

Laid on 21/10/2014 by  
Senate Majority leader

**SPEECH BY HIS EXCELLENCY HON. UHURU KENYATTA, C.G.H.,  
PRESIDENT AND COMMANDER IN CHIEF OF THE DEFENCE  
FORCES OF THE REPUBLIC OF KENYA DURING THE SPECIAL  
SITTING OF PARLIAMENT, PARLIAMENT BUILDINGS, NAIROBI,  
6<sup>TH</sup> OCTOBER, 2014**

The Speaker of the National Assembly,

The Speaker of the Senate,

Honourable Members of both Houses of Parliament,



Fellow Kenyans,

Article 132 of the Constitution provides for the President of the Republic of Kenya to address a special sitting of Parliament at any one time. Under the first article of the Constitution, "all sovereign power belongs to the people of Kenya."

In this respect, I am here to address you as representatives of the people on an important national matter regarding our sovereignty.

Last Tuesday, as I touched down at Jomo Kenyatta International Airport on my return from the 69<sup>th</sup> Session of the United Nations General Assembly in New York, I received notice to attend a status conference at The Hague.

Since then, the notice and its implied consequences for our sovereignty have raised confusion and anxiety. These concerns extend to our immediate region, and other friends of Kenya.

My Fellow Kenyans,

This is not a time for anxiety. It is a time to be proud of the democracy we have built, and the law-abiding country we have become. It is also a time to deliberate together, as members of the Executive, the legislature, the Judiciary, and indeed as citizens, on how to collectively realise the great destiny that beckons.

Nurturing a young democracy in a treacherous world of despotism, terrorism and extremism was never going to be easy. Neither was

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the building of a strong and diverse economy that could realise the dreams of more than forty million Kenyans, and anchor a prosperous region.

Indeed, our quest for greater development demands a clearer picture of the true state of our economy. While we have much further to go, our nation reached a significant milestone last week. We officially became a middle-income country, and took our rightful place as one of the ten largest economies in Africa. This milestone, among many others we have achieved over the past fifty years, reminds us that we are travelling in the right direction. It should be celebrated, for it gives us the fortitude to sustain our development efforts.

In New York, I addressed the United Nations General Assembly and Security Council, giving a full account of our role in regional peace and security, our stand on the front lines of building robust democracies, of fighting global terrorism, of dealing with the threat of climate change, and of building strong institutions that can weather crises such as Ebola in parts of West Africa.

I saw at the General Assembly the high esteem in which Kenya is held across the world, for its leadership in matters of development, in the struggle for global peace and security, as a safe haven for millions of refugees from neighbouring countries, and as a stable hub for regional trade and investment.

The world sees and applauds, as we do, our young men and women in uniform, who, under my command, are bravely fighting Al-Shabaab's terrorists at home and abroad. Our diplomats are crucial actors in a troubled region, working to end the conflicts, and fill the vacuums in governance, that allow such terrorist groups room to operate.

The world knows that as a democracy on the frontier against terrorism, our people have been brutally murdered by the same terrorist networks that have sparked mayhem worldwide.

We face these trials with fortitude, knowing that our work to banish insecurity, poverty, and division is our generation's historic task. It is how our children's children will remember us.

By our effort and vision, new roads and railways, schools and hospitals, are being built, bringing with them jobs, wealth and new friends from all over the world. My Government daily improves service provision to its citizens. The world's businesses look to our educated and industrious people as amongst the most promising to invest their wealth in.

All these developments are anchored in the rule of law, which is a living expression of our collective will. Even at our lowest ebb, in our darkest days, the aspiration to be bound and protected by the law has shaped our character as a people and a nation.

After more than two decades of consultations, and sometimes ugly confrontation, we made history. In peacetime, we negotiated a new Constitution and re-organised our entire society and its governance structures. Today, we have a constitution that we are immensely proud of.

There are few others globally that equal its protection of the rights of the individual, its balancing of executive, judicial and legislative power, and its demand for fulsome public participation and integrity in service.

In the last year alone, we have transitioned from a unicameral to a bicameral legislature; from a parliamentary to a presidential system of government. We have moved in unprecedented fashion from a centralised system of government where the winner takes all, to a devolved system, which gives power to the people to choose their leaders, and to choose how they will be governed at the local level. And we have established an independent judiciary, and oversight bodies able to stand up for the public interest.

We strive to fully realise this new constitution, even in the face of the global threat of terrorism whose perpetrators and agents manipulate our expanded democratic space to radicalise and recruit their foot soldiers.

Internationally, our diplomacy has been driven by the desire for a level playing field, on which all nations and their peoples are equal

in respect of their sovereignty. This is why Kenya played a crucial leadership role in the negotiations that led to the creation of the ICC through the Rome Statute, as well as in mobilising African states to sign up to it.

Given our experience with the Court, many have since asked why we acted with such enthusiasm. It was because we believed then, as we do now, that in an unequal world, only a common set of rules governing international conduct could keep anarchy at bay.

My Fellow Kenyans,

After the brief but painful conflict that followed the 2007 election, communities and their leaders, at the grassroots, undertook immense efforts at reconciliation. Thousands of meetings were convened; Kenyans across the country deliberated together on what had brought discord to our nation, and what we needed to do to heal.

Five years later, the Deputy President, William Ruto, and I went to every corner of our country asking you for the honour of your vote. Our electoral ticket was forged from a national desire for peace, reconciliation, and national cohesion.

When I took up the mantle of leadership in April 2013, I focused attention on the rehabilitation and restoration of Kenyans affected by the 2007-8 post-election violence. My Government resettled all the remaining registered households that were still in camps.

This in addition to those previously resettled under the *Rudi Nyumbani* and integrated IDPs initiative where land was availed for resettlement, houses built, counselling offered, cash transfers made, and free medical attention in government facilities provided.

That was the least we could do to relieve their suffering, and ease the resumption of their normal lives. I am committed to ensuring that Kenyans never again have to endure such tribulations.

My Fellow Kenyans,

Four years ago, on the fifteenth day of December 2010, I watched in disbelief as I was named, with five others, as one of those

suspected of bearing the greatest responsibility for the 2007-8 post-election violence.

This was the beginning of my long and arduous journey to defend my name in the face of these serious allegations. I wish to reiterate here for all that my conscience is clear, has been clear, and will remain forever clear that I am innocent of all the accusations that have been levelled against me.

After all this, the Prosecutor of the ICC has since last December, and as recently as last month, admitted to the judges that "the available evidence is insufficient to prove ... alleged criminal responsibility beyond reasonable doubt."

This came as no surprise: a judge at the ICC had previously found the "prosecution failed to properly investigate the case ... in accordance with its statutory obligations."

When the prosecutor admitted that there was insufficient evidence against me, I expected that the matter would be dropped for lack of evidence. Instead, the prosecutor requested an indefinite postponement of the case and shifted the focus to the Government of Kenya to provide the evidence.

It was made clear that I was to be excluded from dealings between the prosecutor and the relevant organs of the Government of Kenya in this new focus. Accordingly, my legal representatives were excluded from this exercise.

In compliance with this order, I have not interfered with the protocol set by the prosecutor in her dealings with the government. This means that in this new line being followed, I was kept in suspense, while the prosecutor engaged with the relevant organs of the government.

Whenever the organs of the Government of Kenya required my consent in relation to these investigations, I gave that consent. I have cooperated with the prosecutor to assist in establishing the truth at all material times.

Unfortunately, unfounded and unproven accusations are the order of the day. My accusers, both domestic and foreign, have painted a nefarious image of most African leaders as embodiments of corruption and impunity. This image depends on an internalised assumption that social and political upheavals in Africa are inherently perverse, and the result of leadership failure, that always warrants a charge of Crimes against Humanity.

Within the Assembly of State Parties, a number of members observed that the Rome Statute, which is ultimately derived from the equality of states as espoused in the U.N. Charter, is weakened by partiality.

The Africa of Nkrumah, Nyerere, Ben Bella, Nasser, Chief Albert Luthuli, and our founding father Jomo Kenyatta, raised concerns about the risks of undermining the sovereign equality of states. These concerns remain valid to this day.

The African Union, in its wisdom, resolved in October last year that "to safeguard the constitutional order, stability and, integrity of Member States, no charges shall be commenced or continued before any International Court or Tribunal against any serving AU Head of State or Government or anybody acting or entitled to act in such capacity during their term of office."

It also resolved that my trial and that of Deputy President William Ruto, as the current serving leaders of the Republic of Kenya, should be suspended until we complete our terms of office.

As the single largest constituency in the Assembly of State Parties, and keeping in mind the gravity of their demand, African states expected positive consideration.

To this end, they sent five ministers to New York City to confer with the United Nations Security Council and seek a deferral of the Kenya situation in light of the dire challenges to peace and security on this continent that it is my duty to address. They were disappointed.

The push to defend sovereignty is not unique to Kenya or Africa. Recently, the prime minister of the United Kingdom committed to reasserting the sovereign primacy of his parliament over the decisions of the European Human Rights Court. He even threatened to quit the court.

I remain grateful for Africa's support. Our century of struggle against domination and exploitation continues. Our independence and sovereignty deepen every passing year, as our prosperity grows and we stand firm together. Kenya will remain at the front of this common cause, which is both our opportunity as a nation and our obligation as a people. I am grateful for the support our brothers and sisters have lent Kenya. We stand with them as we look to our immensely promising future.

My Fellow Kenyans,

My Government has begun the implementation of our constitution with great fervour and enthusiasm. We have focused on locating young Kenyans at the heart of economic growth as no other administration has done in our history, and indeed the fight against terror and insecurity remains high on our national agenda.

It should be clear, therefore, that this government has enough on its hands fighting poverty, securing the peace and building regional integration to be focused on any other matter. It is a government founded on the rule of law, with a profound conviction that justice is our shield and defender.

Mr Speaker,

Fellow Kenyans,

I am deeply optimistic about the future of Kenya. We will succeed by putting the nation's interests first and foremost. It is for this reason that I choose not to put the sovereignty of more than forty million Kenyans on trial, since their democratic will should never be subject to another jurisdiction.

Therefore, let it not be said that I am attending the Status Conference as the President of the Republic of Kenya. Nothing in my position or my deeds as President warrants my being in court.

So, to all those who are concerned that my personal attendance of the Status Conference compromises the sovereignty of our people, or sets a precedent for the attendance of presidents before the court - be reassured, this is not the case.

To protect the sovereignty of the Republic of Kenya, I now take the extraordinary and unprecedented step of invoking Article 147(3) of the Constitution. I will shortly issue the legal instrument necessary to appoint Hon. William Ruto, the Deputy President, as Acting President while I attend the status conference at The Hague, in the Netherlands.

Finally, I urge my fellow citizens to accept and understand my decision. I also urge our African brothers and sisters to stand with Kenya, and all people of good will, and friends of Kenya, to stand with us in this difficult time.

**Thank you and God bless you.**

