

Uhuru Kenyatta declared Kenya's fourth president by the Supreme Court of Kenya

Following the recently concluded presidential election, the Independent Electoral and Boundaries Commission (the **IEBC**) declared the results giving Uhuru Kenyatta representing the National Alliance (**TNA**) victory over his closest rival Raila Odinga representing the Coalition for Reforms and Democracy (**CORD**) who was second.

Raila Odinga filed a petition at the Supreme Court challenging the results declared by the IEBC on the following grounds among others:

- a) The IEBC irregularly and unlawfully revised the voters roll and kept it open causing the voters roll to be open to abuse and manipulation;
- b) The IEBC failed to facilitate and provide mechanisms and systems for the observation, monitoring and evaluation of the said election; and
- c) The IEBC failed to exercise its powers and perform its functions in relation to the said election in accordance with the Constitution of the Republic of Kenya and the Elections Act, the IEBC Act and other enabling statutory and regulatory enactments.

The Supreme Court heard the petition over a period of one week in which interested parties to the petition presented their arguments and submitted their evidence. On 30th March 2013, the Supreme Court unanimously declared that the elections were conducted in “ a free, fair, transparent and credible manner, “ in compliance with the Constitution. Chief Justice Willy Mutunga, who read the summary of the judgement on behalf of the other five judges of the Supreme Court, said they would issue a detailed judgement on or before 14th April, 2013.

On 9th April, 2013, Uhuru Muigai Kenyatta was sworn in as the fourth president of the Republic of Kenya together with William Samoei Ruto who was sworn as the first deputy president of the Republic of Kenya. Both Uhuru Kenyatta and William Ruto continue to face trial (in two separate cases) before the International Criminal Court (ICC) on charges of committing crimes against humanity during Kenya's 2007-2008 post-election violence.

The cases stem from investigations opened by the ICC prosecutor in 2010 after Kenya's national authorities failed to bring those responsible for crimes committed during the violence to justice. Human Rights Watch researchers documented several patterns of violence in the 2007-2008 post-election period, including extrajudicial killings and excessive use of force by the police, and ethnic-based attacks and reprisals by militia groups on both sides of the political divide. The post-election violence claimed more than 1,100 lives and forced at least 650,000 people from their homes.

The trial of William Ruto is scheduled to begin on May 28, 2013, while the start date for Uhuru Kenyatta's trial is set for July 9. Both trials were originally scheduled to begin in April. There has been a lot of speculation on how the international community should engage with Kenyatta and Ruto and their administration pending the ICC Cases and further whether both Kenyatta and Ruto will cooperate with the ICC. To date, both the president and deputy president have fully cooperated with the ICC and the hope is that they continue to do so.

Irrespective of the impending ICC cases and the highly contested presidential and general election, Kenya has remained peaceful.