

# Imperial “Justice”: Newly-Elected Kenyan President Forced to Stand Trial at the ICC

Kenyatta requests charges be dropped in The Hague

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*Known on the continent as the “African Criminal Court” due to its exclusive indictments, prosecution and persecution of regional leaders, the International Criminal Court (ICC) has refused to drop charges against President Uhuru Kenyatta. Kenyatta was elected by over 50 percent of the people in his country during internationally-supervised polls in early March.*

Despite threats from the United States and Britain toward the Kenyan people, the electorate defied the two leading world imperialist countries by placing Kenyatta in office. Kenyatta, 51, is the son of Kenya’s first president and nationalist leader, Jomo Kenyatta, who was a staunch ally of Washington and London during the 1960s and 1970s.

Nonetheless, in the modern period, the imperialist states are bent on total control of political developments in Africa. The U.S. State Department’s top African envoy, Johnnie Carson, has warned the Kenyan electorate that if Kenyatta won the race against former Prime Minister Raila Odinga, that there would be a price to pay.

A similar tone was set by Britain when the Foreign Office said that if Kenyatta won London would maintain relations at a distance. Although both Britain and the U.S. will not subject their political leaders to international scrutiny, they have consistently utilized the ICC and other special courts in the Netherlands to hound African leaders and the former President of Yugoslavia Slobodan Milosevic who refuse to accept dominance by the West.

The pledge to go ahead with a trial by ICC chief prosecutor Fatou Bensouda came as a surprise to many since Kenyatta’s co-defendant Francis Muthaura had all charges dropped against him resulting from the failure of the principal witness to provide testimony. The two had been accused of financing criminal gangs to attack political opponents in the aftermath of disputed elections during 2007-2008.

Kenyatta and Muthaura both have denied the charges. Kenyatta says that he is willing to defend himself before the ICC.

Bensouda told the press that the situation involving the charges against Kenyatta related to witnesses having been intimidated. She said that “Kenya is the most challenging situation we have ever had to deal with.” (AFP, March 21)

Kenyatta’s lawyer, Steven Kay, stressed that the charges against his client should be dropped since the main witness is refusing to testify. Kay says that based on these developments the case should go back to pre-trial phase to determine whether there is even

enough evidence to continue.

“To a certain extent we have lost faith in the decision-making as we warned the pre-trial chamber of the quality of the evidence and we were ignored,” Kay said. Later on March 24, the charges against Kenyatta were revised in an effort to provide a legal rationale for continuing with the prosecution of the president.

### **ICC Continues Tradition**

Other leaders under attack by the ICC include Republic of Sudan President Omar Hassan al-Bashir who has refused to acknowledge or recognize the charges filed under the previous prosecutor. President Bashir says that the charges are designed to destabilize his government and country which is not even a party to the Rome Statute which served as the basis for the creation of the ICC.

Also ousted President Laurent Gbagbo of Ivory Coast is currently facing charges before the ICC as well. Gbagbo was overthrown by France in 2011 because he refused to allow the imperialist states and their allies to determine who should be allowed to hold office in the West African country.

Gbagbo has rejected the charges against him and says that he has always been committed to a democratic process of governance. Ivory Coast, a former French colony, is the largest producer of cocoa in the world.

At present his political party is refusing to participate in the elections scheduled to be held in Ivory Coast where Alassane Ouattara, who was backed by the West, assumed power after French military action led to the overthrow and capture of Gbagbo and his forced exile to the Netherlands.

A Special Tribunal on Sierra Leone prosecuted former Republic of Liberia President Charles Taylor and convicted him in 2012 for involvement in a war in a neighboring country. The special tribunal on Sierra Leone attempted to make a case that blamed Taylor for the proliferation of illegal diamond trading internationally, something that has been in existence for centuries and controlled by various imperialist states.

When the U.S. and NATO waged its war to overthrow Col. Muammar Gaddafi and the Jamahiriya in 2011, the ICC indicted Gaddafi and his son Seif al-Islam. Gaddafi was brutally assassinated at the aegis of the White House on October 20, 2011 and Seif was later captured by western-backed militias who still hold him inside Libya.

Although the ICC says that Seif cannot get a fair trial under the existing regime now running Libya, the same body has not filed charges against the General National Congress which is violating the rights of thousands of Libyans and foreign nationals being held illegally inside the country. A delegation sent to Libya in 2012 to investigate the status of Seif al-Islam was held for several weeks by the same militia forces that have illegally detained Gaddafi's son.

Nonetheless, no charges were filed in relationship to this situation and many others now plaguing post-Gaddafi Libya. Earlier in March, a relative of Gaddafi was kidnapped in Egypt and threatened with deportation to Libya without any response from the state department.

The stage was set for the convening of such tribunals and courts in the Netherlands with the coup against former Yugoslavian President Milosevic in 2000. After the overthrow of the

leader of the socialist government, which had been largely dismembered by wars supported by the U.S. and other imperialist states, he was kidnapped and held in detention in the Netherlands until his death in 2006.

Most of the cases against leaders in The Hague have been done in a way which advances the interests of imperialism. Yet these same western states are never held accountable for the horrendous war crimes carried out in Afghanistan, Panama, Grenada, Iraq, Iran, Yemen, Libya, Somalia, Zimbabwe and Colombia where millions have died over the last three decades.

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