



International Center for Policy and Conflict

Press Statement
Friday April 17, 2009

Overcome Political Brinkmanship and Blackmail; Pursue Post-Election Violence Atrocities
Justice

The Grand Coalition government commitment to the principle that the perpetrators of horrendous post election violence atrocities could not go unpunished is not only in doubt but has in effect collapsed. The promise has been overtaken by political brinkmanship and blackmail, and succession politics. Impunity has prevailed over justice and Parliamentarians have sided with and glorified impunity while loss of innocent lives is the collateral damage in the shameless pursuit of raw political power and greed. It is regrettable and unacceptable that Parliament working in cohort with a section segments of top security apparatus and civil service is intransigent in shielding criminals within it and outside from justice and accountability by running protection rackets. The government of Kenya in collaboration with Parliament has little interest in supporting credible prosecutions of the perpetrators most responsible for the violence and gross systematic human rights violations including extra judicial killings.

The government of Kenya is unable and unwilling to meet its obligations by fundamentally failing to bring to justice those most responsible for the atrocities one year since they occurred. Impunity has acquired a new meaning and direction in Kenya. The International Center for Policy and Conflict (ICPC) believes that nothing short of momentous symbolic shocker therapy to the political elite would incentivize serious pursuit of justice and accountability. The fragmentation and absurd succession wars in Parliament are the single biggest impediment to the exercise and as such we have to encourage International Criminal Court to vigorously show seriousness with Kenya situation. The admission by Deputy Prime Minister Musalia Mudavadi in Geneva that it is going to be difficult to pass the tribunal law in Parliament was very telling about Kenya Parliament and impunity. This would not only be symbolic but more importantly it would act as catalysis towards enactment of serious Special Tribunal. The political elite in Kenya at the moment do not feel threatened by real prosecution for responsibility in inciting and condoning violence leading to massive atrocities.

The prosecutorial misguidance and inability is accompanied by the government's substantial lack of political will to pursue justice. It is ridiculous for police to hoodwink Kenyans that they are doing their work while in essence they doing everything to cover up due to conflict of interest. Since Grand Coalition government is flouting its responsibilities; the process of devising a new justice mechanism will have to be designed to function without its cooperation in order to reinvigorate the pursuit of justice and accountability. The choices available to remedy this situation are clear: it is either Parliament supports establishment of credible, independent and impartial local tribunal and passes the prerequisite legal framework or the International Criminal Court invoke its jurisdiction over Kenya without further delay. Failure to stem impunity now, the consequences would be grave to bear.

ICPC does not think it is correct for Kenyans (particularly) and international community to sit back and watch the Grand Coalition Government failing to punish those individuals most responsible for both domestic and international crimes through criminal and civil remedies; preventing those perpetrators from committing further abuses; deterring other potential abusers through ending impunity and building respect for human rights and the rule of law. To allow these serious crimes to remain unredressed would undermine any process of building effective institutions to protect human rights and strengthen the rule of law. Removal of the perpetrators of the violence from government positions must be prioritized. This step is essential to ensure that crime is not rewarded and to prevent these individuals from repeating their crimes. The Police Commissioner has to be suspended immediately.

We urge the international community not to give up on justice in Kenya. It is both essential and possible to establish a meaningful measure of legal accountability that also corrects the historical record of the violence. By supporting heightened advocacy strategies and assisting in devising an alternative justice mechanism, both local and international, the international community would play an enormous role in overcome the obstacles that have hindered the search for justice to date, and help to establish long-term peace and stability in Kenya while strengthening the rule of law.

Signed by
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Executive Director,