



## KENYATTA UNIVERSITY

### EXAMINATION FOR THE DEGREE OF BACHELOR OF LAWS

#### LIL 405: INTERNATIONAL HUMAN RIGHTS LAW

1<sup>ST</sup> SEMESTER 2022/2023

TIME: 2 Hours

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#### INSTRUCTIONS:

1. Answer **ALL** Questions
2. Support your answer with relevant illustrations from case law , statutory provisions and any other references
3. Your writing must be **NEAT** and **LEGIBLE**
4. Your answer booklet must bear your assigned **REGISTRATION NUMBER**, both on the cover and every written page therein
5. Do not scribble or draft answers on the inner or outer cover pages or your question paper
6. Do not write anything except your **REGISTRATION NUMBER** on this question paper
7. **All** Kenyatta University Examinations rules apply as if they were contained herein

#### Question One

*'We are living in troubled times. Terrorism has caused untold suffering to citizens and greatly compromised national security and the security of the individual. There is this a clear and urgent need for the State to take appropriate measures to enhance national security and the security of its citizens. However, protecting national security carries with it the obligation on the State not to derogate from the rights and fundamental freedoms guaranteed in the Constitution of Kenya 2010'.*

**(Hon Justice, Isaac Lenaola, Mumbi Ngugi, Hedwig Ong'udi, Hillary Chemitei and Joseph Louis Onguto in High Court Constitutional and Human Rights Division Petition Numbers 628 and 630 of 2014. Coalition for reforms and Democracy (CORD) and anoter versus the Republic of Kenya and Others.**

a) Analyze the above statement in light of the following principles:

- |                                           |           |
|-------------------------------------------|-----------|
| i) Universal application of human rights. | [8 marks] |
| ii) Equality and non-discrimination.      | [8 marks] |
| iii) Derogation of human rights.          | [4 marks] |

- b) What are your proposals for maintaining the delicate balance between observance of human rights and maintenance of security in the face of contemporary threats.

[10 marks]

### **Question Two**

Given the history and contents of the African Charter on Human and People's Rights, would you say there's any validity in the argument that human rights represent western imperialism?

Explain your answer.

[20 marks]

### **Question Three**

Discuss the tripartite state obligation under international human rights law and the manner in which it has been applied in two Kenyan cases.

[20 marks]