

EVALUATION OF THE PERFORMANCE OF THE INTERNATIONAL CRIMINAL COURT
IN ITS SEARCH FOR JUSTICE AND PEACE IN AFRICA: THE CASE OF KENYA IN
2007/2008

by

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A thesis presented to the School of Arts and Social Sciences

of

Daystar University
Nairobi, Kenya

In partial fulfilment of the requirements for the degree of

MASTER OF ARTS
in Diplomacy, Development, and International Security

October 2022

APPROVAL

EVALUATION OF THE PERFORMANCE OF THE INTERNATIONAL CRIMINAL COURT
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In accordance with Daystar University policies, this thesis is accepted in partial fulfilment of requirements for the Master of Arts degree.

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DECLARATION

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2007/2008

I declare that this thesis is my original work and has not been submitted to any other college or university for academic credit.

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ACKNOWLEDGEMENTS

I acknowledge that it has been through the generous dedication and able guidance of my committed supervisors Dr. Justus Musya and Dr. Lorna Ndirangu that this research project report has been accomplished. I also acknowledge the Dean School of Arts and Humanities Rev. Dr. Patrick Musembi for his continuous encouragement. At the same time, I would like to recognize the contribution of all my lecturers at the Department of school of who facilitated the business administration Master program. Special thanks to the entire staff at the School of Arts and Humanities for their support in this endeavor. I thank the Daystar University for providing an enabling environment for me to gain academic skills and expand my professional networks. Many thanks to my colleagues and classmates whom we have toiled together and supported each other throughout this undertaking.

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LIST OF ACRONYMS AND ABBREVIATIONS

AU:	The African Union
ICC:	International Criminal Court
IGAD:	The Intergovernmental Agency for Development
LT:	Local Tribunal
PEVs:	Post-election Victims
UNSC:	The United Nation Security Council

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ABSTRACT

The abrupt end of the Kenya cases in the International Criminal Court (ICC) has raised questions on whether victims of the 2008 post-election violence in Kenya will ever get justice. This study aimed to assess the performance of this court in delivering justice for victims of post-election violence in Kenya. It looked to establish challenges and opportunities that face the ICC in its pursuit for justice in Kenya. The study was guided by the liberal institutionalism theory. A mixed-method approach was used. The targeted a population of 5440 post-election violence victims, who were drawn from 11 towns, affected by the violence and 5 NGO agencies that were working on the region. The sample obtained using Krejcie & Morgan table which was 361. Purposive sampling targeted 5 representatives from non-government organizations and other agencies working with victims of post-election violence and 356 was sampled using a multi-stage cluster simple random sampling. Secondary and primary data was used to provide substantial answers to the research questions. Secondary data was obtained through reviewing credible sources of data while primary data was obtained using a questionnaire and interviews. Quantitative data were analysed using descriptive and inferential statistics. Qualitative data was analyzed using content analysis. The findings identify the opportunities and challenges created by ICC cases. The respondents viewed ICC cases to be an instance of neo-colonialism. Politics influenced the success stories of ICC, and the ICC was unable to perform well in solving justice to PEV. The study recommends actions that actors, states and ICC court can follow in support of peace and justice for post-election victims.

DEDICATION

This study is dedicated to my mother Mrs. Roseline Cheruiyot, my wife Mrs Sharon Koech, my daughter Briana Berur and my sisters and brothers, who graciously contributed and did everything within their power to ensure I climb the academic ladder to become the best I can be. To my friends whom we schooled together and became a support to lean on whenever I wanted some help.

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