

Kenya's Encounter with the International Criminal Court

The Honorable Lady Justice Mary Kasango

Lady Justice, High Court, Kenya; 2013 LL.M. in Intellectual Property
Law Program Candidate, Golden Gate University
School of Law

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Outline

1. Kenya in pre and immediate period after its 1963 Independence.
2. The country and its institutions before 2007 general elections.
3. Post 2007 elections and the country's encounter with the International Criminal Court.
4. Conclusions.

Introduction

The paper examines whether Kenya's encounter with the International Criminal Court (ICC) following the 2007 general elections was inevitable for the country. The paper begins looking at the birth of the nation of Kenya after its independence from Britain in 1963 and considers what became of the euphoria of self-rule. It will look at the political climate that followed the country's independence and consider the question, did the politicians live up to what the fight for independence seemed to promise.

The country's institutions will be looked at with a particular emphasis on the Kenyan judiciary and ask, did the institution meet the expectations of the people. The build up to the 2007 general elections will be considered as well as the boiling point of the country after the, alleged, results of that election were announced.

Bearing in mind what the actual or the perception of the people was of the failed institution, was the encounter with ICC bound to happen? Some of the reforms that have been undertaken following the post 2007 general election violence will be considered, again with particular emphasis on the Kenyan judiciary.

The paper will look at the judicial process of the ICC as it relates to Kenya and ask, with the reforms now undertaken by the country whether such encounters with the ICC will be avoided in the future.