

Crimes against Humanity in Kenya's Post-2007 Conflicts: A Jurisprudential Interpretation

Charles Alenga Khamala

In 2012, the International Criminal Court confirmed trials against four suspects for bearing the greatest responsibility for crimes against humanity perpetrated during Kenya's post-2007 election violence. In 2016, however, the Office of the Prosecutor withdrew all cases decrying intolerable interference and political meddling in the Ruto and Sang cases. In the president's case, the Court ultimately referred the government to the Assembly of State Parties for failing to cooperate with her investigations. The decision to prosecute has sparked outcry from some African countries not only because the evidence is thin, or even since the suspects are senior leaders enjoying political power but because of selective justice. Suspects from strong Western countries tend to be overlooked. This book evaluates the ICC's controversial decisions conferring its jurisdiction over the situation, confirming the charges and even compelling unwilling witnesses to appear and testify. It is true that in 2002 Kenya ratified the Rome Statute through which the international community seeks to promote retributive justice to hold leaders accountable and punish mass atrocities. However, in the context of transitional justice, domestic authorities preferred to respond to the alleged mass atrocities through structural reforms. Indeed, two ICC indictees, President Kenyatta and Deputy President Ruto won the 2013 presidential elections, indicating that the public lacks confidence in the Hague process. From a practitioner's perspective, this book demonstrates the socio-political, cultural and contextual background which caused the ICC's legitimacy crisis. It is a must read for international criminal lawyers, policymakers, scholars and other stakeholders.

Dr. Charles Alenga Khamala, Ph.D. (UPPA), LL.M. (London) and LL.B. (Nairobi) is an Andrew W. Mellon Postdoctoral Fellow at Rhodes University, Faculty of Law while on study leave from Africa Nazarene University Law School, where he is a Senior Lecturer. He is a practising advocate of the High Court of Kenya, member of the World Society of Victimology, International Criminal Court Bar Association, International Law Association and International Commission of Jurists (Kenya Section).



NUR 820

www.wolfpublishers.com

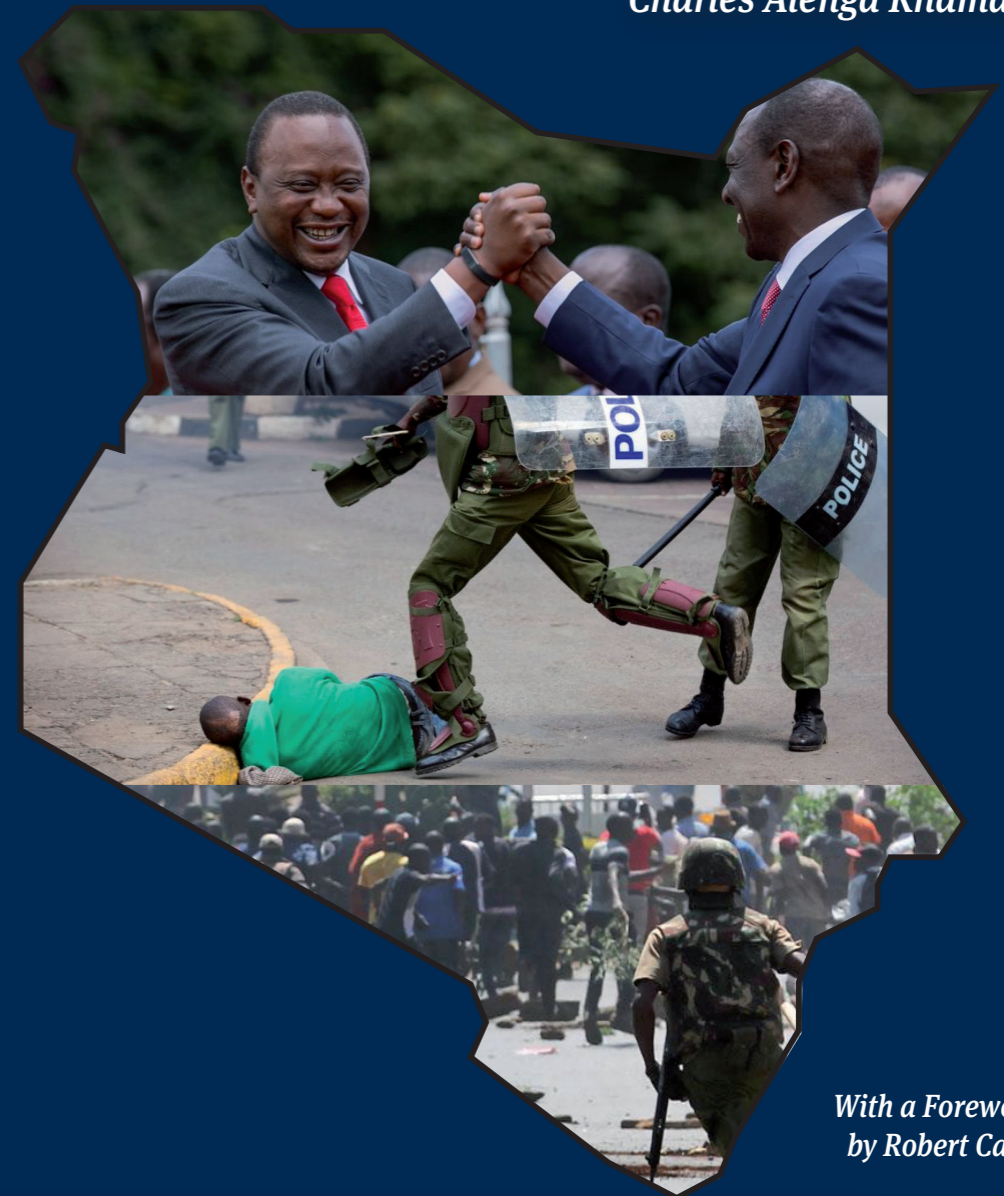
Human Rights & Humanitarian Law
Constitutional & Administrative Law
Environmental Law
Labour Law
Health Law
European Law
Education Law
Caribbean Law
Technology & Law
Private Law
Wolf Legal Publishers Law series:
International Public Law & Politics
(International) Criminal Law



Crimes against Humanity in Kenya's Post-2007 Conflicts: A Jurisprudential Interpretation Charles Alenga Khamala

Crimes against Humanity in Kenya's Post-2007 Conflicts: A Jurisprudential Interpretation

Charles Alenga Khamala



With a Foreword
by Robert Cairo

