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## KABARAK UNIVERSITY LEGAL CITATION GUIDE

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### GENERAL GUIDELINES

- Avoid symbols and punctuation marks where possible: Instead of the forward slash '/' use 'or'; instead of '&' use 'and'.
- All citations should end with a full stop. Do not use full stops in Mr; Mrs; or Dr: Do not use full stops to separate initials, in both citations and text: FX Njenga **not** F.X. Njenga, UN **not** U.N.
- Avoid latinism, for instance, *et al*; *coup d'état*; *prima facie*; *inter alia*; *per se*.
- Italicise non-English words, unless acknowledged as part of English, and unless part of a quotation: *obusuma*; *ebarimo*; *Gacaca* courts; *Mato oput* trials; *Tribunal de premier instance du Dakar*. Where latinised term have English equivalents, use English equivalent, for instance preparatory works **not** *travaux preparatoires*.
- When writing out lists, use the Oxford comma:
  - ‘Like the ICC, the proposed International Crimes Chamber of the ACJHR will not repair the entirety of refugees, IDPs, and other victims of the atrocities that constitute international crimes of genocide, crimes against humanity, or war crimes.’
  - ‘They are the result of a collectivity of shared myths and legends, heroes, events, landscapes and memories disseminated through media — oral, print, or electronic — in the creation of an imagined national community.’
- Do not to use an apostrophe in abbreviated plurals, MPs, CVs **not** MP's, CV's; or with dates, 1990s **not** 1990's.
- Abbreviations
  - First mention: Constitution of Kenya Review Commission (CKRC)
  - Subsequent mentions: CKRC
- Page numbers are placed at the end of the citation without 'p':
  - Humphrey Sipalla, '(In)Validity of Egypt's reservations to the African Charter on the Rights and Welfare of the Child' 4 *Kabarak Journal of Law and Ethics* (2019) 195.
- Paragraph numbers are identified by 'para' without a period:
  - CCPR General Comment No. 22: Article 18 (Freedom of Thought, Conscience or Religion), 30 July 1993, CCPR/C/21/Rev.1/Add.4, para 10.

- Avoid superscripts and commas in dates and publications: 1 April 2000 **not** 1<sup>st</sup> April, 2000; 3rd edition **not** 3<sup>rd</sup> edition.
- Use -ise **not** -ize: organise **not** organize.
- Capitalise only the first letter of a title as well as proper nouns.  
Emily Osiemo, 'The legal effect of rendezvous clause in the East African Community – European Union Economic Partnership Agreement' 1(1) *East African Community Law Journal* (2020/2021) 39.
- Do not capitalise nouns that do not serve as proper nouns in a sentence, such as judge, court, constitution, council, president, or government:  
The making of a **g**overnment (non-proper noun)  
The **G**overnment [of Kenya] and the **I**ndependence **C**onstitution (proper nouns).
- Use words for numerals between one (1) and nine (9); use figures for numerals from 10: 21, 37; and use words at the start of sentences: Thirty-nine delegates attended the conference.
- Figures should be matched with symbols or abbreviations: 34 kg, 12 mm, 100 m, Kshs 1.6 billion.
- When writing numerals, do not use space before brackets: article 27(2).
- Avoid using Roman numerals.
- When writing more than three digits in a figure, use a comma without space: 33,000.
- Numbers should be separated by a dash: 150,000 – 290,000.
- Avoid superscripts:  
first, second, twenty-ninth, third session of the Parliament  
Fourth Schedule of the Constitution.
- Indicate shortened version of long titles such as reports:  
First mention: Report of the Special Rapporteur on the right to food, 24 January 2017, A/HRC/34/48, para 28.  
Subsequent citations: UNHRC SR 2017 Report, para 28.
- Place punctuation and footnotes outside quotation marks unless the quotation includes the punctuation:  
'... as decreed by law'.<sup>27</sup>  
'The expression "progressive realization" is neither a stand-alone nor a technical phrase'.<sup>27</sup>
- Do not use endnotes.
- The preferred formatting requirements are: Times New Roman font style, font size 12, 1.5 line spacing, 2 cm margins at all sides for the main text and Calibri (body), size 10, single line spacing for the footnotes.

## FOOTNOTES AND BIBLIOGRAPHIES

### Books

FX Njenga, *International law and world order problems*, Moi University Press, 2001, 15.

Patricia Kameri-Mbote, C Odote, C Musembi and M Kamande, *Ours by right: Law, politics and realities of community leasehold property disputes in Kenya*, Strathmore University Press, Nairobi, 2013, 34.

Subsequent mention, use the second name only:

Njenga, *International law and world order problems*, 15.

Kameri-Mbote and others, *Ours by right*, 34.

### Chapter in book (footnotes and bibliography)

James Gathii, 'Kenya's legislative culture and the evolution of the Kenya constitution' in Vyas, Kivutha Kibwana, Okech Owiti and Smokin Wanjala (eds) *Law and Development in the Third World*, University of Nairobi Press, 1994, 107.

In subsequent mentions, use the second name only:

Gathii, 'Kenya's Legislative culture and the evolution of the Kenya constitution', 107.

### Journal articles

Rahab Wakuraya Mureithi, 'Challenges in litigating under Kenya's Protection from Domestic Violence Act 2015' 3(1) *Kabarak Journal of Law and Ethics* (2018) 87.

Subsequent mentions:

Wakuraya, 'Challenges in litigating under Kenya's protection', 87.

Do not abbreviate Journal names: instead of 'KJLE' write 'Kabarak Journal of Law and Ethics'.

### Self-published articles

These are articles and papers that are not attached to a particular publisher, journal or institution.

First citation:

Lucianna Thuo, 'Compendium of 2013 election petitions: Themes and issues from the jurisprudence on electoral law in Kenya', Academia.edu, 2016, 97.

Subsequent mentions:

Thuo, 'Compendium of 2013 election petitions', 97.

### Legislation, Acts of Parliament

Political Parties Act (No. 21 of 2016), section 54.

Constitution of Kenya (2010), article 32.

Cite foreign municipal legislation as cited by in the relevant foreign source.

Foreign Sovereign Immunities Act 150 28 USC, section 1610(d).

H.R.3684 - 117th Congress (2021-2022): [117] Infrastructure Investment and Jobs Act.

Jamaican Nationality Regulations, 1962, First Schedule.

This citation subsists throughout.

### International instruments

#### **Convention, date of adoption NOT entry into force, Treaty Series number, Article x.**

African Charter on Human and Peoples' Rights, 27 June 1981, CAB/LEG/67/3, article 17.

Agreement on Technical Barriers to Trade, Marrakesh Agreement Establishing the World Trade Organization, Annex 1A, 1994, 1868 UNTS 120, article 2.2.

United Nations Declaration on the Rights of Indigenous Peoples, 2 October 2007, A/RES/61/295, article 15.

Security Council Resolution 258 on the Middle East, 18 September 1968, S/RES/258, UNSC, para 2.

CCPR General Comment No. 22: Article 18 on Freedom of Thought, Conscience or Religion, 30 July 1993, CCPR/C/21/Rev.1/Add.4, CCPR, para 9.

Draft Articles on Responsibility of States for Internationally Wrongful Acts, November 2001, Supplement No. 10 (A/56/10), ILC, article 12.

Subsequent mentions:

African Charter on Human and Peoples' Rights, article 17.

Agreement on Technical Barriers to Trade, footnote 1.

Declaration on the Rights of Indigenous Peoples, article 13.

Resolution 258, UNSC, para 2.

General Comment 22, CCPR, para 9.

Draft Articles on Responsibility of States, ILC, article 12.

### Kenyan Case Law

When the case title is included in the footnote because it is not directly quoted in the text and there is a law reporter:

#### **Party v Party, Case number, decision of Court (Year) Reporter, para.**

*In the Matter of Interim Independent Electoral Commission*, Constitutional Appeal 2 of 2022, Ruling of the Supreme Court (2011) eKLR.

*Brek Sulum Hemed v Constituency Development Fund Board & another*, Civil Case 18 of 2013, Ruling No 2 of the Environment and Land Court at Mombasa (2017) eKLR.

*Independent Electoral and Boundaries Commission & 4 others v David Ndi & 82 others; Kenya Human Rights Commission & 4 others (amicus curiae)*, Petition E291 of 2021 and Civil Appeals E292, E293 and E294 of 2021 (Consolidated), Judgment of the Court of Appeal at Nairobi, Tuiyott dissenting opinion, (2021) eKLR.

When the case is not included in the footnote because the citation is directly quoted in the text and there is a law reporter:

#### **Court (Year) Reporter.**

Constitutional Appeal 2 of 2022, Ruling of the Supreme Court (2011) eKLR.  
Civil Case 18 of 2013, Ruling No 2 of the Environment and Land Court at Mombasa (2017) eKLR.

Where there is no law reporter:

***Party v Party*, Case number, decision of Court (Year) Source.**

This citation subsists throughout.

### **Foreign Case Law**

Cite as cited by the relevant law reporter, such as SAFLII for South African cases:

*Motswagae and Others v Rustenburg Local Municipality and Another* (CCT 42/12) [2013] ZACC 1; 2013 (3) BCLR 271 (CC); 2013 (2) SA 613 (CC) (7 February 2013).

*Donoghue v Stevenson* [1932] A.C. 562 (26 May 1932).

*Jumbe and Mvula v Attorney General*, (unreported), High Court of Malawi (2005).

Subsequent mentions:

*Motswagae and Others v Rustenburg Local Municipality and Another*.

*Donoghue v Stevenson*.

*Jumbe and Mvula v Attorney General*.

### **East African Court of Justice**

*Hilaire Ndayizamba v Attorney General of the Republic of Burundi and Secretary General of the East African Community* (Ruling on jurisdiction), 3, EACJ (2014), para 13.

Subsequent mentions:

*Hilaire Ndayizamba v Attorney General of the Republic of Burundi and another* (Ruling on jurisdiction), para 15.

### **African Court on Human and Peoples' Rights**

*African Commission on Human and Peoples' Rights v Kenya* (decision on merits), 2 AfCLR 9 (2017), para 137.

Subsequent mentions:

*African Commission on Human and Peoples' Rights v Kenya* (decision on merits), AfCLR, para 139.

### **African Commission on Human and Peoples' Rights**

*Legal Resources Foundation v Zambia* (decision on merits), 211/98, ACmHPR (2001), para 71.

*Social and Economic Rights Action Centre and another v Nigeria* (decision on merits), 155/96, ACmHPR (2001).

Subsequent mentions:

*Legal Resources Foundation v Zambia* (decision on merits), ACmHPR, para 73.

*Social and Economic Rights Action Centre and another v Nigeria* (decision on merits), ACmHPR.

### **European Court of Human Rights**

*Case of Observer and Guardian v. the United Kingdom* (judgment on merits), 13585/88, ECtHR (1991), para 73.

Subsequent mentions:

*Guardian v. the United Kingdom* (judgment on merits), ECtHR, para 73.

### **ICJ Case Law**

*Arbitral Award of 31 July 1989 (Guinea-Bissau v. Senegal)* (judgement on merits), ICJ Reports (1991), 53.

Subsequent mentions:

*Guinea-Bissau v. Senegal* (judgment on merits), ICJ, 53.

### **Inter-American Court of Human Rights**

*Velásquez-Rodríguez v Honduras* (judgment on merits), Series C No. 4, IACtHR (1988), para 99.

Subsequent mentions:

*Velásquez Rodríguez v Honduras* (judgment on merits), IACtHR, para 99.

### **Inter-American Commission on Human Rights**

*Jessica Gonzales and Others v United States* (decision on admissibility), 1490/05, IACmHR (2007), para 31.

Subsequent mentions:

*Gonzales and Others v United States* (decision on admissibility), IACmHR, para 31.

### **UN Committees**

*Rafael Marques de Morais v Angola* (decision on merits), 1128/2002, CCPR (2005), 21.

*H M v Sweden* (decision on merits), 3/2011, CRPD (2012) para 4.5 to 5.1.

Subsequent mentions:

*Rafael Marques de Morais v Angola* (decision on merits), CCPR, 21.

*H M v Sweden* (decision on merits), CRPD, para 4.5.

### **Arbitration**

*Bay View Group LLC and The Spalena Company LLC v Republic of Rwanda* (award on merits), ARB/18/21, ICSID (2022).

Subsequent mentions:

*Bay View Group and Spalena Company v Rwanda* (award on merits), ICSID.

### **WTO**

*China – Measures Related to the Exportation of Various Raw Materials*, WT/DS394, Panel Report (22 February 2012), para 11.3.

Subsequent mentions:

*China – Various Raw Materials*, Panel Report, para 11.5.

### Newspapers

Luis Franceschi, 'Time to salvage what remains of Kenya's common wealth' *Daily Nation*, 15 April 2016.

Luis Franceschi, 'Time to salvage what remains of Kenya's common wealth' *Daily Nation*, 15 April 2016 —<<http://www.nation.co.ke/oped/blogs/dot9/franceschi/-/2274464/3160082/-/u2nn5vz/-/index.html>> on 15 April 2016.

### Dissertations and Theses

JB Ojwang, 'Executive power in independent Kenya's constitutional context' Unpublished LLM Dissertation, University of Nairobi, 1976, 38.

Subsequent citations:

Ojwang, 'Executive power in independent Kenya's constitutional context', 38

### Hansard Reports

National Assembly Hansard Report, 17 March 2016, 17.

Senate Hansard Report, 10 November 2021, 3.

Joint Session of National Assembly and Senate Hansard Report, 12 November 2020, 9.

### Personal Communication

Email from Humphrey Sipalla on 24 January 2022.

Telephone communication with Christine Amera on 25 November 2022.

Personal communication with Edmond Shikoli on 7 January 2022.

Interview with Prof Willy Mutunga on 27 January 2022.

WhatsApp communication with Sharon Amwama on 14 February 2022.

### Internet Resources

Uniform Resource Locator links (URLs) are only used to cite webpages, that is, internet sources that are not separate stand-alone publications.

Ensure to include the last date the online source was accessed.

#### **Name as it appears, 'Article title' Source, date —<link> on date**

Directorate of Information and Communication, 'Opening of the 35<sup>th</sup> Ordinary Session of the AU Assembly' African Union, 5 February 2022 — <<https://au.int/en/newsevents/20220205/opening-35th-ordinary-session-au-assembly>> on 23 February 2022.

Brig Gen James Mwakibolwa, 'New method of combating violence in the DR Congo' UN News Centre, 29 May 2013 —

<[http://www.un.org/apps/news/story.asp?NewsID=45031#.U\\_wlpqNGQ0k](http://www.un.org/apps/news/story.asp?NewsID=45031#.U_wlpqNGQ0k)> on 7 August 2014.

### **Other sources**

#### **Author, 'Title', publication, date.**

Willy Mutunga, 'In search and defence of radical legal education: A personal footnote', Kabarak Law School, Occasional Paper Series 1(1), 2022, 33.

In subsequent mention, use author's second name only:

Mutunga, 'In search and defence of radical legal education', 33.

Where not published, use 'nd' (not dated) or '**on file with the author**' after the title.

### **Gazette Notices**

#### **Kenya Gazette, volume (number) date, notice number**

Kenya Gazette, XCIX (29) 30 May 1997, 2834.

### **Youtube videos**

#### **Title, youtube channel, date the video was posted, section - <link>.**

Fela Kuti – Zombie, Fela Kuti, 9 November 2015, 5:39 to 5:45 — <<https://www.youtube.com/watch?v=Qj5x6pbJMyU>> on 12 September 2022.

### **Movies**

#### **Title, year, section.**

The Matrix, 1999, 1:37:41 to 1:38:43.

### **Press releases**

UN Press Release GA/L/3044 11th Meeting 21 October 1997.

ICJ 'Solemn sitting in memory of Judge Kéba Mbaye, former judge and Vice-President of the Court', Press release 2007/15 31 May 2007.