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BRIEFING

The Media Coverage of The Hague Trials and the Construction of New Ethnic Subjectivities in Kenya

Fredrick Ogenga

ABSTRACT: This paper examines the Daily Nation's coverage of the ongoing Hague trials involving six suspects of the 2007 postelection violence in Kenya. The paper uses qualitative content analysis to investigate how the Hague trials were handled by the newspaper and whether the coverage encouraged peaceful interethnic dialogue necessary for reconstructing the ethnic political culture in Kenya to avoid unnecessary conflicts. The paper concludes that the Daily Nation deliberately constructed peace discourses in its coverage of the trials and was supportive of human rights and democracy by virtue of its reputation as the champion of national interests and therefore citizens' rights.

KEYWORDS: Kenya, Democracy, Elections, Press, Peace, Discourse, Ethnicity, Hague Trials

I. INTRODUCTION

The genesis of the 2007 postelection violence in Kenya is well established, so this paper does not intend to rehearse it. However, in order to build up the core argument of the paper, which concerns how the *Daily*

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Nation covered the Hague trials and whether the coverage encouraged peaceful interethnic dialogue necessary for reconstructing the ethnic political culture in Kenya to avoid unnecessary conflicts, it is imperative that we refresh our memories on the postelection violence. Most of the reasons for the violence that rocked Kenya in 2007 are well captured in the *Journal of African Elections*. In that issue, Ogenga (2008) discusses the role of the Kenyan media in the 2007 elections and responsible journalism. In addition, the critical contention by virtually all the contributors in that volume is summarized by Khadiagala, who notes that “what is, perhaps, unique to Kenya is the apparent political normalcy which concealed profound questions of ethnicity, class and social malaise 45 years after decolonization and 15 years after the advent of multi-party democracy” (2008: 1). What comes to the fore is how ethnic mobilization was precariously institutionalized by former president Daniel Arap Moi for purposes of consolidating wealth and power to the extent that the leadership of the state was transformed to a one-man dictatorship with evidence of his political opponents losing their lives under “mysterious” circumstances (Korwa 2000).

Even though there was increasing pressure both locally and internationally in the 1990s for a change in the political system of the country, Moi seized the opportunity to further militarize the country along ethnic lines in order to retain leadership and achieve his objective of a one-party state. It is not surprising therefore that his preferred successor, Uhuru Kenyatta, was defeated in the 2002 presidential election by a multiethnic alliance—the Rainbow Coalition (Khadiaghala 2008). A critical issue regarding Kenyan elections is violence. One thesis that can explain the escalation of violence is the nature of media coverage regarding conflicting parties and contentious issues. Since the conduct of the media in the 2007 election has been questioned (see Ogenga 2008; Njogu 2012), this paper is an attempt to establish the role played by the leading and influential mainstream newspapers, the *Daily Nation* and its weekly editions (i.e., *Sunday Nation* and *Saturday Nation*) regarding the International Criminal Court’s trial and what their ongoing coverage of the criminal proceedings means to audiences at home. It uses qualitative content analysis to examine how the *Daily Nation* handled the Hague trials and whether its coverage encouraged peaceful interethnic dialogue necessary for reconstructing the ethnic political culture prevalent in Kenya to avoid unnecessary conflicts. The paper argues that the press can use its central role to reconceptualize the prevailing “reality” surrounding political “common

sense” in that country to avoid unnecessary conflicts. It concludes that the newspaper deliberately constructed discourses of peace driven by the ICC’s hegemonic consensus related to human rights and justice for the victims of the violence. The newspaper’s coverage was supportive of human rights and democracy by virtue of its reputation as the champion of national interests and therefore citizens’ rights.

II. THE HAGUE AND THE 2007 POSTELECTION VIOLENCE IN KENYA

Most of the election violence in Kenya is driven by conflict over unequal distribution of resources, mainly land, pegged on perceived historical injustice. It is argued that many rival communities use elections as an excuse to settle old scores (Ngeta 2012). The Kenyan case at the International Criminal Court (ICC) at The Hague involved six suspected masterminds of the 2007–08 violence following the disputed 2007 presidential election, commonly known as the “Ocampo Six.” The violence, which left 1,300 people dead and hundreds displaced, marked a new phase in the ICC legal proceedings since the court was losing popularity because of how it was handling international crimes. The Kenyan case presents the ICC with an opportunity to sanitize itself in order to regain the confidence of the public. Kenya signed the Rome Statute (the founding treaty of the ICC) in 1999 and ratified it in March 15, 2005, allowing the court’s jurisdiction over war crimes, crimes against humanity or genocide committed by Kenyan nationals or on Kenyan territory.

Following the 2007 postelection violence, the Kenyan government established an international Commission of Inquiry on the violence called the Waki Commission formed and chaired by the Court of Appeals Judge Phillip Waki. The commission published a report that recommended that the government establish a special tribunal of national and international judges to investigate and prosecute perpetrators of the postelection violence. However, it was made clear in the report that the tribunal was to be formed within a stipulated period or else the information collected by the Waki Commission would be passed on to the ICC, including a sealed envelope with names of those most suspected to be responsible for the violence (Open Society Foundation 2012). The sealed envelope contained names of six suspects. The Kenyan government failed to meet the Waki deadline even after a series of heated debates in Parliament where some members of Parliament favored going to The

Hague over the formation of a local tribunal. Consequently, the information contained in the Waki report and the sealed envelope containing names of six suspects were forwarded to the ICC, and in September 2011, charges were confirmed against four people. The four defendants are William Ruto, Uhuru Kenyatta, Joshua Arap Sang, and Francis Muthaura. The cases against two other suspects, Hussein Ali and Henri Kosgey, were dropped. Hussein Ali, then police commissioner, was accused alongside Uhuru Kenyatta and Francis Muthaura of six counts, namely: persecution, inhuman acts constituting rape and other forms of sexual violence, deportation and forcible transfer of population, and murder, all constituting crimes against humanity (ICC 2011; see also ICC 2012). According to the ICC:

From on or about 30 December 2007 to 31 January 2008, MOHAMMED HUSSEIN ALI, as part of a group of persons, including FRANCIS KIRIMI MUTHAURA and UHURU MUIGAI KENYATTA, acting with a common purpose committed or contributed to the commission of crimes against humanity, namely the murder of civilian supporters of the Orange Democratic Movement political party in or around locations including Nakuru town (Nakuru District, Rift Valley Province) and Naivasha town (Naivasha District, Rift Valley Province), Republic of Kenya, in violation of Articles 7(l)(a) and 25(3)(d) of the Rome Statute. (ICC 2012: 12)

The cases against the Ocampo six represented events that largely happened in the Rift Valley. Uhuru Kenyatta, Francis Muthaura and Hussein Ali were linked to crimes committed by Mungiki targeting opposition supporters. Mungiki is a politically ambitious illegal sect that has been a thorn in the flesh of the government and at one point, during the late John Michuki's reign as the minister for internal security, the government issued shoot-to-kill orders, which were "counterterrorism" measures designed to kill and eliminate the sect members on sight. The leader of the sect, Maina Njenga, has since declared his exit from the group by publicly converting to Christianity and denouncing the activities of the sect under his newly formed political party called Mkenya Solidarity Movement Party (MSMP). The sect, mainly composed of members from the Kikuyu¹ community, has been accused of illegal activities and organized crime, including murder and abduction mainly in Central Province. The *Daily Nation's* representation of the ICC trials

often linked Uhuru Kenyatta and Muthaura to Mungiki, evidenced in its Saturday edition's (*The Saturday Nation*) September 24, 2011, story titled "Uhuru, Muthaura Gave *Mungiki* Police Uniforms" (Mutiga et al. 2011). The story reports how the violent "situation was worsened by text messages warning that *Mungiki* dressed in police uniform would unleash violence" (Mutiga et al. 2011: 8). The association of Uhuru Kenyatta and Muthaura with Mungiki had a negative connotation based on the historical trajectory of the illegal sect. Therefore, it was a surprise in the narratives regarding the *Daily Nation* representation of the Hague trials how the enemy of the state (Mungiki) suddenly became a trusted friend.

The *Daily Nation's* representation of the trials further focused on William Ruto and Joshua Arap Sang for masterminding, inciting and arming the Kalenjin (one of the ethnic communities in Kenya) to attack the Kikuyus (the dominant ethnic community) in the Rift Valley. Joshua Arap Sang's story is a reminder of how the media exploit ethnic politics for profits. As a radio presenter, he was accused of using a vernacular radio station to incite people into ethnic violence. In one of the *Daily Nation's* January 27, 2012, headlines about the Hague proceedings, titled "Sang: When Does Journalism Become Crimes against Humanity?" (Mwaura 2012), the link between media and ethnic politics is uncovered. The story invokes the Rome Statute by arguing for the necessity of hate speech laws in Kenya. It argues that hate speech can be used by politicians and others through the media to incite people into violence. The story further argues that "those involved in hate speech are seen as guilty as those who coordinate and participate in the crimes [against humanity]." The ICC is said to have borrowed heavily from the International Criminal Tribunal from Rwanda (ICTR) following the genocide in deciding the Kenyan case. The story "Sang: When Does Journalism Become Crimes against Humanity?" argued:

When in December 2003 the ICTR convicted Hassan Ngeze (editor of the extremist *Kangura newspaper*), Ferdinand Nahimana (former director of *Radio-Télévision Libre des Mille Collines (RTLM)*), and Jean-Bosco Barayagwiza (board member of the *RTLM*), it ruled that the power of the media comes with great responsibility. Those who control such media are accountable for its consequences, the court said. Following the confirmation hearings in September of hate speech charges against Joshua arap Sang, the *Kass FM* host of the daily morning show

Lene Emet (what the nation is saying in *Kalenjin*), the ICC ruled . . . that he should be put on trial, together with William Ruto, Uhuru Kenyatta and Francis Muthaura. (Mwaura 2012: *Daily Nation* Opinion Page)

Sang is therefore accused of contributing to crimes against humanity committed in 2007–08 through his morning show, becoming the second journalist in the world after more than 50 years to be tried at an international court for crimes against humanity (Mwaura 2012). Most stories about the Hague trials took a serious tone reflective of the ICC consensus. Some of the headlines reiterated the authority of the ICC such as the *Daily Nation's* March 24, 2012, story “You Can’t Postpone Hague Trials, Uhuru Men Warned” (Gekara 2012). The incidences in both Rwanda and Kenya demonstrate the centrality of the media in a multiethnic country. The ICC is aware of the role of the media in both cases as a tool for ethnic violence and it is therefore obliged to defend and prevent further human rights abuses through trials. Countries that are signatories to the Rome Statute of the International Criminal Court (the treaty), such as Kenya and Rwanda, are subjects of its jurisdiction.

III. THE *DAILY NATION'S* COVERAGE OF THE TRIALS

This paper is based on preliminary findings of qualitative content analysis that examined how the *Daily Nation* covered the Hague trials. A total of 56 stories were analyzed. Nonprobability sampling (purposive sampling) was used to select newspaper stories that served the purpose of the study. Even though the approach used for analysis was largely qualitative, it initially used quantitative content analysis to count the frequency of occurrence of selected units of analysis or textual dimensions (themes) and later used semiotics to analyze their contextual meanings qualitatively (see Bignell 1997; Denzin 1978). The study identified four themes: elections, crimes against humanity, Mungiki, and Hague. These themes were used to highlight the extent to which the press could have contributed to the 2007 postelection violence and the potential implications of its coverage of the Hague trials. Part of the question was how the press coverage of the trials would impact the ethnic political culture of Kenya.

The fact that elections in Kenya are controversial is well established as pointed out by a number of scholars (Khadiagala 2008; Ogenga 2008; Njogu 2009). Elections in that country are always marked by violence.

In the 2007 elections, members of different ethnic communities committed various crimes including rape, murder, torture, and forcible transfer of population. The electoral violence was therefore directly linked to crimes against humanity wherein the media was partially blamed for meddling with the message (see Ogenga 2008; Njogu 2009). Over 1,300 people were killed and hundreds displaced from their homes. It is believed that Mungiki was directly responsible for most of the crimes, especially those committed in Naivasha, one of the postelection violence hotspots, prompting the ICC to investigate crimes against humanity. As previously noted, the latter led to six individuals being summoned to appear at The Hague, where charges were confirmed against four. The ICC's intervention was welcome given Kenya's poor criminal justice system. It was the last hope for victims of the 2007 postelection violence.

Out of the four themes, crimes against humanity was the central one, based on the fact that the cases were related to such crimes. The analysis of the other themes centered on their relationship to crimes against humanity and the context in which the *Daily Nation* represented each individual out of the Ocampo Six appearing at The Hague in the selected time period that coincided with the ICC hearings. The analysis of data related to the selected themes began from the premise that crimes against humanity were committed. The analysis was thus burdened with the task of proving how the newspapers linked the personalities it accused of such crimes to the crimes. This prompted the analysis to focus on the frequency of occurrence of specific events in the narrative, as represented by the *Daily Nation*, that can point out the possibilities that crimes against humanity were indeed committed. This is, however, not to argue that such frequencies will help establish the truth about the commitment of such crimes, since that is the burden of the ICC. The objective of such an approach in the analysis, as used by the press, was to construct a narrative sequence with discourses that pointed out the idea of political responsibility and the quest for justice.

Even though crimes against humanity had the least frequency of occurrence (it was mentioned 15 times), such crimes were often linked to the illegal sect Mungiki, which had the highest frequency of occurrence (mentioned 96 times), raising possibilities that such crimes may have been committed. The *Daily Nation* newspaper coverage gave the sect the greatest burden of responsibility regarding the crimes. While the two themes (crimes against humanity and Mungiki) were interlinked, crimes against humanity had the lowest frequency of occurrence (mentioned 15

times), due to the fact that only three personalities (Uhuru Kenyatta, Francis Muthaura, and Hussein Ali) were singled out as the possible sponsors of the illegal sect and their activities. Therefore, the theme of crimes against humanity was buried under the sect's name. Elections as a theme had the second highest frequency of occurrence (mentioned 60 times) because the 2007 elections results were disputed triggering the violence. The Hague as a theme had the third highest frequency of occurrence (mentioned 22 times). It was mentioned in every explanation that sought to defend justice, human rights and democracy.

The Hague trial's dramatic events evident in headlines such as the one reported by the Sunday edition of the *Daily Nation* (*Sunday Nation*), September 4, titled "Intriguing Legal Drama Starts at ICC as Trio Argue Out Their Case" (Musila 2011) and *Daily Nation's* April 7, 2011, "Anxiety as Kenyans Await ICC Ruling" (Mathenge 2011) pushed the fears of the Kenyans to the cliff's edge. Many Kenyans were convinced that the country was on the verge of another bout of ethnic violence.

The trials became a cultural practice in Kenya, judging by the manner in which many Kenyans were glued to their televisions and mainstream newspapers to offload the pressure of the possibility of another outbreak of chaos evidenced in headlines such as the *Sunday Nation's* September 4, 2011, "Clash of TV viewing over Hague and Daegu" (Odunga 2011b), *Daily Nation's* September 23, 2011, "Kenya Case Draws in Large Crowd" (Mutiga 2011), and *Daily Nation's* April 7, 2011, "Global Village Reality Unfolds Across Kenya" (Nation Team 2011). Reading narratives about the trials on newspapers or watching them on television occurred simultaneously with shopping and dining. Such cultural practices could provide a useful additional perspective for our understanding of the dynamics between the desire for a good life embedded in ideas of consumption, citizenship, and social change (Melkote in Thussu 2010).

When rationalizing the relationship between citizenship, consumption, and social change, one should consider the processes through which human actors, their ideas, and material objects come together in acts of consumption, transforming the field of material politics in the process. Njogu argues that "when the aspirations of politicians are locked firmly with fears, anxieties and dreams of ordinary people in their quest for a better life, a recipe for violence becomes potent" (2009: 2). The fact that the promise of "a good life" or the fruits of *Uburu* (freedom) after independence as promised by Jomo Kenyatta's regime in 1964 has never been realized, even 49 years later,

as evidenced in the unequal distribution of resources, has created anxiety among the poor, culminating into socioeconomic upheavals with ethnic undertones, especially during elections (see Odinga 1968). In representing the Hague trials, the centrality of the press in de-escalating conflict has once again been tested. The Hague question is one that requires a high degree of responsible journalism. So what role did the *Daily Nation* play in the coverage of the Hague trials?

The *Daily Nation* was in favor of justice, as evidenced in two stories that serve as examples. The first story appearing in the *Daily Nation* September 6, 2011, titled “Three More MPs Linked to Chaos,” was accompanied by a photograph of an internally displaced woman wearing a t-shirt with the words “YES! to ICC NO! TO Impunity.” The other story appearing on September 1, 2011, titled “Trio Gets Chance to Fight Charges,” also captured an internally displaced man waving a placard calling for “resettlement for IDPs, Justice for IDPs . . .” Although one would argue that the press was representing the situation at that moment, the choice of photographs and repetition is one way in which media representation works to construct a frame in which “reality” must be observed and understood (Hall et al. 1978). The analysis of the narratives revealed how the newspaper arrived at determining the personalities that bore the greatest responsibility for crimes against humanity and expressed the desire for justice for the internally displaced people (IDPs). However, such representations also reflected the extent to which the accused had the burden of proving their innocence based on the cases brought forward against them—the newspaper simply reproduced the discourse and the consensus of the ICC process. According to the *Daily Nation’s* representation of the trial and the spirit of personalization, Uhuru Kenyatta and William Ruto were given the greatest burden of responsibility for crime against humanity (they were mentioned 111 and 110 times, respectively) followed by Francis Muthaura and Henri Kosgey (mentioned 89 times and 70 times, respectively, while Hussein Ali and Joshua arap Sang tied (mentioned 44 times).

It is important to note that quite often, the press has been accused of personalizing issues and treating events superficially, limiting the chances of a more nuanced coverage (see Ogenga 2011). However, concerning the ICC cases, it is difficult to establish how the press would escape personalizing events. The Ocampo Six were accused and summoned to The Hague as individuals who perpetrated violence in their own personal capacity and had to personally answer charges leveled against them. In

the representation of the Hague trials, personalization became an important strategy by the press, given that, often, the accused persons hid under the comfort of ethnicity. It was important for the newspaper to be clear that the accused persons were responsible for crimes committed and their actions had nothing to do with their ethnic affiliation. One would argue that the *Daily Nation* representation of The Hague seemed to put greater responsibility of the postelection violence on four prominent figures. This was reflected by the frequency of occurrence of their names in the newspaper stories.

With two out of the four accused still in the 2013 presidential election race, it seems as if the ICC was preparing Kenyans for the verdict, which the court knew would receive mixed reactions. The newspaper often threw in words of advice reminding Kenyans that the country is bigger than individuals and whatever the outcomes of the cases, Kenyans must remain calm. To many Kenyans, the ICC case was a triumph against impunity, as captured by *The Daily Nation* in headlines such as “Political Violence Has No Future in Kenya” (Xhinnua 2011), “How ICC Will Change The Future of Kenyan Politics” (Leftie 2012a), “ICC Process and Its Likely Aftermath” (Kimenyi 2012), and “Hearings a Big Shame for Kenyans” (*Daily Nation* 2011). The latter story argued:

I want to see any Kenyan try to instigate violence in the future. Whatever the outcome of these proceedings, we now know that there is an international criminal justice system that is not susceptible to our local machinations and that can crack down the activities of any person to the smallest village in the country The ICC is giving us a new reality. Even if these cases are dismissed, the point is now made that no person is untouchable, and no Kenyan is a ‘holy cow.’ (*Daily Nation* 2011: 5)

However, it seems as if the *Daily Nation* was caught between the hammer and the anvil since their reports could not supersede factual evidence as argued out in the context of the Hague proceedings. If the newspaper was to freely report the proceedings according to its wish and desire, then it would have wanted to portray the innocence of some suspects and the weaknesses of the ICC process based on the fact that other individuals, also thought to have been responsible for the violence, were not indicted. Furthermore, the idea that the ICC is a custodian of international justice is problematic since there is enough

evidence that can support the conclusion that it is selective in its treatment concerning international crimes. A local example that demonstrated the newspaper's dissatisfaction with ICC's biasness through the source utilized is the case of The *Daily Nation's* Sunday Edition (*Sunday Nation*) September 4, 2011, story titled "Raila Question as Defense Seeks to Discredit Evidence." The story reported Ruto's defense lawyer as claiming: "Witnesses have said that they recognize Raila Odinga as the ODM leader and that he funded the presidential campaign in which he was candidate. However, no effort has been made to bring him to this court [ICC]" (*Sunday Nation* 2011: 3).

There is a case where after the ICC confirmed the four suspects for full trials, one of the ministers (Kiraitu Murungi) was quoted in the media echoing the idea that the ICC process is flawed. He questioned why Francis Muthaura's case was confirmed for full trials and yet, as the head of public service, he was the authority behind the police commissioner (Hussein Ali) whose case was dismissed. A very valid claim if analyzed in the context of the frequency of occurrence of the police commissioner's name in this study. The *Daily Nation's* coverage equally gave the police commissioner a great burden of responsibility for the alleged crimes; however, his case was not confirmed for trials. This paradox underscores the argument made earlier that frequency of occurrences of the suspects' names in the coverage of the trials did not imply that they were guilty of crimes against humanity. However, it does give the audience some closure on the reasons the suspects were confirmed for full trials, and therefore explains the relevance of the ICC. In fact, there are occasions where the media also argued for the innocence of some of the suspects. A classic example of the media crying foul covertly and expressing the desire to see some of the suspects' cases dismissed can be found in the *Daily Nation's* headlines such as those of March 18, 2011, titled "Rift Valley in Frantic Search for Messiah" (Sigei 2011) and March 11, 2011, "Ruto, Sang Seek Divine Intervention" (Matoke and Barnabas 2011) emphasizing the innocence of some suspects and reinforcing the discourse of persecution.

On a separate occasion, Uhuru Kenyatta was given a similar status, often compared to Jesus Christ's persecution. While *The Nation* Televised a minidocumentary titled *The Anointed One*, which seemed to express the desire to retain the presidency in the Mt. Kenya region (a predominantly Kikuyu region), the print media was awash with coverage of thanksgiving prayers. In one instance of the coverage, the Kikuyu elders "faced Mt. Kenya" again. Facing Mt. Kenya is a familiar symbolic

Gikuyu ritual meant to appease the gods and often guaranteed victory when they were faced with danger. In this case, “their chosen one [Uhuru Kenyatta] was being persecuted by the ICC,” evidenced in headlines such as *Daily Nation’s* Friday April 8, 2011, “Mama Ngina Sense of Déjà Vu, 59 Years, Later” (Ngirachu 2011). The ritual was reminiscent of the colonial struggle ritual in the 1960s practiced by the Mau Mau (freedom fighters) largely from the Kikuyu tribe in the quest for Kenya’s Uhuru (freedom) from the British.

Such representations did not come as a surprise due to the warm relationship between media houses and politicians in Kenya. Uhuru Kenyatta has gravitas as one of the richest Kenyans, reportedly having a net worth of \$500 million invested in land alone, and as the son of Kenya’s first president—Jomo Kenyatta (Namwaya 2011). He virtually owns the K24 TV station and has interests in Kameme FM and *The People* newspaper (Namwaya 2011). A large number of shareholders in the Nation Media Group are Kikuyu elites who also have a desire to see Uhuru Kenyatta become President Kibaki’s successor. This reality reflects the nature of media ownership and control in Kenya. The *Daily Nation* often utilizes pro-Kenyatta sources and open endorsements by President Kibaki himself to drum support for Uhuru Kenyatta to be the president of Kenya. There is a recent case where the media sensationalized an incident where a member of parliament from the Mt. Kenya region, Gitobu Imanyara, alleged that he was forced to kneel down at gunpoint and swear “Uhuru tuko pamoja,” or “Uhuru we are together,” an incident that if true as alleged, echoes the idea of impunity and silencing of opposition voices. Additionally, the ICC cases against Uhuru Kenyatta and Ruto have been perceived in some quarters as a grand scheme and conspiracy to lock them out of the presidential race in the forthcoming 2013 general elections, views that have frequently appeared in the Kenyan press, evidenced in headlines such as the *Daily Nation’s* Monday July 30, 2012, “Diatribes Against Uhuru and Ruto Is a Conspiracy to Stop Them Running” (Gachoka 2012).

Though questions can be raised about the way the media is reporting the trials, this paper does not argue that the *Daily Nation* is biased in its coverage. The *Daily Nation* has a well-established tradition of balanced and objective coverage of events and therefore it was more likely to cover the Hague trials in a responsible manner. Despite the fact that it dwelt on personalities, the *Daily Nation* still insisted on the need to maintain peace by capturing the memory of violence and warning against a repeat of the same, as evidenced in headlines such as

“Remain Calm No Matter What: Ruto” (Leftie 2012b), “Ocampo: Cases Will Ensure Peaceful . . . Elections” (Nation Team 2010), and “ICC Process and Its Aftermath” (Kimenyi 2012). In most of the narratives, the *Daily Nation* reminded readers of the crimes against humanity and the grave consequences of political violence through humanistic rhetoric or first-person accounts from survivors of the violence. In so doing, the newspaper constructed an environment conducive for discourses of peace. The *Sunday Nation*, September 25, 2011, story titled “Emotions High as ICC Proceedings Evoke Painful Memories of Violence” quoted victims of the violence and what the ICC proceedings meant for them. One of the victims was quoted arguing:

These sessions [ICC proceedings] should be held in camera as some revelations bring to the fore what we have since recovered from...the live coverage are important and relevant at a time when Kenyans had begun to divide themselves along political lines ahead of the General elections slated for next year [2012²]. (*Sunday Nation* 2011)

Since electronic media is quick in releasing news than print, it did not come as a surprise that after the ICC announced the confirmation of charges against four of the six suspects on January 23, most random television opinion polls reflected a general commitment among ordinary Kenyans to maintain peace.

IV. CONCLUSION

This paper examined the role played by one of the leading and influential mainstream newspapers, *Daily Nation*, in framing the International Criminal Court’s trial of the ICC and the potential impact of the paper’s ongoing coverage of the criminal proceedings on the prevalent ethnic political culture in Kenya. The central questions were how the *Daily Nation* covered the Hague trials and whether the coverage encouraged peaceful interethnic dialogue necessary for reconstructing the ethnic political culture in Kenya to avoid further conflicts. The paper argues that the press used its centrality in Kenyan ethnic political discourse to reconceptualize the prevailing “reality” surrounding political “common sense” in that country to avoid further conflicts. It concludes that the newspaper deliberately constructed discourses of peace driven by the ICC’s hegemonic consensus related to human rights and justice for the victims

of the violence. The newspaper's coverage was supportive of human rights and democracy by virtue of its reputation as the champion of national interests and therefore citizens' rights.

The seriousness with which it handled the Kenyan case has created an important precedent never before seen in that country, where leaders resign voluntarily to pave way for the rule of law. This paper contends that unlike in 2007, the press has exercised responsibility by constructing peaceful discourses during yet another volatile episode in Kenyan politics—the confirmation of the ICC cases. However, the paper does not seek to exaggerate the role played by the *Daily Nation*, nor to suggest that the *Daily Nation's* representation of the cases should be the basis for making broad generalizations about the conduct of the entire press in Kenya. What makes the *Daily Nation's* representation of ICC cases particularly special is the fact that there was no other possible way that the newspaper's reporting could have replaced factual information as presented in the context of the court proceedings. It seemed as if “objectivity” as a journalistic value leaned in favor of the ICC consensus. The Hague proceedings were premised on the fact that atrocities were committed in Kenya after the 2007 disputed elections and that justice had to be obtained. Such a consensus therefore worked to benefit the victims of the postelection violence and by default, ordinary Kenyans.

NOTES

1. The Kikuyu community is the dominant ethnic tribe in Kenya and is the one that occupied majority seats, including the presidency, in 1963 when Kenya attained independence from the British with Jomo Kenyatta as the first president (See <http://www.kenya-information-guide.com/kikuyu-tribe.html> retrieved August 2, 2012).
2. Note that the Kenyan elections were further pushed to March 2013 following a High Court ruling for the sake of the completion of constitutional reforms according to agenda four of the National Accord and Reconciliation Act 2008. (See <http://af.reuters.com/article/topNews/idAFJJOE7AE0EX20111115> retrieved 02 August 2012).

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