Kariuki was alleged to have called a local FM station and issued inciting statements against two prosecution witnesses.

However, Biro pointed out that what Kariuki allegedly said to the radio station would not prejudice the case against William Ruto, MP William Ruto, Finance Minister and Deputy Speaker Henry Rotich and radio presenter Joshua Sang, since the confirmation of charges hearing is over.

Denied claims
"It is for the judges to deliberate on the hearing. If there are threats, measures can be taken to protect the witnesses and this does not impede the process from going on," he added.

Article 70 of the House Speaker has people from threatening wit-



Human rights officials led by International Centre for Transitional Justice Programme Officer Christine Aina (right), address the media on ICC confirmation of charges hearing at Stanley Hotel, Nairobi, yesterday.

ness in any manner whatsoever. It gives the ICC powers over offences against its administration of justice when committed intentionally.

Article 70 (1)(c) states that the court has jurisdiction over the offence of corruptly influencing a witness, obstructing or interfering with the attendance or testimony of a wit-

ness, retaliating against a witness for giving testimony or destroying, tampering or interfering with collection of evidence.

If one is found guilty of committing the offence, the ICC may impose a term of imprisonment not exceeding five years, or a fine in accordance with the Rules of Procedure and Evi-

dence, or both. Mr Kariuki has also denied claims that he made inciting statements against the post-election witness case before the HCC.

He said the recordings allegedly made in one of the local FM stations are available, adding that whenever sent an email to Chuma, to prevent himself to police.

Muthaura lawyer to know his fate soon

By EVELYN KWAMBOKA

A Kenya master stage for moving from the prosecution's office to represent Head of Civil Service Francis Muthaura will pay his price in the confirmation of charges hearing.

The International Criminal Court's senior legal adviser, Gilbert Biro yesterday said this would happen if the Appeals Chamber does not issue its decision before September 21. "The decision by the Pre-Trial Chamber stands until and when the Appeals Chamber makes it," he said.

ICC Prosecutor Luis Moreno-Ocampo wants the court's Appeals Chamber to disregard Mr Ruto's deal from representing Mr Muthaura on grounds he was party to the Kenya case against the ICC suspects when he was meeting at the ICC as a trial witness.

Biro said if the Appeals Chamber follows its decision after the confirmation of charges hearing, in favour of Moreno-Ocampo, the Pre-Trial Chamber II would not start issuing orders.

In the appeal documents filed at the court's registry, the prosecutor wants Paul dispatched to the master retained to the Pre-Trial Chamber II to supply "the correct text".

The appeal is not grounds that Biro agreed to under Judge Thornton. Thornton's role in finding that there is no conflict of interest if Paul continues representing Muthaura.

Biro, who was a senior trial lawyer in Moreno-Ocampo's office, resigned on March 31, to join Muthaura's defence team.

STD 6

Big land space for Nairobi's metropolis, Exploring the future of business circles, P.14



Death toll in Sinai tragedy rises to 95, P.6&7



Poor 'house girls' spin millifous, p.4-5

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Thursday, September 15, 2011

Kenya's First Newspaper

Kenyatta bites the bullet and chooses to be cross-examined as witness for two days by defence lawyers, prosecutor and judges

Uhuru takes a big risk on ICC



By ALAN MATHURA AND JIMMY OCHIAI

Deputy Prime Minister Uhuru Kenyatta has taken a bold and potentially risky move, which will see him cross-examined as a witness at the International Criminal Court next week.

For two days Uhuru will be cross-examined by the lawyers for the victims, representatives of the defence in the chamber, the Office of the Prosecutor, and the Pre-Trial Chamber II

CONTINUED ON PAGE 10

TIMETABLE FOR CASE II

Confirmation hearings for Uhuru, Mathura and Ali start on September 21 and close on October 5.

On Thursday-Friday Prosecution will present its evidence against the three for nine hours and their liability

Uhuru will be cross-examined in the Witness Box on September 28-29 for three-and-half hours

War of words

Row breaks over Cabinet bid to change election date

By GREGORY SHAMBA AND JIMMY OCHIAI

Cabinet decision to clear way for amendments to the Constitution on election date has drawn criticism from a key implementation committee, but Parliament appears set to affirm the changes.

Apart from the civil society, the Commission for Implementation of the Constitution (CIC) is also sparring for a fight with the Cabinet over its proposal to amend a constitutional amendment, changing the General Election date from August to December, a move that would extend the term of current Parliament.

In what is likely to add to tensions between CIC and the Government over implementation, the commission led by lawyer Charles Nyaboe warned Kenyan against giving the Executive or the Legislature a freeway to make "unecessary

CONTINUED ON PAGE 8

Chang'aa deaths rise

Adulterated brew kills 8 more in Ruiru after the 17 who died in Nyahururu on Tuesday NEWS p.4

STD 6

Justice: Uhuru to take witness stand at the ICC

By Peter Kibuma

Justice led by Justice Elizabeth Thandi-
llon. Uhuru, who doubles up as Fi-
nance minister, is among the six
president Kenyan ICC prosecutor
Luis Moreno-Ocampo wants charged
with crimes against humanity.

His confirmation hearing begins
on September 21, alongside that of
Head of Civil Service Francis Muth-
oni and former Police Commissioner
and current Parliament General Hus-
sein Ali. But he will be taking the wit-
ness stand on Wednesday, September
20, and the following day.

He will take the stand at 10.30hrs
(7.30pm local time) on September 20,
for questioning by his lawyers and
conclude the following day after cross-
examination by the prosecution, ac-
cording to a schedule the ICC released
yesterday.

Lawyers The Standard called to
ask although Uhuru's move can be
interpreted as an act of boldness,
showing he has nothing to hide, the
cross-examination can also put him in
a possibly risky position.

Lawyer Peter Kibuma, argued con-
firmation hearing was not the right
stage for a suspect to take the witness
stand, as he risks "exposing himself".

"It is not the time for this, he (U-
huru) may shoot himself on the foot
once he exposes himself to cross ex-
amination, which is usually not con-
trolled. He may expose himself to be-
ing confirmed. The best strategy is to
wait until the prosecution, it is not
the right move," says Kibuma.

He added that ICC prosecutor was an
internationally passed person whose
one should not play into the hands of
the prosecution.

"It is not something I would advise.
Once you take the witness stand, you
are telling people you are ready for
trial. You expose yourself to prosecu-
tion by lawyer, first you have no
control of questions, I would advise

against it," he added.
"He should embrace possibility of
the impression being created that he
does not have evidence concerning
himself. His move may be opening
him up to confirmation," argued law-
yer Harrison Kinyanjui.

He added it would have been in
Uhuru's favour to bring independent
witnesses, given that there were wit-
nesses who allegedly gave testimony
incriminating him.

Another lawyer familiar with ICC
proceedings, speaking under guaran-
tee of confidentiality, warned Uhuru's
move may not have been the best un-
less Moreno-Ocampo does not have
convincing evidence against him.

ICC criminal process, Kinyanjui
added, is different from the local
criminal procedure, which calls for
different approaches. Kinyanjui was
also quick to point out there needs to
be a determined approach by ICC to
ensure there was a trial "whether single
or the entire thread (of the six sus-
pects)."

CHARGE WITNESSES

According to the timetable for the
second batch of confirmation hear-
ings, after that of Edward Ntuthi MP
William Ruto, Deputy MP Henry Kiny-
onyi, and East Africa's head of opposition
Jubilee group Sang, Uhuru will give his
personal testimony through the ques-
tion-and-answer session for three-
and-half hours.

Moreno-Ocampo wants the three
taken to full trial to face charges of
murder, forcible transfer of popula-
tion, rape, persecution, and other in-
human acts, following the 2007-2008
post-election violence.

Apparently, Uhuru's lawyers have
opted to have the Finance minister
take his own defence after the court
allowed him to change witnesses in
the light of new evidence Mwan-
gosa disclosed.

The court, while granting this to
Uhuru, also disclosed his request for



LAWYERS' OPINION

It is not the time for this, he
Uhuru may shoot himself on
the foot once he exposes him-
self to cross-examination, which
is usually not controlled. The
best strategy is to say very little
because the burden of proof lies
with the prosecution.

- Peter Kibuma

He should embrace possibility
of the impression being created
that he does not have evidence
concerning himself. His move
may be opening him up to con-
firmation.

- Harrison Kinyanjui

postponement of the confirmation
hearing by three months on the basis
that the prosecutor had given them
additional evidence too close to the
hearing date.

Uhuru will, however, call one other
witness after the court rejected an
application for more.

Muthoni and Ali will each call two
witnesses, as did Ruto and Sang in the
first case whose confirmation of
charges hearing concluded last week.
Kinyonyi did not present any witnesses,
but relied solely on his lawyers' sub-
missions.

The hearings for Uhuru, Muthoni
and Ali came from next Wednesday
to October 6. The proceedings will
open with introductory remarks by
Judge Dendall, observations by
the defence on procedural matters,
and opening statements by the pro-
secutor, legal representatives of victims,
and the defence teams.

The following day the Prosecutor
will begin his nine-hour presentation
of the evidence on crimes against hu-
manity and the modes of liability for
each suspect. Thereafter, the defence
teams for the three will respond to the

CONFIDENTIAL SUBMISSION

The defence has expressed grave
concern regarding the possibility that
persons unknown to them could have
access to sensitive information con-
cerning their witnesses. Some 233
anonymous victims have been pre-
sented to participate in the proceedings.

Muthoni's defence team has re-
quested the Chamber to "sit only for a
maximum of four hours per day dur-
ing court sessions", for reasons es-
tablished in a confidential submission.

In response, the judge ordered the
schedule for the hearing consisting no

more than a maximum of five-and-
half hours, and a number of days with
a longer amount of scheduled session
time.

"The Single Judge is convinced
that as such, the schedule of the hear-
ing accommodates to the extent pos-
sible the concerns of Mr Muthoni,"
states the court record.

"The Single Judge emphasises that
the final schedule for the hearing is
subject to change if developments in
the proceedings necessitate it," states
the court record, citing technical
matters, such as shifting from public
to closed or private sessions and call-
ing witnesses.

The judge also ordered the registrar
to reclassify some 25 names of witnesses
as "confidential". The decision was
taken with respect to certain evidence
Uhuru's defence disclosed.

The judge rejected Uhuru's ap-
plication to line up a third witness but
allowed him to change one of his wit-
nesses.

Uhuru's lawyers had made an ap-
plication, arguing the disclosure on
August 10 by the prosecution accom-
modated in an alteration of the case and
the need had arisen for them to change
selection of witnesses.

To enable the prosecutor to pre-
pare for hearing, the court asked U-
huru's defence to submit by yesterday
in confidential filing information de-
tailed the subject matter and the
scope of the proposed testimony of
each witness.

Deputy Prime Minister Uhuru Kenyatta (seated left) will be appearing at the ICC on September 21 for confirmation of charges hearings. (PHOTO: GAVIOTA)

ICC cases on poll chaos mar legacy

BY WANJOMU THUKU

The trial of Kenyans at the International Criminal Court (ICC) for crimes against humanity is perhaps the last legacy that President Kibaki would have wished to leave.

Kenya is now among the seven countries of situations, which has contributed 17 cases of international crimes before the ICC.

One case is against Deputy Prime Minister Uhuru Kenyatta and former head of public service Francis Muthaura. The second one is against

Edinet North MP William Ruto and radio presenter Joshua Sang.

For Kibaki, the agony is in the fact that the two ICC cases arose from the bloody events that followed his win for a second term on December 30, 2007.

STATE HOUSE MEETINGS

Indeed, there have been calls in various quarters that he and Raila should be held directly responsible for the violence in which more than 1,000 people were killed, thousands of others displaced and property worth millions of shillings destroyed.

The ICC prosecutor alleges Mungiki members held meeting in State

House to organise retaliatory attacks in Naivasha and Nakuru.

That is the colour of the legacy that Kibaki could be handing over to his successor on March 26, 2013, unless the country goes to a run-off or a presidential election petition is filed in court.

Article 141 of the Constitution requires the next President be sworn in on the first Tuesday following the 14th day after the date he or she is declared winner.

A run off will coincide with the fight of the ICC suspects to The Hague for the trials scheduled to start on April 10 and 11.



ICC Chief Prosecutor Fatou Bensouda

Integrity

Karua: Reject Hague suspects in the polls

By RENSON MNYAWEZI

Narc-Kenya presidential hopeful Martha Karua has reiterated her commitment to fight corruption and impunity.

She warned Kenyans against electing corrupt and leaders facing criminal cases at The Hague, saying by doing so they would be perpetuating impunity.

William Ruto and Uhuru Kenyatta of the Jubilee Alliance are facing crimes against humanity charges at the International Criminal Court.

The former Constitutional Affairs minister said some of the Jubilee Alliance members couldn't lead because they have a pending case at the International Criminal Court and Kenyans should reject them at the ballot.

While dismissing other presidential candidates as incompetent, Karua



claimed she was the only capable presidential aspirant.

"Corruption is still deep rooted. The country needs leaders who will aggressively tackle the menace. I'm the only presidential candidate who has the medicine of corruption and impunity. My fight against corruption

speaks for itself. Just elect me and you'll see for how I would deal with the vice," Karua said in Taita-Taveta County.

Speaking in various trading centres during her tour to woo locals to support her presidential bid, the Gichugu MP noted that the coastal people have been marginalised and deprived of their land rights.

STD 9

Page 10 / NATIONAL

MURRAY CLOSE/REUTERS

More trouble for

Team to pr

ICC will end impunity in Kenya, says British envoy

By LUKE ANASH

The International Criminal Court (ICC) process is one way of ending impunity in Kenya, British High Commissioner Christian Turner (right) has said.

Dr Turner, who was visiting the Rift Valley for the first time since he was posted to Kenya last June, said his government supports the ICC process but it is up to Kenyans to elect leaders of their choice.

"My government's position is very clear. We support an end to impunity. Therefore, my government supports ICC but that process is judicial not political," Turner said yesterday soon after a meeting with Eldoret Diocese Catholic Bishop Cornelius Korir, AIC Bishop Christopher Ruto and his predecessor, retired Bishop Thomas Kogo at a closed-door meeting.

He said even though two ICC suspects, Deputy Prime Minister Uhuru Kenyatta and former Eldoret North MP William Ruto would be vying in coming elections, the British Govern-



ment does not regret supporting the ICC process.

The process, he said, should be allowed to proceed since the rule of law must take its course.

"It is not for me to say whether the indictees should run for office or not. That is for Kenya to decide. But we will continue supporting the rule of law. That is vital for Kenya. The rule of law is a very central part of new Kenya. I don't think we should make any apology for that," he explained.

STD 11

Judicial proceedings

Hague trials may be done via video link

There is possibility Uhuru and Ruto do not have to travel to The Hague for case

By WAHOMBE THUKU

The trial of two Jubilee Alliance luminaries, Uhuru Kenyatta and William Ruto could take a new dimension with their lawyers exploring possibilities of them participating in the proceedings through video link.

Yesterday, a lawyer said there was a legal possibility of the suspects taking part in the trial from Kenya through a video communication link to The Hague.

That remote possibility could be a subject for discussion when the parties go for a status conference before the Trial Chamber V tomorrow. It could also be a source of fresh debate on the cases, before the trial begins on April 10 and 11.

Uhuru, the Jubilee presidential candidate is charged with former Head of Public Service Francis Muthaura in the second case, while Ruto his running mate, is charged in the first case with journalist Joshua Sang.

The trials start on April 10 and 11, a time when the country could be conducting a run-off of the presidential election.

Sang, who has not featured much in the ICC debates, confirmed through his lawyer Evans Mwangi, he would be travelling to The Hague for the status conference.

But Uhuru and Ruto would follow the proceedings from undisclosed location. It was not immediately established whether Francis Muthaura would travel to The Hague.

The video link decision could be a tester on whether the same technology could be applied during the actual trial.

Status conferences are provided for under Article 64(3) of the Rome Statute for the court and the parties to set a trial date, confer on the necessary procedure for fair and expeditious trials, determine the language to be used in the proceedings, and agree on a timetable and scope for disclosure of documents and information for adequate preparation for the case.

STATUS CONFERENCES

The law does not compel the suspects to attend the status conferences, but the trial is mandatory.

Tomorrow's session will be the second twin status conference, the first having been held in June last year. During the last proceedings, the prosecution and the defence agreed to start the trials after March elections.

At that time, only Sang and Muthaura attended their proceedings. Uhuru and Ruto, left the sessions to their lawyers.

Article 63 of the Rome Statute states the accused must be present during the trial. It adds that if the accused continues to disrupt the trial, he may be removed and the Trial Chamber shall make provision for him or her to observe the trial and instruct counsel from outside the courtroom, through

the use of communications technology, if required. There is no further provision for taking part in the trial through other technology.

PHYSICAL PRESENCE

But one of the lawyers was categorical that being present through video link could be

accepted as being present during trial.

"If you avail yourself at the Netherlands Embassy in Kenya for example, under the law you are in Netherlands," he added.

"Being present through the video link is actually being present in court. This is the

technology they have been telling you about."

Other lawyers, however, could not ascertain the legality of conducting a trial with suspects not physically present.

"The question is whether any orders of the court can be effected by the Embassy in Kenya," said another lawyer.

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STD 12

Are you one of 1,000 car owners with fake KRA log books? p.8

\$10/10

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THE STANDARD
Kenya's Bold Newspaper

Friday, February 15, 2013



Uhuru, Ruto strategy to delay trials

By WAHOMBE THUKU

Jubilee presidential candidate Uhuru Kenyatta and his running mate William Ruto's legal strategy is to delay the prosecution's handling of the matter. At The Hague's status hearing yesterday, it came out clearly that Uhuru and Ruto are convinced the charges have changed fundamentally from what was confirmed, and the witnesses have also changed, affecting their defence strategies.

They also argue that late disclosure of the evidence against them gave them insufficient time to prepare for the trials set to begin on April 10 and April 11. If the two have their way, it would mean that the cases against them would

THE LEGAL STRATEGY...

- Push for delay of trials by citing prosecution's late disclosure of crucial evidence
- Sustain argument the cases against them have changed from pre-trial phase
- Hinge calls for postponement of trials to the fact prosecution introduced new witnesses
- Key witnesses whose testimony secured confirmation of charges have been dropped
- Uhuru and Ruto ask to be allowed to take part in upcoming trial through video link
- Sang, who like Muthaura is not a politician, asked for a four-month delay in trial

By WAHOMBE THUKU

Uhuru, Ruto strategy to delay trials

Uhuru Kenyatta and his running mate William Ruto's legal strategy is to delay the prosecution's handling of the matter. At The Hague's status hearing yesterday, it came out clearly that Uhuru and Ruto are convinced the charges have changed fundamentally from what was confirmed, and the witnesses have also changed, affecting their defence strategies.

They also argue that late disclosure of the evidence against them gave them insufficient time to prepare for the trials set to begin on April 10 and April 11. If the two have their way, it would mean that the cases against them would

CONTINUED ON PAGE 4

DN 12



ELECTIONS | Leaders trade accusations over their role and that of Parliament over the 2008 post-election violence

Hague trials dominate first presidential debate

Candidates say Uhuru should have stepped down from State House race but he says the post is elective and Kenyans should decide

BY ALPHONCE SHIUNDU
alshundu@nationmedia.com

The pending trials at the International Criminal Court at the Hague against a presidential candidate and his running mate took the prime time at the first presidential debate as candidates clashed about the legitimacy of Deputy Prime Minister Uhuru Kenyatta vying for Kenya's top job.

Mr Kenyatta had termed the cases against him and his running mate William Ruto as "personal challenges". He said the cases will not prevent him from running the government.

"It is my democratic right to present myself to the people of Kenya. If they so choose to elect me, it means they have confidence in me to continue doing my job as president while handling the cases," said Mr Kenyatta at Brookhouse School auditorium in Nairobi where the debate took place.

Mr Mohammed Abdoh Dida (Alliance for Real Change) and Ms Martha Karua (Narc Kenya) told Mr Kenyatta that he had no business running, because the law directs that people have to be cleared first before they occupy public office.

"The culture of justice is that if you are suspected, the norm is that you step aside until you're cleared, why is it different with Uhuru and his friends?" asked Mr Dida.

And Ms Karua added: "I consider it a matter of display of impunity. We have laws. If you're just suspected you step aside or stand suspended. Since the charges were confirmed, my brother ought to have been suspended as Deputy Prime Minister".

Ms Karua said Mr Kenyatta's presidency will be challenged in court, that is if he wins in the March 4 General Election.

Prime Minister Raila Odinga said it is Parliament, at the behest of Mr Kenyatta

and Mr Ruto, which decided to send the cases to the Hague only to turn around and accuse him of taking them there.

"I do not want to eliminate my competition, but I know that it will pose a serious challenge to run a government through Skype from The Hague," said Mr Odinga.

The PM added that together with President Kibaki, he rallied Parliament to vote for a local tribunal but MPs rejected their lobbying.

Ms Karua and Mr Kenyatta differed with the PM about the sequence of events. She said the matter was shot down by MPs, including those loyal to the PM. Ms Karua said that after the Cabinet approved the Bill on a local tribunal, President Kibaki and Mr Odinga failed to marshal support for it in Parliament.

"They left me with the baby. The two principals failed to come and persuade members to vote for a local tribunal. In their full view there was rebellion even from Cabinet ministers. They did not stand in Parliament and persuade their troops," said Ms Karua.

Salina's Paul Muite said if he wins the presidency he will hand President Kibaki and Mr Odinga to The Hague to answer to the post-election violence, because

“I know that it will pose a serious challenge to run a government through Skype from The Hague.”

Raila Odinga, Prime Minister and Cord presidential candidate



A guard sets up a board to advertise the presidential debate at Bells Restaurant in Nyeri town yesterday. The presidential candidates had a heated exchange on the ongoing trials over post-election violence at the Hague.

they are the ones who bear the greatest responsibility for the violence that rocked the country.

"It is impossible; you cannot persuade my mind or that of rational people that the two people did not know about it," said Mr Muite.

Mr Odinga termed Mr Muite's statement as "very irresponsible".

"I don't fear. I have nothing to hide. I will be very willing to go to The Hague," said Mr Odinga.

Mr Kenneth said there were so many people who were displaced by the violence and who were still languishing in IDP camps, yet the national dialogue was based on the four who were at the ICC.

"For me I will go with the presumption of innocence until proven guilty. I want to

defeat my brother (Mr Kenyatta) fairly," said Mr Kenneth.

Mr Mudavadi said the ICC issue was a "delicate matter" and that it should be handled carefully, noting that in the end Kenya has to live in the world.

Mr Mudavadi said there were "dangerous signals" from the West regarding the next elections vis-a-vis ICC indictments, and asked Kenyans to think through their decision in the vote.

Prof Kiyiapi said the charges were grave and the best Mr Kenyatta and Mr Ruto to do would have been to clear their names first.

The debate was moderated by Mr Linus Kalkai of NTV. It was aired live on all television stations in Kenya and leading radio stations.

APPENDIX III: CLOSE READING SCHEDULE

NO.	HEADLINES	FRAMES	LEXICAL ITEMS	SYNTACTIC PATTERNS	PORTRAYAL
1	Uhuru, Ruto strategy to delay trials STD 12	Defiance /justice frame	Strategy, to delay, trials	Subjects fronted Uhuru, Ruto	.ICC's urgency to dispense justice .criminal culpability of the subjects suggested
2	CORD takes on uhuru, Ruto over ICC charges STD 10	Political propaganda tool	Takes on, over	CORD thematised-it is a direct beneficiary of the ICC cases facing uhuru and Ruto. It is using the cases to get political mileage in its campaigns	.Uhuru, Ruto attempting to cover up their guilt by seeking leadership .uhuru, Ruto's criminal culpability implied
3	Uhuru takes a big risk on ICC STD 6	Risky choice frame Innocence frame	big risk ,takes	Subject Uhuru being the focus active suit	.suggestive individual responsibility .uhuru portrayed as innocent - ICC portrayed as a powerful institution
4	Justice Aluoch defends ICC over claims it is fighting African states STD 3	Political propagandatool	defends, fighting, claims claims - untrue statements	Simple phrase over claims it is fighting African states Active suit	ICC portrayed as a tool for western powers against African states - ICC a victim of unwaranted attacks from its adversaries - those opposed to it
5	Support for ICC process drops in Central, R. Valley	Rebellion defiance frame/ public opinion frame / Justice frame	drops, support for; process	'support' for nominalised, conceal the agent	ICC process as prone to political manipulation by western powers

6	Leaders call for reconciliation as Ocampo date nears STD 2	Conflict /justice frame	Reconciliation, call for, Ocampo date	An active sentence that suggests conflict pending the ICC confirmation of charges against the suspects	Paints a picture of a nation facing imminent conflict pending the confirmation of charges at the ICC .portrays ICC as adversarial to the suspects
7	G7 plots survival as Uhuru, Ruto date with the Hague nears STD 1	Justice frame	Date, uhuru, ruto, Hague	Phrase 'date with the Hague nears' indicative of imminent confirmation of charges-a defining moment for the suspects and the victims	.Potrays The Hague as universal arbiter and hope of justice .portrays it as able to prosecute those who commit crimes against humanity
8	Karua: Reject Hague suspects in the polls STD 8	Political propoganda tool/exclusion frame	Reject, Hague suspects	Colon indicates story of continuity-pressumes reader has been following the story on ICC cases involving those competing for presidency with Karua Karua fronted-suggests legitimacy to use the ICC cases for political gains by Kenyan politicians	Portrays suspects as criminally liable for the alleged crimes against humanity. They thus are unfit to run for the presidential position
9	ICC will end impunity in Kenya, says British envoy STD 9	Justice frame	Will end, impunity	Clause 'ICC will end impunity' puts to focus the institution and its role in prosecuting those who commit crimes against humanity and aren't punished by the local courts.	Portrays Kenya as incapable of punishing those who commit grave crimes against humanity -for the ICC, do not only hope, but report to justice in Kenya
10	Ocampo threatens to send more chaos suspects to the Hague STD 5	Intimidation frame	Threatens, more chaos suspects, The Hague	Headline is an active sentence. Sends warning to those attempting to abuse, obstruct the ICC process	The Hague portrayed as intimidating, bullyish -ICC portrayed as powerful and intimidating if not seen as a threat

11	Hague trials may be done via video link STD 11	<i>Justice frame</i>	Trial, may be done, via video link	NP Hague trials-sets out the frame. It underscores the fact that justice is more important than any other event(election) Phrase 'via video link' suggests that hearing of the cases isn't an option. It indicates urgency to dispense justice <i>of this sort</i>	ICC portrayed as committed in pursuit of justice or keen to dispense justice <i>fronted</i> <i>Trials portrayed as a matter of urgency</i>
12	ICC cases on poll chaos mar legacy STD 7	<i>Consequence frame</i>	Mar, legacy, chaos	NP 'ICC cases' fronted as it is the point of focus. PP- on poll chaos describes the cases portending unsavoury outcome that impacted on the image of some Kenyan leaders <i>actual sent</i>	.Cases portrayed as a standard of integrity in Kenyan leadership .cases have ramifications on leadership and the character of leaders

APPENDIX 2B

	HEADLINES	FRAMES	LEXICAL ITEMS	SYNTACTIC PATTERNS	PORTRAYAL
✓	Ruto, Kosgey ✓ lose bid to differ ICC hearing DN3	Contest frame/justice frame	lose, bid, defer	Subjects fronted indicates individual responsibility in the commission of the alleged crimes	.Suspects portrayed as desperate .case portrayed as causing fear
2. ✓	Work with ICC, says Merkel DN2	Defiance/rebellion frame Justice frame	Work (active verb)	Clause 'work with ICC' is an imperative. Suggests a warning and underscores responsibility by the state to cooperate with the ICC active verb	.ICC viewed as a crucial judicial organ that could be respected and supported by all stakeholders .state portrayed as tending towards defying the court
3. ✓	Ocampo's ✓ witnesses 'extortionists' DN6	Credibility of evidence frame	Ocampo's witnesses, extortionists bias against Ocampo & witnesses	Clause 'Ocampo's witnesses extortionists' raises the suspicion on witnesses. It dismisses them as criminals out to take advantage of the ICC process .it delegitimizes them thus putting their evidence into question credibility of their evidence	Portrays the case as illegitimate as evidence is not credible illegitimate, inadmissible
4. ✓	Suspects' ✓ lawyers poke holes into Ocampo's evidence DN5	Contest frame/credibility of evidence frame	Poke holes into, Ocampo evidence bias against Ocampo	NP 'suspects lawyers' thematized, suggestive of bias in reportage. .paints a picture of one- sided contest with suspects' lawyers coming out strongly against Ocampo evidence Active contrast	ICC case reduced to a contest. .case portrayed as weak. Evidence questionable
5. ✓	No Ocampo ✓ witnesses during Hague September hearings DN2	Credibility of evidence frame/justice frame	No, Ocampo witnesses, negative attitude or bias against Ocampo witnesses	Thematization of NP 'no Ocampo witnesses' indicates that live witness accounts were downplayed putting the evidence by the prosecutor to question	The case generally lacking in credibility and substance and only meant to intimidate the suspects
6. ✓	Karua casts doubts on	Exclusion frame/political	Casts doubts, over ICC	Headline is an active sentence that puts	Portrays Uhuru and Ruto as lacking moral authority or

	Jubilee over ICC D11	propaganda		emphasis on the credibility question of the ICC suspects to run for and hold office	unfit to run for country's top position of leadership
7.	Mixed reactions after IEBC clears Uhuru, Ruto despite Hague trials D17	Public opinion frame	Mixed reactions	NP-'mixed reactions' thematised-suggestive of the high stakes raised by the cases and how they impacted on the public in the run-up to the general election, ICC suspects being contestants	Clearance of suspects divisive, public divided (suspects presented as criminals and unfit to lead or be elected into office) balanced reporting!
8.	Shun ICC suspects, says Annan D17	Exclusion frame political propaganda	Shun, suspects, direct quote	Headline is an active-voice sentence-sets out exclusion frame .quote-legitimizes exclusion/manufactures disapproval propaganda	Suspects dismissed as criminals unfit to hold public office and as lacking moral authority to lead
9.	Ocampo drags military into poll violence case D14	Credibility of evidence frame/victimization frame	Drags, poll violence	Headline is an active sentence that suggests the agent Ocampo desperately trying to build a case by victimizing the military .he is struggling to prove the case he has put before the court	Case portrayed as weak and lacking credible evidence to incriminate the suspects creating an image of travesty of justice
10.	Mixed fortunes for Kenyans amid historic polls and ICC D18	Choice and consequences frame	Mixed fortunes, for Kenyans amid historic poll and ICC	NP-'mixed fortunes' fronted-emphasises the fact that Kenyans will definitely face consequences in the event the cases are confirmed and the suspects get elected in the historic poll	Portrays the indictment of the suspects as potentially dangerous for Kenya, if they are elected in the historic poll

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