



International Center for Policy and Conflict

Press Statement
Monday August 24, 2009

**Special Tribunal for Kenya:
Facts speak for themselves, let no MP distort them; And
ICPC calls for immediate international sanctions against MPs hindering Enactment
of the Special Tribunal**

International Center for Policy and Conflict (ICPC) express its deep concerns about the silence and inactiveness of President Mwai Kibaki in the face of the renewed efforts to enact the Special Tribunal for Kenya. While the Prime Minister Raila Odinga has declared openly his support for the new Bills, the President's silence creates the regrettable impression of tacit approval of human rights violations. His government has shown little political will to hold accountable those alleged to have committed post-election violence crimes.

Calls for an end to impunity for perpetrators of human rights violations in Kenya and for those responsible to be brought to justice are not an exercise in futility. Those Parliamentarians engaging in unsolicited, misguided and misinformed propaganda against the new Special Tribunal for Kenya Bills are mistaken and hardly do they learn. Kenyan National Assembly must assume a historical and moral proportion in ensuring and guaranteeing justice for the post-election violence victims.

The government has failed to carry out any meaningful investigations or prosecutions for these serious crimes, and has stalled on commitments to establish a special tribunal to prosecute crimes committed during the conflict. This is not about politics but rather the victims and their families have a right to see those responsible for committing horrendous crimes are brought to book. The government has shown little political will to hold accountable those alleged to have committed these crimes.

The national consultations process on the new Special Tribunal for Kenya Bills should not distract attention from the fact that the government has made very little progress toward establishing transitional justice mechanisms in line with Waki report and the international law obligations. The absence of justice for the post-election violence crimes may contribute to a climate in which politicians continue to commit both common and politically motivated crimes.

The politically motivated attempt by certain key cabinet members and their Parliamentarians' supporters is a reprehensible abuse of public office. It amounts to dishonesty, disrespect and brutal subversion of justice. By politicizing through distorting facts about the Tribunal Bills and rallying support to silence cry for justice, this new alliance of impunity in Parliament clearly shows guilt consciousness and contempt for victims. Due to blind political considerations it has no feelings and sense of injustice done to victims. By acting irresponsibly, Members of Parliament opposing the formation of Tribunal, fail to recognize their failure to protect and promote human rights of Kenyan citizenry. Parliament has to be committed to implementing the National Accord and abiding by the Constitution of Kenya.

We are encouraged that international community has stated its determination to imposing targeted travel sanctions against particular MPs and their supporters obstructing the path of the enactment of the Special Tribunal. It should expand and tighten those sanctions to include financial sanctions and freezing of properties. We are urging the concerned governments to match their words of condemnation and threats with tangible actions. ICPC is also calling upon the African Union and United Nations to strongly condemn Kenyan government for its failure to deliver justice to the victims of the post-election violence in contravention of its international obligations.

The African Union and United Nations as two international bodies that played critical role in resolving the political crisis, they have a duty to ensure that the recommendations of Commission of Inquiry into Post-Election Violence (CIPEV) are implemented in order to address the deprivation of justice to victims, and preempt commitment of atrocious crimes in the future.

Signed by
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Executive Director