

# Post Election Violence and Crimes against Humanity in Kenya

Seven Days in December: Kenya's Parliament Rejects the International Criminal Court and the Citizens Reject Parliament

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The International Criminal Court's naming of six Kenyans suspected of committing crimes against humanity has opened up a gulf between members of the country's political class and ordinary citizens. The sources quoted here decry the erosion of democratic gains in Kenya after parliament reacted to the naming of suspects by voting to withdraw from the International Criminal Court (ICC). This review of seven days in December (20-27) heralds the emergence of evermore forceful demands for a new democratic turn in Kenya.

December 28th is known by many as Innocents' Day, or the Feast of the Day of Innocents. It commemorates the deaths of infants massacred in Bethlehem by King Herod, who had been told that a baby (Jesus) had been born who would one day challenge Herod's rule. To protect his power, the king ordered the killing of all children under the age of two.

Innocents' Day 2010 takes on a special meaning in light of recent events in Kenya. In a Christmas Day sermon, Mombasa Archbishop Boniface Lele reminded parishioners of Herod's slaughter of the innocents. "Jesus was born in a situation of violence and if it was today, He will be born in an IDP (internally displaced persons) camp to empathise with us" (Nation Team, "Clergy ask politicians not to protect suspects from justice," *Sunday Nation* (Nairobi), 26 December 2010).

Three years ago, between 28 December 2007 and the end of February 2008, some 1,500 Kenyans were killed and more than 500,000 evicted from their homes after a disputed presidential election. On 15 December 2010, the International Criminal Court named six men who chief prosecutor Luis Moreno-Ocampo suspects hold highest responsibility for the crimes committed in Kenya between December 2007 and February 2008. Ocampo requested that ICC judges indict them on charges of crimes against humanity. The suspects include three Members of Parliament, Uhuru Kenyatta, Henry Kosgey and William Ruto; the former Chief of Police, Mohammed Hussein Ali; the head of the Civil Service, Francis Muthaura; and a vernacular language radio show host, Joshua arap Sang.

If found guilty the suspects will become "*hostis humani generis*, or "enemies of humanity." Ocampo's news was received very peacefully by Kenyans, even in Eldoret, a presumed centre of tensions, where John Githongo reported the town as "totally cool, calm and collected" (Githongo, John, "Now that Ocampo has dropped his bombshell, we must watch our step," *The East African* (Nairobi), 20 December 2010). The press had covered the potential threats to the peace largely to the exclusion of the more vibrant, popular and widespread workings and gains of country-wide peace movements.

The post-election violence of 2007-2008 had a particular impact on women. Nairobi doctors who treated an estimated 500 rape survivors within the first weeks of the post-election chaos, said that 95% of these patients had been gang-raped. Scores of women were feared to have been infected with HIV.

At the same time, Kenyan women were the key peace makers both during and after those violent months. For instance, in early January 2008 at the height of ongoing attacks, two hundred women in the Nairobi slum of Kibera joined together across party and ethnic lines to march through the streets and call for peace and reconciliation.

A woman politician, who in January 2008 led healing circles at a camp for internally displaced people in the Rift Valley, asked displaced women when they felt they were “at peace.” The refugees answered that they had peace “when they are able to provide food, shelter and health to their families, including being able to educate their children” (Ringera, Karambu, “The Heart of the Kenya Violence and Peace,” *Pambazuka News*, Issue 341, 31 January 2008).

These are among the hundreds of peace initiatives that ordinary Kenyans launched in efforts to forestall further violence. Behind these initiatives are thousands of long-standing, multi-ethnic, social, cultural, ecological, spiritual and political organizations, both formal and informal, many founded and autonomously organized by women.

These peace initiatives did not stop in February 2008, when the post-election crisis was brought to an end by a negotiated settlement brokered by Kofi Annan. Annan helped construct a coalition government and secured assurances that the Kenyan parliament would set up a local process to try the masterminds of the post-election violence. If they failed to do so, Annan said, he would refer the Kenyan case to the International Criminal Court in The Hague. Annan’s willingness to refer the Kenyan case to The Hague was the first formal acknowledgement of suspected high-level culpability for the violence.

In 2008 and 2009, partisanship and fears of political interference kept lawmakers from coming to any kind of agreement on setting up a local tribunal. Consequently, the case ended up at The Hague. For the first time, those allegedly bearing “highest responsibility” for the eruption of election-related violence in Kenya (there were several previous elections with violence) were going to be brought to book.

December 2010 saw a dramatic erosion of the legitimacy of the Kenyan government. This followed upon the naming of the Ocampo Six. It was intensified by the astonishing reaction of Kenyan parliamentarians to the possibility of some of their members facing justice in The Hague.

Immediately upon the naming of the six alleged masterminds, President Kibaki declared that the suspects would *not* be asked to step aside or resign from their public posts, contrary to the new constitution’s high ethical bar for all holding public office. They would stay in office unless and until ICC judges confirmed the prosecutor’s charges against them, some time in early 2011.

This was quickly followed by an announcement by Prime Minister Raila Odinga’s party, the Orange Democratic Movement (ODM), offering six suspects “moral” support. Within days,

politicians from across party lines called for *harambees* (fundraisers) to raise the hundreds of millions of shillings (approximately Canadian \$1,240,000) required by each suspect to hire the best legal defence teams.

The next day, December 17th, parliamentarians introduced a motion seeking to withdraw Kenya from the Rome Statute which binds the country to the International Criminal Court. The House Speaker dismissed the motion as unconstitutional. Some MPs called the motion “mundane” and an attempt to “save friends.” Within days it was resubmitted with minor modifications.

Vice President Kilonzo Musyoka intervened to have the motion considered late in the day on 22 December. At that point, all Parliamentarians present in the House, except one, Martha Karua, voted in favour of the motion.

Speaking in support of the motion to withdraw, energy minister Kiraitu Murungi said “It is only Africans from former colonies who are being tried at the ICC. No American or British will be tried at the ICC and we should not willingly allow ourselves to return to colonialism. The fears that we had when we were introducing the international criminal justice system are no longer there. There is nothing we cannot handle. As a sovereign country, no other Kenyan will be tried on foreign land. Let the six go but we have now learnt our lessons” (Regene, Njeri, “Parliament pulls Kenya from ICC treaty,” *Daily Nation*, 22 December 2010).

The legal procedure for withdrawal from the Rome Statute is outlined in Article 127 of the International Crimes Act. A state seeking to withdraw must write to the UN Secretary General. Such withdrawal can only take effect one year after the Security Council receives the submission. All cases begun before the date of the submission remain intact.

Even if Kenya’s Principals request withdrawal, the ‘Ocampo Six’ will be spared The Hague trials only under specific conditions. Amongst these are that the same suspects be tried in a local tribunal with the same charges, and that the ICC prosecutor’s office approves the formation of the local tribunal or other legal mechanism established to address election-related crimes.

For the six, the next move rests with three ICC judges, who will confirm Ocampo’s charges, modify them or reject the charges altogether. If the judges do assent to charging the suspects, a possible modification would be to issue arrest warrants for the suspects rather than the simple summonses now being sought by Ocampo.

Ocampo’s action contributed to a confluence of crises within the ruling class (these include Wikileaks revelations and politicians’ reactions; constitutional logjams; along with corruption and drug cases among government Ministers and other officials). These tensions are splitting old alliances, and at the same time bolstering new ones. The tidal wave of delegitimization has now engulfed everyone from the president who refused to ask the suspects to step aside, to the politicians and state officers who have vowed to support the suspects “morally” and “financially,” to parliamentarians who passed a Motion on 22 December 2010 to withdraw from the ICC process, after which they agreed to adjourn for “an indefinite recess.”

The government has been inundated by legal challenges. Over 50,000 cases were pending *before* the passage of the new constitution on 4 August 2010. With the new rights enshrined in the constitution, the government is worried about an “avalanche” of further cases.

A flurry of court cases for the dissolution of parliament began in mid-November 2010. Litigation was spurred by parliament's failure to hold to deadlines for the establishment of key committees for the implementation of the constitution. The calls for parliament's dissolution began with the peoples' demand for the preservation of the sanctity, including the deadlines, of the country's popular new constitution.

The second round of questioning of the legitimacy of the parliamentarians' right to hold office followed seamlessly in mid-December 2010 after MPs moved to withdraw Kenya from the International Criminal Court (see Appendix below).

The ICC has forced the opening of political space in Kenya. Three years after the election that prompted a Herod-like slaughter of innocents, the possibility of justice has given rise to a new popular anticipation of positive changes in the dispensation of power.

Ng'ang'a Mbugua, in a 26 December *Sunday Nation* article tellingly entitled "Change of seismic proportion is on the way," reminded readers "that the number of political vacancies has increased tremendously with the coming of county governments." Even more political vacancies are promised by the popular demand that those now in office step down. Polls indicate most MPs will not be re-elected.

The demand for the benefits of peace is growing day by day. The momentous Kenyan events take place in the context of an approaching referendum for the succession of southern Sudan in January 2011, a hotly contested presidential election in Uganda in 2011 and the approach of Kenya's next presidential election in August 2012 (in which two of the ICC's named suspects had hoped to stand). Additional geo-political developments in the region include oil discoveries, pipeline route negotiations, new enclosures due to carbon trade projects, new GMO field trials, bio-fuel plantations and ramped-up military manoeuvres.

Beneath the drama unfolding at the level of Kenyan parliament and the International Criminal Court is the mobilization of vital grassroots movements for peace and participation. These are poised to alter the political landscape significantly in the coming year.

The focus here has been on seven days in December. Among the issues that will emerge more prominently in the near future are responses by Kenya's Executive to parliament's demand to get Kenya out of the ICC; the diverse political strategies employed by multitudes of grassroots actors, especially women; and class and factional conflict amongst those rushing to fill the vacancies created by the delegitimization of the incumbent section of the political class.

## **Appendix: Voices opposing Kenya's parliamentary decision to withdraw from the ICC**

These excerpts from online Kenyan newspapers (*Standard*, *East African* and *Daily Nation*), largely from 20-27 December 2010, show that Kenyan parliamentarians' actions are widely at variance with the views and demands of the citizenry that is challenging the government's legitimacy. Our comments are included in *italics*.

### **Letters to the Editor**

“For a minister to confidently face the cameras and suggest that taxpayer money be used for the convenience of people suspected to have instigated the violence that killed many, and displaced thousands who still live in misery is sad indeed. Widows, widowers, orphans and people who were maimed are crying out for justice.” (Chagema, Alexander, “Asking widows and widowers to bail out suspects insensitive,” Letter to the Editor, Daily Nation (Nairobi), 21 December 2010).

“I had long felt that an MP’s job was to represent constituents. How wrong I was. They vote to withdraw from ICC, yet opinion polls show a large majority in favour of ICC. Time to invoke the recall clause.” (Gittens, Anthony, “Recall Clause,” Letter to the Editor, Daily Nation (Nairobi), 23 December 2010).

“The decision by Parliament to pass the Bill withdrawing Kenya from the Rome Statute is tantamount to equating the country to the Ocampo Six. This is unacceptable. Even if half of the current crop of leaders were to be indicted, Kenya must remain. What we should be asking these fellows is to tell the truth about what happened during our darkest hour. Therefore, the MPs pushing for the exoneration of the suspects at whichever cost, including spoiling the good name of the nation, are the greatest enemies of Kenya and not Mr Moreno-Ocampo” (Bernard Amera, “MPs who want Ocampo Six exonerated are public enemies,” Letter to the Editor, Daily Nation (Nairobi), 27 December 2010)

“They are talking of a local mechanism, which they first rejected, presumably because they thought the ICC would bring suspects to book in 2090. No one has said the named suspects are guilty; what is required is the due process of the law to take its course. Let the suspects being referred as sacrificial lambs go and tell the International Court whom they were working for instead of stirring futile ethnic passions. It seems they have left Gichugu MP Martha Karua to be the only voice of the voiceless in the House. The best New Year’s gift President Kibaki can give the nation is to dissolve Parliament because it has become an eyesore” (Apollo, Joab, “Dissolve House; it’s become an eyesore,” Letter to the Editor, Standard (Nairobi), 27 December 2010).

## **Public statements**

“Speaking on behalf of the NGO Council, activist Ken Wafula said that the move by Parliament “smacks of betrayal of the public mandate accorded it. Kenya signed and ratified the Rome Statute voluntarily. With the International Crimes Act in place, one arm of government can not purport to decide on behalf of the country on a matter as heavy as our ICC membership.” He challenged the MPs to subject the issue to a public referendum.” (Daily Nation, “Parliament move draws criticism,” Daily Nation (Nairobi), 23 December 2010).

“It’s a show of utmost cowardice. Why think of pulling out [of the ICC] when there is a problem yet the suspects have an opportunity to clear their names and come out as heroes?” posed Prof Wangari Mwai, a lecturer at Kenyatta University. (Nation Correspondent, “Scholars fault move to pull out of accord,” Daily Nation (Nairobi), 23 December 2010).

*Joab Okello, a Kenyan-American administrative judge for the US State of New York, asked Kenyans to protest the decision by the legislators:*

"I was outraged by that move because Kenya cannot afford to be a pariah state. We are one of the most important countries in Africa, and we've maintained that for years. And, for Parliament to pass this Motion, just because six people have been indicted, is outrageous," he said. "The six individual must still answer to the ICC. What they are trying to do is protect these people so that they are not arrested. So, that means the ICC can only arrest the individuals if they leave the country. But, if Kenya was a signatory, (to the ICC), then Kenya would have to arrest them if needed." (Standard Team, "The Hague: Ocampo works on despite politics," Standard (Nairobi), 24 December 2010).

*The Executive director of the Kenya Human Rights Commission, L. Muthoni Wanyeki, wrote in a 27 December 2010 editorial:*

"The last week has been a sickening show of both contempt for and ignorance of the law by the House — its members proving themselves to be blithely unconcerned about their lack of support among the public. They have not been representing the public in their actions. They have been representing themselves — and their disgusting calculations to retain power for those they have latched their financial and political fortunes to come 2012. The statements emanating from the MPs — and, lower down, the Councillors who have, in turn, attached their own financial and political fortunes to them — have been almost unbelievable. ...

"The cause for disgust and nausea: How dare the Grand Coalition Government even consider utilising public funds (our funds, our hard-earned taxes) to pay for the legal defence of any of the accused? How dare the ethnic-political cabals on either side of the House ask "their" constituents and supporters to fundraise to this end? It is not the Grand Coalition Government that's been summoned. Neither is it the parties to the Grand Coalition Government. And it is especially not the ethnic communities deemed to be homogenously in support of the would-be presidential candidates apparently being foisted upon them.

"Our two Principals should also be ashamed of themselves. Once again, they have failed to whip their parties into shape and lead. Once again, they have let parliament run rogue. Once again, they have, apparently meekly and weakly but, in fact, ever so calculatedly, let parliament get its hands dirty in their name. So they can throw up their own hands, supposedly helplessly, and say: Sorry, we ourselves of course understand the need to move forward, but these helpless hands of ours are tied. We are a democracy, after all. And parliament needs to check the executive.

"They are all sick. They are sick with the assumption of being above the law. They are sick from having, too many times, been able to get away with whitewashed investigations, whose feeble and ineffectual findings are quickly swept under the carpet and eventually, if not forgotten, at least rendered unable to touch them.

"But it is only check, not yet checkmate. Politically, yes, in the short-term, parliament's move will give the executive what it needs to drag its feet on co-operation with the ICC. But, in the longer-term, parliament has alienated itself farther from the people and the world it wishes to remain part of than it seems to realise. And legally, parliament's move is meaningless. Utterly meaningless. Whether the International Crimes Act is eventually repealed and whether the executive does move to disengage from the Rome Statute, the fact is that the latter had jurisdiction at the material time. The cases will continue. And only the strength of the Prosecutor's evidence and witnesses — and the relative

strength of the defence — matter at this point in time.” (Wanyeki, L. Muthoni, “Our MPs really should be ashamed of themselves,” *The East African* (Nairobi), 27 December 2010).

*On 26 December 2010 in an opinion piece in the Sunday Nation, Former MP and political prisoner, Koigi wa Wamwere summed up the clamour for a new political dispensation:*

“At last, violent reactions by Parliament to the naming of The Hague Six have confirmed that our President and Prime Minister, ethnic elite and MPs are incorrigible self-preservationists with impunity saturating their blood. When our MPs saw Luis Moreno-Ocampo would not retreat, they saw red, threw all caution to the wind, shed democratic pretensions, embraced the Hague Six, threw out the threatening Ouko report and hurriedly passed a Motion to withdraw Kenya from the Rome Statute for self-insulation against prosecution for crimes against humanity or genocide. ... The Minister for Planning wants the State to foot their legal bill. Even more shockingly, some IDPs want to contribute their beggared coins for the legal fees of some billionaires who may have put them where they are today! Most important, President Kibaki and Prime Minister Odinga have offered The Hague Six an economic lifeline. While ministers suspected of corruption are asked to step aside, the suspects of greater crimes against humanity have their jobs guaranteed! The defence of The Hague Six is, however, not couched in justification of crime, but in clever, yet warped moral appeal for sympathy to human suffering rendered equally to killers and their victims!” (wa Wamwere, Koigi, “With the Hague Six,” *Sunday Nation* (Nairobi), 26 December 2010).

### **Internally Displaced People (IDPs)**

“Internally displaced persons (IDPs) living in Central Province criticized MPs for suggesting that money be raised to hire lawyers for Uhuru Kenyatta [who hails from the area]. “We have now spent three years in camps and yet the MPs do not think about us. All they want is to fight for political positions and yet we voted for them,” noted the IDPs’ chairperson Martin Ndung’u. “It is a shame that the leaders who made us live in camps do not think about us anymore. Uhuru can afford to hire prominent lawyers but we who are in camps cannot even afford a meal for ourselves,” he said.

“According to Beatrice Nyokabi, the chairlady [of] Ebenezer Camp in Mai Mahiu, the three years have been punishing for the IDPs. ... For Nyokabi, the plan to raise funds for Uhuru Kenyatta’s defence and other suspects is like rubbing salt into a festering wound. “Does it mean that the lives of six suspects are more important than the hundreds of IDPs languishing in poverty and enduring hardship?” she posed. “We are in the camps because of these politicians, yet they have the audacity to tell us to raise funds for the suspects!” Nyokabi chuckled.” (Munyeki, James, “IDPs tell off MPs over funds drive for Uhuru,” *Standard* (Nairobi), 19 December 2010).

### **Polls**

“Most Kenyans will not opt for their current MPs were elections to be held today, a new opinion poll has shown. The latest Infotrak survey released yesterday shows 56 per cent of Kenyans were of the view that they would not re-elect their MPs, 28 per cent said they would while 16 per cent were undecided.” (Omango, Beauttah, “Most voters won’t re-elect their MPs,” *Standard* (Nairobi), 24 December 2010).

“Six out of ten Kenyans want the trial of the six suspected masterminds of post-election violence by the International Criminal Court to go on uninterrupted, according to a new poll. ... The poll is also unanimous that the ICC suspects as well as others not in the list should face justice. The poll shows that a fairly large proportion of Kenyans (73 per cent) are optimistic that the trial of the suspects named by ICC Chief Prosecutor Luis Moreno-Ocampo will take place” (Menya, Walter, “Kenyans want Ocampo Six tried in Hague,” Daily Nation (Nairobi), 24 December 2010).

*Daily Nation*, 27 December 2010

## **Clergy**

“Mombasa Archbishop Boniface Lele appealed to the President to consider the possible repercussions that would befall the country if ostracised by the international community. “We feel cheated by Parliament over the motion of pulling Kenya out of its international obligations just to protect some of their colleagues mentioned as suspects of the post-elections violence,” he said.” (Mwajefa, Mwakera, “Kibaki urged to reject ICC motion,” Sunday Nation (Nairobi) 26 December 2010).

## **Diplomatic Envoys**

“British High Commissioner Rob Macaire warned that if Kenya walked away from the ICC, after all the public demands for The Hague to come in, it would be terribly damaging to the country’s reputation. “The ICC is an impartial body: You have to ask questions about the motivation of parliamentarians who have suddenly decided that the court is biased or political. These were the very MPs who called for the ICC’s involvement, and voted out a local tribunal! Perhaps what they are really saying is that they just want to prevent anyone being held to account for crimes against humanity,” Mr Macaire said.” (Daily Nation, “Parliament move draws criticism,” Daily Nation (Nairobi), 23 December 2010).

“Kenya has been rebuilding its international image since the post-election violence. Withdrawal from the ICC process potentially risks all this,” the envoys from the United Kingdom, Belgium, Canada, Denmark, Finland, France, Greece, Italy, the Republic of Korea, the Netherlands, Norway, Sweden and Switzerland, said in a statement. ...The envoys, whose countries are state parties to the Rome Statute that established the ICC, ... urged the government to allow The Hague prosecutor Luis Moreno-Ocampo to go on with the prosecutions of the six people he believes bear the most responsibility for the post-election violence in 2008. They also called for reforms in the Judiciary to try other suspects.” (Namunane, Bernard, “13 envoys oppose plan to ditch ICC,” Daily Nation (Nairobi), 24 December 2010).

## **Members of Parliament**

*Kenyan MPs are now coming out against the motion to withdraw from the Rome Statute:*

“Justice and Constitutional Affairs minister Mutula Kilonzo urged President Kibaki and Prime Minister Raila Odinga to ignore the recommendation by Parliament for Kenya to sever its relations with the world court” (Namunane, Bernard, “13 envoys oppose plan to ditch ICC,”



*Daily Nation* (Nairobi), 24 December 2010).

*Prime Minister Raila Odinga equivocated:* “The Hague is not one’s own house where he can go in and come out at will. We must give one-year notice and still it won’t help the suspects.” At the same time, he said, Kenya *would* form a local tribunal to try the Ocampo Six and other suspects. The ICC would have to inspect and approve the credibility of the tribunal before it accepted to hand over the six suspects to be tried locally. “Whether we pull out of the ICC or not, Moreno-Ocampo will still have them. But after the inspection, if things will be fine then they will try our people locally,” he said.” (Anyuor, Nicholas, “Raila: We can run but not hide,” *Standard* (Nairobi), 27 December 2010).

“On 27 December 2010, ministers James Orengo (Lands), Otieno Kajwang’ (Immigration) and Education Assistant Minister Ayiecho Olweny challenged the approval of the motion, arguing Kenya should not withdraw from the ICC. “We signed the protocol because of its benefits and we shall protect it because we need it,” said Kajwang’. Orengo urged Kenyans to give ICC unwavering support. “Those implicated should carry their own cross,” he added. Ayiecho said, “It is unfortunate for Kenya to pull out of the ICC because of the list of the six suspects.””(Anyuor, Nicholas, “Raila: We can run but not hide,” *Standard* (Nairobi), 27 December 2010).

## **Blogs**

In the on-line version of Kenya’s daily newspapers, readers can submit comments on particular stories. Within 18 hours of the MPs vote, more than 200 people had written in to the *Daily Nation* decrying the move to withdraw from the Rome Statute. The selection below represents numbered postings as they appeared on the *Daily Nation* website on 23 December 2010. (see growing list of contributions to this blog at <http://www.nation.co.ke/News/politics/Parliament%20pulls%20Kenya%20from%20ICC%20treaty/-/1064/1077336/-/v0uyxszl-/index.html>):

1. This is unbelievable. Talk of sovereignty is nonsense and short-sighted. We have murderers and rapists among our leaders. The remainder of the leaders are people who want to protect them. All political parties have failed Kenyans here. Support the wealthy, criminals holding us hostage through parliament. Business as usual. I weep for my country. Can this be repealed? Can Kenyans come together and act?

2. and how many MPs were present to debate such an important matter? This is almost like a constitutional issue that requires a referendum.. two-thirds

21. Kibaki should override the parliament on this vote. Or the court should rule the parliament unconstitutional

22. These thugs don’t pay taxes and yet they expect us to pay for the circus in our local courts/tribunals in the name of a sovereign state trying its beloved 6 thugs. ICC is offering the trial for free and their fellow thugs not on the six list are willing to foot their 7star accommodation and legal team at Hague. Since the 6 are all innocent, they will get a free holiday in Europe and return with a hefty package as damages after successfully suing ICC for tainting their good image.

24. This is legislative banditry and judicial hooliganism. By domesticating ICC WE made it OUR court. The claim that ICC is foreign and colonial is utter gibberish!! These are rascals

out to vandalise the Constitution as they did with the Westminster one.

28. It is impunity for the rich and no justice for the poor.

30. My only worry is, how can we keep these crooks in Parliament up to 2012? Is there a way all of them, except Hon. Martha Karua, can be recalled back to their villages, to avoid further damages and shame to our Country? Is there a way??

42. The 6 will still go to The Hague as the process to withdraw takes one year. Meanwhile the ICC machinery continues with the two cases. In fact, this move by MPs will probably strengthen the resolve of the ICC to not politely "summon" the suspects but rather issue arrest warrants instead as it is now evident that the government is not cooperating with the ICC.

66. It shows the political elite is untouchable, that regardless of tribe they have a common agenda, that they eat donors' money like no one else but at the same time call them neocolonialists - the peak of hypocrisy, etc. Please note: Sovereignty is based on legitimacy and this parliament has lost its legitimacy in representing Kenyans.

104. No reasons the mps give make any sense. ICC seems to be on trial for PEV. Parliament should be dissolved so that Kenyan can elect mps who can save our country. (House Speaker Kenneth) Marende should lead them home . People were killed, raped and displaced, nobody cared, but when the suspected killers are named every single cent will be collected for their defence. We are sick. It is time for the Kenyans to storm Parliament and close it. It is a house of shame.

135. OMG someone please tell me how to sue the Kenyan Government, am tired of being an IDP (internally displaced person), how else will I get my rights as a Kenyan if the big fishes are covering for each other. I am so sick and tired of being a second class citizen.

149. Fellow Kenyans, I suggest that a referendum be sought by Martha Karua to seek for public view on this matter. It is not safe at all to leave this important matter in the hands of these hooligans we have always known as such.

150. Do these Lords of Impunity expect us to trust them with a local tribunal?? What purpose does withdrawing serve? It does not take effect until one year after GOK (Government of Kenya) notifies UN. And cases begun before withdrawal are not affected. Moreover judges now have an added reason to issue arrest warrants instead of summons to appear- that is the price the six will pay for the ignorance and stupidity of their friends.

152. This thoughtless, knave action proves our MPs, with a couple of exceptions are all at heart tribalists, rapists, arsonists and chicken brained. Will they now go ahead proscribe ICC or sack its prosecutor? Kenya is in the vice grip of impunity. Cry, My Beloved Country!

154. Over 1300 citizens lost their lives and now some 222 persons are standing in the way of justice? The time for Kenyans to exercise their right of recall is now. Under the new constitution, Article 104 of Chapter 8, Kenyans have a right to recall their MPs. Other MPs want to fundraise to defeat justice same way they did to kill Kenyans. Let them know that Kenyans now have a way out. Perpetrators must be brought to book.

158. Now!!! This government needs to be overthrown and wiped out completely and this is not a joke. I mean it

167. And we KPC (Kenya People's Court) have identified the ENEMIES of the people and Kenya, we kick them out en-masse come 2012! And Kenya will remain in the ICC, wapende wasipende (whether they like it or not), they are the ones to be seeing Bunge (Parliament) from outside, selfish unjust kleptos they are.

178. What?? No they DID NOT! If what I am reading is true – then Mr President the best you can do for Kenya is something called VETO. Do not send my motherland to the dogs. The Ocampo six are not more human beings than the over thousand lives that were lost. Justice aside, but it is immoral for the parliament to amend the law to benefit themselves. Media, please be the voice of the voiceless on this one. Inform Kenyans including the 212 *waheshimiwas* (“Honourables” – the MPs) the pros and cons of pulling out from ICC. Martha Karua is the only sane representative.

181. WTF!! go on protect your own, you are all guilty in our eyes, you've just confirmed that *wananchi's* (citizens') interest are not represented in parliament. There has to be a way to get these guys to the Hague, pliz someone confirm this is true!

183. The MPs, by voting that Kenya be out of the Rome statute, have proved that never worthy to represent Kenyans. They should be voted out save for Martha Karua.

187. These self-seeking, half-brained, self serving nincompoops have done it again! Now since they realize that the system might work against them so it must be bad!!! Why didn't they pull out before there was ever a case? Sovereignty my foot! Just how stupid are these people but worse we people for recycling them over the years!!!

196. We can only end impunity by voting out all these MPs come 2012. They do not deserve to make decisions on behalf of this nation. All their decisions are made to defend the perpetrators of PEV.

200. Now, Kenyans prepare and vote in all new MPs so we can get back on the Rome statute.

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