

# **HUMAN RIGHTS AND THE GENESIS OF COUNTER- TERRORISM PRACTICE IN KENYA**

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## **Abstract**

Counter-terrorism measures adopted by various States and organizations have been accused of lacking human rights standards and threshold of international law. Anti-terrorism operations in themselves may be about good sense of self-defense response and state obligations to guarantee security and safety to its people within territorial jurisdiction according to the international law. Matters get worsened as most of the application measures adopted in such operations lack to meet the threshold of international human rights law.

International terrorism, trans-boundary terrorism and national terrorism still operate under quasi-judicial assumptions without proper legal interpretation as of what is the definition of terrorism and how best to legislate it. As this failure comes from both international systems, regional systems and national legal systems, the question of bringing justice to presumed terror criminals is left to the discretion of the judiciary which often feel obliged to take cognizance of human rights and international standards whenever they have to deal with terrorism and counter terrorism measures adopted by the government. In this case there is a situation of hands-off terrorism or leaving for powerful nations especially the USA of America to carry the cross. This paper seeks to analyse the major legal challenges facing the counter terrorism measures adopted by the Kenyan government since 2010 and discussing challenges brought about by human rights principles to this effect.

To make the discussion more balancing the paper shall evaluate both the past, the present and the future of terrorism and human rights.