The Post-Election Violence and Immediate Aftermath

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Abstract
In the aftermath of the 2007 general elections in Kenya, widespread violence erupted. Subsequent inquiries by various commissions concluded that serious human rights violations, some of which amounting to crimes against humanity, had been committed, and that Kenya was duty-bound to investigate, prosecute and punish those responsible. This chapter describes the various aspects of the violence, and analyses the findings and recommendations of such inquiries, the main focus being the nature of the ensuing crimes and the agreed road map for domestic criminal accountability. It shows that the attempts to create a special tribunal for Kenya, which was at the core of the aforementioned road map, failed, and that such a failure resulted mainly from the lack of a political will at the domestic level. Most of the political elite favoured impunity, thereby frustrating the initiatives to implement the road map. However, the perception of the Kenyan civil society organizations and ordinary citizens remained that the crimes must not go unpunished, and that to achieve this, the masterminds of the violence, mostly politicians, must be prosecuted by an externally controlled judicial process, preferably the ICC.