



ICC International Criminal Court



Tackling Witness
Tampering in
International Criminal
Court Cases: Philip
Kipkoech Bett



Committee: International Criminal Court (ICC)

Topic: Tackling Witness Tampering in ICC Cases: Philip Kipkoech Bett

Moderator: Bella Lucia Garza

Written by: Bella Lucia Garza

I. Quorum

1. Judge Piotr Hofmánski (Poland)
2. Judge Luz del Carmen Ibáñez Carranza (Peru)
3. Judge Marc Perrin de Brichambaut (France)
4. Judge Tomoko Akane (Japan)
5. Judge Rosario Salvatore Aitala (Italy)
6. Judge Reine Alapini-Gansou (Benin)
7. Judge Kimberly Prost (Canada)
8. Judge Sergio Gerardo Ugalde Godínez (Costa Rica)
9. Judge Althea Violet Alexis-Windsor (Trinidad and Tobago)
10. Judge Chang-ho Chung (Republic of Korea)
11. Judge Solomy Balungi Bossa (Uganda)
12. Judge Hilary Charlesworth (Australia)
13. Judge Sonia Sotomayor (United States of America)
14. Judge Sarah Hull Cleveland (United States of America)
15. Judge Roberto Córdova (Mexico)



II. Committee Background

The International Criminal Court (ICC) was established on July 17, 1998, when the Rome Statute was adopted. Following its ratification, it began functioning on July 1, 2002. The ICC's headquarters are located in The Hague, Netherlands. Currently, 125 states have ratified the Rome Statute.

The court mostly investigates cases and also has the power of jurisdiction over criminal cases that have threatened the international community, including genocide, crimes against humanity, and war crimes. The court was created to eliminate the freedom from punishment enjoyed by individuals who had committed crimes against the international community. Crimes that threaten the international community are defined clearly in the Rome Statute.



III. How does the committee work?

The International Criminal Court prosecutes and investigates individuals who have been accused of committing the world's most serious crimes.

Swearing of the Oath

Following roll call, all judges and counsels are *required* to take part in the Swearing of the Oath.

“I solemnly undertake that I will perform my duties and exercise my powers as a judge of the International Criminal Court honorably, faithfully, impartially, and conscientiously, and that I will respect the confidentiality of investigations and prosecutions.”

The Charges

The Vice President of the court will present all the charges against the *accused*. All charges are presented to the accused, to which the accused will plead guilty or not guilty to *each* of the charges.

Opening Statements

Before each counsel presents their case in full, all counsels will foremost have the opportunity to present their opening statements, witnesses, and any relevant evidence.



Presentation of the Case

After the opening statements, the *Prosecution* will present its case. Once it finishes, the Defense will then present its case. Proceedings will come to an end when both sides have no more witnesses or evidence.

Questioning Period

The agenda will be established for the questioning period. During this time, the chosen judge will declare the agenda. This phase will clarify any legal or factual uncertainties about the case.

Closed chamber

The counsels leave the court. Judges talk about what the counsels have presented so far. Judges debate testimonies and questions asked during the questioning period.

Deliberations and Verdict

Judges make final decisions and vote if the accused is innocent or guilty, the status of the culpability of the accused is presented.



IV. Overview of the Case

Philip Kipkoech Bett was accused of bribing and pressuring witnesses to alter their stories about violence in Kenya. These actions cause the court to have a harder time figuring out what truly happened. In the committee, there will be discussions of how this happened, who was involved, and what punishment would be for the guilty.

A. Background of the Case

Philip Kipkoech is suspected of influencing witnesses forming part of the Prosecution office. He is suspected of having influenced witnesses to lie about cases from violence in Kenya, as well as cases involving charges against Paul Gicheru.

Gicheru's job was to offer money or threaten witnesses to make them change their testimonies or to act falsely towards the court. Philip Kipkoech Bett, also known as "Kipseng'erya," worked with Gicheru to carry out these plans. Bett acted as a middleman, delivering the bribes or threats to the witnesses. The cases of violence in Kenya were the results of the 2007 elections, where 1,000 died and 350,000 were displaced.



B. The Case

Philip Kipkoech Bett, also known as “Kipseng’erya,” received an arrest warrant on March 10, 2015, which was later unsealed on September 10, 2015. Bett’s arrest warrant included charges of having corruptly influenced witnesses to lie regarding cases of violence in Kenya. These cases of violence in Kenya have to do with the election of 2007, where 1,200 people were killed in a post-election violence outbreak.

C. The Charges

Offences that have to do with corruptly influencing witnesses to be false in the presence of the court. These lies to the court have to do with investigations surrounding cases of violence in Kenya.

D. Role of the Court

The role of the ICC is to bring justice to Philip Kipkoech Bett and to successfully conclude the investigation surrounding him and Paul Gicheru. The ICC works to administer justice where it is due, and in doing so, the committee will work to ensure that the case is handled fairly and that the proceedings are proper. It must also place proper sentences and punishments, like jail, to the individuals found guilty.



The court consists of the following individuals:

The President

The **President** is in charge of administration and making sure all legal matters are handled adequately. The Presidency is responsible for the Court except the Office of the Prosecutor.

The Vice-President, Secretary, and Clerk

The **Vice President** is responsible for overseeing the trial procedure and calling upon witnesses and evidence, along with the **secretary and clerk**. They are also responsible for helping parties with doubts surrounding the proceedings.

Prosecutors

The **Prosecutors** are an independent office of the court. They are in charge of examining cases and prosecuting and investigating individuals who have committed crimes against the global community.

Defense Counsel

The **Defense** office is in charge of protecting the defendant and their rights. Defendants are innocent until the prosecution proves them guilty.

Judges

The ICC is composed of 18 high moral **Judges** who are responsible for confirming and addressing all arrest warrants. Judges see that the case is treated with fairness and integrity. Judges are responsible for deciding the verdict of the accused and properly punishing these individuals.



V. Preparation

Formal position papers are not mandatory for participants in specialized committees. However, to ensure thorough preparation for the simulation, judges are encouraged to research and gain a strong understanding of the following topics:

1. The Background of the Case – The role of Philip Kipkoech Bett and Paul Gicheru in witness tampering and its impact on ICC proceedings.
2. Witness Tampering and Obstruction of Justice – How bribery and intimidation affect trials and the integrity of the court.
3. The 2007 Post-Election Violence in Kenya – Key events, political context, and their relevance to the case.



IV. Guiding Questions

1. What measures can the ICC adopt to prevent witness tampering in future trials?

- How can the ICC improve its witness protection programs to ensure the safety and integrity of testimonies?
- Should the ICC introduce stricter penalties for those found guilty of attempting to tamper with witnesses?

2. What role do intermediaries like Philip Kipkoech Bett play in international criminal justice, and how can the ICC regulate their actions?

- How can the Court distinguish between legitimate intermediaries and those engaging in unethical behavior?
- What legal frameworks exist to hold intermediaries accountable?

3. How can the ICC ensure the credibility of witnesses in high-profile cases where witness bribery or manipulation is suspected?

- What additional safeguards can be put in place during the investigation and trial stages to confirm the legitimacy of witness testimonies?
- How can international law be enhanced to protect vulnerable witnesses from external influences?



4. What impact does the potential manipulation of witness testimony have on the ICC's legitimacy and its ability to secure convictions?

- How do instances of witness tampering or bribery affect the credibility of the Court, and by extension, the international community's commitment to justice?
- What measures can be taken to rebuild trust in the ICC in cases where witness integrity is compromised?

5. Should the ICC impose broader consequences on states involved in obstructing the judicial process, such as Kenya in the context of the post-election violence?

- What legal or diplomatic actions can the ICC take against countries where such criminal activities are encouraged or ignored?
- How can the international community strengthen cooperation with the ICC in dealing with witness intimidation or bribery?



IV. Works Cited

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