



# Waki Commission Full Report

**Raymond Kwun-Sun Lau**



## **Waki Commission Full Report:**

*The International Criminal Court and the End of Impunity in Kenya* Lionel Nichols, 2015-02-02 The period immediately following Kenya's 2007 presidential election left a shocking trail of atrocities with over 1 000 people dead and countless thousands left victimised and displaced In response the International Criminal Court began a series of investigations and trials promising no impunity for even the highest ranking perpetrators When the country's president and vice president were implicated in the crimes the case took on worldwide significance The International Criminal Court and the End of Impunity in Kenya is a five year study addressing critical human rights issues with a global reach and is the first detailed account of the ICC's intervention in Kenya It probes the relationship between the ICC and state institutions known as positive complementarity and asks whether the ICC's intervention led to an end to impunity The author provides comprehensive analysis of the Waki Commission's sealed envelope the government's attempts to establish a special tribunal and the trials in The Hague He also provides in depth consideration of any influence the ICC's intervention may have had on the passing of a new constitution the establishment of a truth commission and important reforms to the judiciary police and witness protection programme Documenting the effects of these interventions on the Kenyan people and on the country's legal and judicial systems the book provides vital lessons in global justice as it Details the ICC's involvement in Kenya in the aftermath of extreme violence and instability Evaluates the ICC prosecutor's strategy of positive complementarity Identifies optimal conditions for positive complementarity to be effective Links cultures of impunity to state sponsored corruption Explores the possible impact of the ICC on national and global policy Discusses implications in responding to future crimes against humanity Replete with official government sources The International Criminal Court and the End of Impunity in Kenya is necessary reading for researchers and practitioners working in public international law particularly those specialising in conflict and post conflict states

**The Post-Election Violence in Kenya** Sostheness Francis Materu, 2014-12-04 Since the historic Nuremberg Trial of 1945 an international customary law principle has developed that commission of a core crime under international law war crimes genocide crimes against humanity and aggression should not go unpunished History shows that when in Africa such violations occurred especially as a result of election disputes national and regional actors including the African Union resorted to political rather than legal responses However when crimes against humanity were alleged to have been committed in Kenya during the 2007 2008 post election violence a promising road map for criminal accountability was agreed upon alongside a political solution In the spirit of this road map the author analyzes the post election violence in Kenya from a legal point of view He extensively examines legal options for domestic criminal accountability and discusses both retributive prosecutions and restorative justice mainly truth commission mechanisms being the main legal responses to the gross violations of human rights Furthermore he thoroughly investigates the Kenya situation before the ICC and the legal cum political responses to the ICC intervention in Kenya Practitioners and academics in the field

of international criminal law and related disciplines as well as political sciences and legal history will find in this book highly relevant information about alternative legal approaches of the fight against and punishment of crimes against humanity as defined under the ICC Statute

**Responding to Mass Atrocities in Africa** Raymond Kwun-Sun Lau, 2021-12-14 This book explores the relationship between the Responsibility to Protect R2P and the International Criminal Court ICC challenging the assumption that they are always mutually reinforcing or complementary and examining instead the many tensions which arise between the immediate imperative of saving lives and the more long term prospect of punishing perpetrators and preventing future conflicts through deterrence Around the world audiences in the mid 1990s watched the mass atrocities unfolding in Rwanda and Srebrenica in horror and disbelief Emerging from these disasters came an international commitment to safeguard and protect vulnerable communities as laid out in the R2P principle and an international responsibility to punish perpetrators with the establishment of the ICC The book provides context independent proposals for resolving contradictions between the two principles suggesting that focusing on timing and sequencing in invoking international R2P and ICC actions could facilitate the easing of tensions Drawing on examples from Uganda Kenya and Darfur the book applies International Relations concepts and theories in order to deepen our understanding of international responses to mass atrocities Ultimately the book concludes that a Protection First Justice Later sequence approach is necessary for managing the tension and facilitating more effective and consistent international responses This book makes an important contribution to discussions and debates surrounding international responses to genocide and mass atrocities It will be of special interest to scholars students and policymakers in International Relations Global Governance African Studies International Development Human Rights and International Criminal Law

**Alston and Heyns on Unlawful Killings: A Compendium of the Jurisprudence of the United Nations Special Rapporteurs on extrajudicial, summary or arbitrary executions from 2004-2016** Philip Alston, Christof Heyns, Sarah Knuckey, Thomas Probert, 2020-01-01 This book provides a detailed overview of the law and policy related to unlawful killings and the right to life It is organized into the key thematic issues and types of killings that arose during the mandate of the UN Special Rapporteur on extrajudicial summary or arbitrary executions between 2004 2016 Each chapter contains an introductory overview and selected extracts from UN Special Rapporteur reports to the United Nations General Assembly and the Human Rights Council and other normative work and covers the applicable international law policy considerations and common fact scenarios Philip Alston held the mandate of United Nations Special Rapporteur on extrajudicial summary or arbitrary executions between 2004 and 2010 Christof Heyns did so from 2010 to 2016 This book was created to provide easy access to the work of the Special Rapporteurs and to be a useful guide for those studying and working to promote respect for human rights The book was edited by the two rapporteurs together with their main advisors during their tenure as mandate holders Sarah Knuckey and Thomas Probert

*(Re)membering Kenya Vol 2* Gona, George, wa-Mungai, Mbugua, 2014-01-16 Out of the first series of public lectures titled

Remembering Kenya organised by the Volume editors together with Twaweza Communications and supported by the Goethe Institut Kenya The Ford Foundation and the Institute for International Education and whose key outcome was the publication of Remembering Kenya Vol 1 2010 grew a second round of lecture series The second series took cognisance of the fact that the problems that bedevil Kenya as a nation go far beyond questions of culture and identity that Volume 1 dealt with Thus the second presentations revolved mainly around issues of economics governance and power The awareness of the role and or lack of equity and social justice in causing Kenya's persistent problems informed all these presentations Issues of how to bring marginalised groups into the mainstream were discussed This Volume in part arises from the second presentations The authors of chapters attempt to provide answers to the question what entails remembering in post conflict Kenya From their work it is clear that there is a lot to remember in Kenya and many ways in which to reconfigure project Kenya Remembering is re thinking and reorganising our ways of doing things It entails a juggling of priorities between peace and reconciliation peace and justice and seeking justice and reconciliation without undermining peace all of which are arduous exercises Reconciling misconceptions about places issues and people is part of this reconstitution too New pathways require being embraced past mistakes individual and collective acknowledged and giving earnest meaning to the vow never again Yet as observed in this Volume Kenyans must be vigilant against individuals and groups that have often resisted change There are also material constraints to the achievement of the various economic activities that come with reconfiguring the Kenyan nation Worse still there exist certain cultural underpinnings that continue to have a debilitating effect on efforts to forge a sustainable peace after conflict These aspects require deep reflection and honest work In part the contributors to this Volume suggest how it can be done There is a hint in these chapters that we need to find new organizing spaces and principles on which a new Kenya can move forward Equally debating the very meanings of social justice and reconciliation against the background of potential conflict should be a project of this endeavor Questioning and identifying where impunity begun is key to this process In doing so we begin liberating ourselves from Kenyan society's deep rooted impunity Remembering Kenya after all calls for a reconstruction of the journey to the conflict in order to find the right balance between the right of remembrance and the duty of forgetfulness

"Bring the Gun Or You'll Die" Ben Rawlence, Human Rights Watch (Organization), 2009 This 51 page report documents rampant abuses during the operation and provides detailed accounts of the events in four of the 10 communities that were targeted Across all 10 communities the evidence collected by Human Rights Watch indicates that security forces tortured scores of men wounded at least 1 200 people including one man who died from his injuries and raped at least a dozen women over the course of the three day operation Human Rights Watch said this is part of a broader pattern of similar abuses by security forces

**Publisher description** **Security Sector Reform in Constitutional Transitions** Zoltan Barany, Sumit Bisarya, Sujit Choudhry, Richard Stacey, 2019-09-19 Security sector reform SSR is central to the democratic transitions currently unfolding across the globe as a diverse range of countries grapple with

how to transform militias tribal forces and dominant military police and intelligence agencies into democratically controlled and accountable security services SSR will be a key element in shifts from authoritarian to democratic rule for the foreseeable future since abuse of the security sector is a central technique of autocratic government This edited collection advances solutions through a selection of case studies from around the world that cover a wide range of contexts **Kenya National Assembly Official Record (Hansard)** ,2010-10-19 The official records of the proceedings of the Legislative Council of the Colony and Protectorate of Kenya the House of Representatives of the Government of Kenya and the National Assembly of the Republic of Kenya **Africa and the Responsibility to Protect** Dan Kuwali,Frans Viljoen,2013-11-26 Situations of serious or massive violations of human rights are no longer purely of domestic concern and sovereignty can no longer be an absolute shield for repressive governments in such circumstances Based on this realization the international community has recognized a responsibility to protect individuals in states where their governments are unable or unwilling to provide protection against the most serious violations However so far only one intergovernmental organization the African Union AU has explicitly made the right to intervene in a Member State part of its foundational text in Article 4 h of its Constitutive Act Although there have been cases of Article 4 h type interventions in Africa the AU Assembly has not yet invoked Article 4 h explicitly This book brings together experts in the field to explore the potential application of Article 4 h and the complexities that may explain its non invocation so far Although Article 4 h is noble in purpose its implementation faces several legal and policy challenges given that the use of force penetrates the principles of state sovereignty and non intervention the very cornerstones upon which the AU is founded This book considers these issues as well as the need to reconcile Article 4 h in so far as it allows the AU to exercise military intervention to protect populations at risk of mass atrocities with the provisions of the Charter of the United Nations Drawing from the insights of law political science diplomacy and military strategy the book offers a unique combination of multi disciplinary expertise that harnesses the views of a diverse group of authors focused on the legal policy and practical insights on the implementation of Article 4 h and the responsibility to protect in Africa in order to provide concrete recommendations on how to end mass atrocities on the continent **State Building and Development** Keijiro Otsuka,Takashi Shiraishi,2014-02-03 Why does a huge income gap still exist between developed and developing countries Plausible causes on the surface may be the difference in technology the quality of human resources and economic institutions but on the deeper level the gap reflects the success and failure of state building which is vital for economic development This book provides cutting edge knowledge on state building economic development and democratization based on case studies of Japan ASEAN South Asia and selected countries in sub Saharan Africa The book examines the interaction between land policies and the state building in sub Saharan Africa It also pays special attention to corruption which affects the relationship between the state and the development and decentralization which exerts influences on the contentious politics Finally the book also sheds new light on the failure and

success of industrial policies based on a literature review and a case study of the rapidly growing pharmaceutical industry in Bangladesh This book is one of the few studies which squarely addresses state building and economic development and will be of use to those interested in this subject development practitioners and policymakers in developing countries

**Elections in Dangerous Places** David Gillies, 2011 From Afghanistan and Iraq to Haiti Cote d Ivoire and Egypt ill timed fraudulent or poorly managed elections have led to discord violence and even regime change While much of the international community views elections as a critical milestone in the stabilization of war torn societies Elections in Dangerous Places shows how flawed elections can act as democracy in reverse and diminish political legitimacy and stable governance Through a series of frank and incisive case studies of conflicted countries contributors chapters challenge the centrality and timing of elections as a key pillar of reconstruction at a war s end They underline the dangers in rushing elections compromising principles and lowering the bar for what constitutes free and fair elections in situations of conflict The authors also underline the economic cost of elections in uncertain political situations and argue that global taxpayers who must bear the burden are justified in questioning the value of ill timed elections A candid and important study of political turmoil Elections in Dangerous Places provides valuable lessons and practical advice on how to better mitigate conflict and violence before during and after highly charged elections

**The Oxford Handbook of International Law in Armed Conflict** Andrew Clapham, Paola Gaeta, Tom Haeck, Alice Priddy, 2014-03-13 Over the past ten years the content and application of international law in armed conflict has changed dramatically This Oxford Handbook provides an authoritative and comprehensive study of the role of international law in armed conflict and engages in a broad analysis of international humanitarian law human rights law refugee law international criminal law environmental law and the law on the use of force With an international group of expert contributors the Handbook has a global multi disciplinary perspective on the place of law in war The Handbook consists of 32 chapters in seven parts Part I provides the historical background of international law in armed conflict and sets out its contemporary challenges Part II considers the relevant sources of international law Part III describes the different legal regimes land warfare air warfare maritime warfare the law of occupation the law applicable to peace operations and the law of neutrality Part IV introduces crucial concepts in humanitarian law the use of weapons proportionality the principle of distinction and internal armed conflict Part V looks at rights issues life torture fair trials the environment economic social and cultural rights the protection of cultural property and the human rights of members of the armed forces Part VI covers key issues in times of conflict the use of force terrorism unlawful combatants mercenaries forced migration and issues of gender Part VII deals with accountability for war crimes the responsibility of non state actors compensation before national courts and finally transitional justice

**Policing Criminality and Insurgency in Africa** Dawud Muhammad Dawud, Usman A. Tar, 2022-11-14 Policing Criminality and Insurgency in Africa Perspectives on the Changing Wave of Law Enforcement provides critical insights into the trends and patterns of crime and insurgency in

contemporary African society In Africa criminals and insurgents are becoming more resourceful smart and connected as criminal syndicates are increasingly deploying modern technologies to commit crimes in ways and manners that are profoundly daring and on a transnational and global scale Meanwhile the capacity of local state and security forces to stem the tide of crimes and insurgencies is decimated by dwindling resources on the part of the state due to official corruption down sizing of public institutions and a fierce competition for resources between security and other developmental agencies In this volume the contributors who are expert academics in policing and security in Africa as well as security practitioners provide detailed explanations of the new wave of crime characterized by cyber insecurity terror financing the proliferation of small arms and light weapons and transnational networking among criminal syndicates The volume forensically explores how these complex waves and emerging trends of criminality and insurgency impact on the socio economic and political development of Africa Editors Usman A Tar and Dawud Muhammad Dawud highlight how these factors affect and shape policing and law enforcement in an era of smart crimes and insurgency within the continent

**Kenya National Assembly Official Record (Hansard)** ,2009-01-27 The official records of the proceedings of the Legislative Council of the Colony and Protectorate of Kenya the House of Representatives of the Government of Kenya and the National Assembly of the Republic of Kenya

**Hybrid and Internationalised Criminal Tribunals** Sarah Williams,2012-04-02 In recent years a number of criminal tribunals have been established to investigate prosecute and try individuals accused of serious violations of international humanitarian law and international human rights law These tribunals have been described as hybrid or internationalised tribunals as their structure and applicable law consist of both international and national elements Six such tribunals are currently in operation the Special Court for Sierra Leone the Extraordinary Chambers in the Courts of Cambodia the International Judges and Prosecutors Programme in Kosovo the War Crimes Chamber for Bosnia and Herzegovina the Iraqi High Tribunal and the Special Tribunal for Lebanon The Special Panels for Serious Crimes in East Timor suspended operation in May 2005 although there continues to be some international involvement in investigation and prosecution of serious crimes Suggestions have also been made that this model of tribunal would be appropriate for the prosecution of atrocities committed in among others Burundi the Sudan the Democratic Republic of Congo Kenya and Liberia as well as for a wider range of international crimes most recently piracy The key aims of this book are to place the model of hybrid and internationalised tribunals in the context of other mechanisms to try international crimes to examine the increasing demand for the establishment of hybrid and internationalised judicial institutions and the factors driving such demand to define the category of hybrid and internationalised tribunals by examining the key features of the existing and proposed hybrid or internationalised tribunals as well as the features of those institutions with international elements that are generally excluded from this category to determine the legal and jurisdictional bases of existing hybrid and internationalised tribunals to analyse how the legal and jurisdictional basis of a tribunal affects other issues such as the



applicable law the application of amnesties and immunities and the relationship of the tribunal with the host state third states national courts and other international criminal tribunals The book concentrates on the definitional legal and jurisdictional aspects of hybrid and internationalised criminal tribunals as this has been the subject of some confusion in arguments before the tribunals and in the judgments of the tribunals In its concluding section the book examines the future role of internationalised and hybrid criminal tribunals particularly in light of the establishment of the ICC and the potential use of such tribunals in other contexts It also assesses how hybrid and internationalised tribunals fit into a multi layered framework of international criminal law and transitional justice Contested Justice Christian De Vos, Sara Kendall, Carsten Stahn, 2015-12-18 An in depth and interdisciplinary analysis of the politics and practice of the International Criminal Court This title is also available as Open Access *A Different Way of Being* David Kirwa Tarus, 2019-02-28 If my people who are called by my name will humble themselves and pray and seek my face and turn from their wicked ways then I will hear from heaven and I will forgive their sin and will heal their land 2 Chronicles 7 14 Kenya is a diverse nation with many ethnic communities and cultural traditions However this diversity has led to deep divisions over the years resulting in entrenched ethno-political tension and conflict In this book Dr David Kirwa Tarus advocates for a Christian theological response to the nation's divisions by presenting various theological perspectives on anthropology society and politics including those of John Calvin and John Mbiti as well as other prominent Kenyan theologians This work traces the history of ethno-political conflict in Kenya and the church's response from 1895 to 2013 and thoroughly examines how a reformed theology can provide a pathway to social cohesion in Kenya David Tarus humbly yet boldly challenges Kenyans to pursue national unity and peace by interrogating their allegiances to their ethnic communities and political parties This book carefully argues why it is only a Christian identity commitment to humanity as bearing the divine image and the triune God himself that can heal the divisions in this land and in turn bring an end to other social evils such as corruption intolerance and violence Ethno-political conflict is not confined to one nation and this study will bear much fruit in other contexts where people yearn for social cohesion

**Principled Negotiation and Mediation in the International Arena** Paul J. Zwier, 2013-04-22 This book argues that it can be beneficial for the United States to talk with evil terrorists and other bad actors if it engages a mediator who shares the United States principles yet is pragmatic It shows how the US can make better foreign policy decisions and demonstrate its integrity for promoting democracy and human rights by employing a mediator who facilitates disputes between international actors by moving them along a continuum of principles as political parties act for a country's citizens This is the first book to integrate theories of rule of law development with conflict resolution methods and it examines ongoing disputes in the Middle East North Korea South America and Africa It draws on the author's experiences with The Carter Center and judicial and legal advocacy training to provide a sophisticated understanding of the current situation in these countries and of how a strategy of principled pragmatism will give better direction to US foreign policy abroad **Kenya National**

**Assembly Official Record (Hansard)** ,2009-07-29 The official records of the proceedings of the Legislative Council of the Colony and Protectorate of Kenya the House of Representatives of the Government of Kenya and the National Assembly of the Republic of Kenya     Selling Justice Short Sara Darehshori,Human Rights Watch (Organization),2009 This 128 page report draws upon Human Rights Watch s work over the past 20 years in nearly 20 countries The report documents how ignoring atrocities reinforces a culture of impunity that encourages future abuses Rather than impede negotiations or a transition to peace remaining firm on justice can yield short and long term benefits Anticipated negative consequences of pressing for accountability often do not come to pass Justice is also important as a matter of principle Fair trials may assist in restoring dignity to victims by acknowledging their suffering Publisher description

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