

## **JUNE**

### **1. June 2, 2009**

#### **United Nations Human Rights Council Review on Kenya: Enact Accountability Mechanisms to End Impunity**

##### *Summary*

It is the responsibility of the Human Rights Council to address violations, promote and protect human rights, develop and enforce international human rights law, review the human rights records of member States, and work to prevent abuses.

It is ridiculous for government of Kenya to invoke sovereignty infringement while the government have signed and ratified certain international conventions that place a mandatory obligation on the part of the government to act in case of breach or derogation of such conventions or treaties.

We urge government of Kenya to put an end to impunity and to fully cooperate in the implementation of relevant reports and agreed reforms (including CIPEV and UN Special Rapportuer) with time bound deadlines.

### **2. June 23, 2009**

#### **Kenya Political Crisis; Fragile Stability Requires Sustained Engagement**

##### *Summary*

For years, government of Kenya, despite promises, has demonstrated a sustained and partisan failure to investigate, prosecute or punish serious criminal offences as well as facilitate comprehensive constitutional and institutional reforms causing perpetual rights abuses, culture of impunity, and near state collapse.

The peace process in Kenya is still at crossroads, requiring more than ever, a vigorous continued support of the international community for national efforts to keep the reform processes on track and avoid a relapse into conflict. ICPC considers Kenya, at the moment, a patient under very strong sedative medication causing false normalcy.

What happened on 2007/08 in Kenya was the indiscriminate killing of innocent civilians and the committing of massive human rights violations, disguised as election dispute, due to state failure to undertake the necessary reforms.

### **3. Monday June 29, 2009**

#### **Police reforms a priority**

##### *Summary*

The International Center for Policy and Conflict (ICPC) is urging for fast- tracking of the police reforms in Kenya. ICPC is seeking creation of a new independent Kenya Police

Service (KPS) with independent civilian oversight mechanisms to introduce thorough public scrutiny of the functions of the police.

The Police Commissioner must have security of tenure and appointed through a stringent process of vetting by Parliament. Government of Kenya is currently failing in its primary duty to provide the public with an honest, efficient, and effective police service that ensures the rule of law and an environment of safety and security for all citizens.

We also call on the government to set a specific timeline to achieve these reforms as a critical step in restoring public confidence in the security sector.

#### **4. Monday June 29, 2009**

##### **Why we support Dr. Kofi Annan on the Enactment of Special Tribunal**

###### *Summary*

The **International Center for Policy and Conflict (ICPC)** supports Dr. Kofi Annan on the enactment of the Special Tribunal for Kenya. We would like to observe that the government of Kenya's commitment to prosecution of the perpetrators of horrendous post election violence atrocities is not only in doubt but has in effect collapsed.

It is our considered opinion that the government of Kenya silence on this matter does not only assist in denying perpetrators' responsibility for the violence, but would actually perpetuate a grave injustice against the thousands of victims who deserve truth and justice.

#### **5. June 16, 2009**

##### **Truth Justice and Reconciliation Commissioners Selection Process**

###### *Summary*

The Truth, Justice and Reconciliation Commission in Kenya as an important first step towards ensuring accountability for past human rights violations, land injustices, economic crimes and corruption and guaranteeing that victims of those violations know the truth, obtain justice and are provided with full reparation.

We are calling on President not to allow the selection of Truth Justice and Reconciliation Commissioners process to become another political exercise. The process must be above board and that the process of nomination and selection of the Truth Commission Commissioners has to observe principles of good faith and integrity.

## **JULY**

#### **1. July 10, 2009**

##### **Suspend Attorney General Amos Wako; Cooperate fully with ICC to Enact Local Tribunal**

### *Summary*

The **International Center for Policy and Conflict (ICPC)** deplores the ineptitude and subversion of justice by the Attorney General Amos Wako leading to serious embarrassment to the Kenyan people by Dr. Kofi Annan's action of transmitting post-election violence suspects and evidence to the International Criminal Court.

It is saddening to note that, for the last eighteen years of his tenure, Mr. Wako has succeeded to manipulating and obstructing the wheels of justice.

We reiterate that impunity is not an option for the perpetrators of the post election violence that rocked this country in between 2007 and February 2008. Kenya needs to apply the principle of complementarity offered by the Rome Statute and enact a credible, impartial and independent local tribunal.

## **2. July 31, 2009 Injustice, Impunity Trademarks of President Kibaki Regime**

### *Summary*

Lack of accountability is hindering progress in the peace building process in Kenya. We are reiterating that perpetrators of post-election violations to be brought to justice. ICPC states clear that the President's statement yesterday was deliberately vague, misleading and non-committal on justice and accountability related to post-election violence crimes; and that impunity prevailed at the core governance in Kenya.

We strongly repudiate acts of commission or omission by those who have the responsibility to investigate and mete out punishment for those crimes but fail to do so, allowing the guilty to go unpunished, thus making the matter even more serious.

## **3. July 28, 2009 TJRC, Special Tribunal Face legitimacy Crisis**

### *Summary*

The International Center for Policy and Conflict (ICPC) urges that the centrality of the victims of any credible Truth Justice and Reconciliation (TJRC) process and effective Special Tribunal cannot be underestimated.

The fact that the newly appointed commission is facing serious legitimacy and credibility dent upfront should not only worry Kenyans but even the international community, who would like to see this country back on the track to prosperity. Victims who suffered injustices and serious physical and psychological torture have already expressly rejected the Commission stating their reservation on the commission.

## **4. July 2, 2009**

## **Take decisive action to stamp out impunity in Kenya**

### *Summary*

International Center for Policy and Conflict (ICPC) believes that government of Kenya is unwilling or unable to bring to justice perpetrators of post-election violence atrocities as a vital part of the struggle to eradicate widespread impunity in Kenya.

Dr. Kofi Annan must not appear to tolerate impunity in Kenya by conceding to the demands of government that is just buying time while pretending to be doing something, when in actual fact it has no intention of prosecuting those responsible for the post-election violence.

## **5. Saturday July 4, 2009**

### **Take decisive action to stamp out impunity in Kenya**

### **Adhere to Annan, ICC agreements; Enact Credible Tribunal to Stamp out Impunity**

#### *Summary*

The constant government's promises on the enactment of the Tribunal and reform critical institutions are apparently overtaken by political rhetoric and succession politics with impunity prevailing over justice. ICPC is urging the ICC to keep pressure on the Kenya government and not to accept a watered down judicial process.

If Kenya government was serious on prosecutions, it would have by now mobilized all resources at its disposal, to have the low and middle rank of perpetrators effectively and expeditiously prosecuted through domestic trials.

## **6. July 21, 2009**

### **Special Tribunal Enactment: Cabinet Erred, More Needed**

#### *Summary*

While we commend the Kenyan government for renewing efforts to enact the Special Tribunal to try those responsible for 2007 election violence, the International Center for Policy and Conflict believes that nothing short of momentous symbolic shock therapy to the political elite would incentivize formation of an effective, independent and impartial Tribunal locally.

Under international standards, it is the responsibility of the governmental authorities of a country where human rights violations have occurred to bring to justice according to international standards for fairness those against whom there is credible evidence that they perpetrated political killings, torture or any other domestic and international crimes.

## 7. July 8, 2009

### **Purge impunity before delivering the roadmap to international criminal court**

#### *Summary*

The **International Center for Policy and Conflict(ICPC)** is urging President Mwai Kibaki and Prime Minister Raila Odinga to destroy pillars of impunity in their midst which are holding Kenya hostage.

The repeated failure to stem the ethnically-based political violence and hold perpetrators of human rights abuses to account has created a climate of impunity in Kenya that led to cycles of violence.

ICPC warns that overlooking serious domestic and international crimes including corruption, and to include those implicated in human rights abuses in the government, in an effort purporting to consolidate peace, and has unwelcome repercussions.

## **AUGUST**

### **1. August 26, 2009**

#### **Post-Election Violence Crimes: Urge to Parliamentarians to repudiate Cabinet decision, enact the Special Tribunal Bills**

#### *Summary*

.Members of Parliament have to exercise their legislative duties diligently and put on notice the Two Principals and their cabinet that Kenya's future will be based not on atrocity and oppression, but on justice, humanity and respect for the rule of law.

We are happy to observe that a group of MPs are taking up the momentous responsibility of introducing the Special Tribunal Bills in Parliament that cabinet rejected. We are urging Kenyans, faith based groups, civil society and media to rise up in unison and support these MPs.

We reiterated to the MPs that they have individual and collective mandate and obligation to repudiate cabinet decision that debilitates the search for and consolidation of legal measures to end impunity for those who commit grave violations of human rights in Kenya. It is important.

## 2. August

### **Justice seeking lessons for Kenyan Parliamentarians**

#### *Summary*

Accountability may appear distant for the post-election violence victims. It may also seem as though Kenyans' innocent lives are collateral damage. But that might only be a hiccup. Those Parliamentarians engaging in unsolicited and misinformed propaganda against the Special Tribunal for Kenya Bill are mistaken and hardly do they learn from the past experiences.

Kenyan National Assembly must assume a historical and moral proportion in ensuring and guaranteeing justice for the post-election violence victims.

## 3. 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**

#### *Summary*

ICPC expresses the 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.

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.

## 4. August 26, 2009

### **Gitabu's tribunal bills: Only significant hope to ending impunity**

#### *Summary*

We are confident that the new initiative to re-invigorate plans for an independent Special Tribunal to try those bearing responsibility for domestic and international crimes perpetrated during the post-election violence in 2007 and 2008 will succeed.

Contrary to the misinformation and distortions being leveled against the Bills including personality undertones by those wanting to continue enjoying impunity, Hon Imanyara has worked hand in hand with civil society groups in drafting Bills. The primary, secondary and tertiary objective of the Bills is to see an effective, credible and independent Tribunal enacted to end highly institutionalized impunity in Kenya.

## **5. August 16, 2009**

### **Post-election violence crimes accountability: Parliament must not remain stumbling block to the tribunal**

#### *Summary*

The International Center for Policy and Conflict (ICPC) is highly impressed by the tremendous positive progress and overwhelming support towards the Special Tribunal for Kenya Bills attributed to Imenti Central Member of Parliament, Hon. Gitobu Imanyara.

ICPC will continue to render its technical support as well as engaging and galvanizing civil society, professional bodies, political leadership and faith based groups towards the Bills. We are also tracking, analyzing, and monitoring Bills to make sure they are in tandem with the internationally recognized standards as set out in the Rome Statutes of the International Criminal Court.

To date ICPC observes with grave concerns that neither the President nor the Prime Minister has bothered to respond to Kenyans' spontaneous and sustained repudiation of the cabinet's ill-advised and misguided decision.

## **6. Wednesday August 5, 2009**

### **Police must cease Harassment of Radio Africa Group Journalists**

#### *Summary*

ICPC strongly defends a journalist's right to protect his or her sources of information. In this regard, the Kenyan Police, particularly Anti-Terrorism Unit, must stop its malicious and illegal harassment and intimidation of the Radio Africa Group journalists over terrorism suspect's report. The police act amounts to direct affront on cardinal principle of protecting sources of confidential information.

This harassment of Radio Africa and or other journalists flies in the face of the Media Act 2007 which states clearly that journalist have a right to protect their source. We are calling for unconditional opening of doors to those who gather and disseminate information, for any restriction upon their activities is a restriction upon the crucial free press.

## **7. August 10, 2009**

### **Big four senior cabinet ministers, biggest clog to tribunal**

#### *Summary*

The International Center for Policy and Conflict strongly condemns four cabinet ministers who have been engaging in a frantic and desperate campaign to have the Truth Justice and Reconciliation Commission mandate expanded to give it prosecutorial powers. This is regardless of the internationally accepted standards and practices that truth commission lack prosecutorial jurisdiction.

Vice President Kalonzo Musyoka, deputy prime minister Uhuru Kenyatta, Energy minister Kiraitu Murungi, Agriculture minister William Ruto have been criss-crossing the country saying that it is only Truth Justice and Reconciliation Commission that can hold this county together. We strongly condemn the four ministers and urge them to stop misleading the country for individual, selfish political objectives, and desist from holding Kenya and Kenyans at ransom by threatening outbreak of civil strife in case of subjecting the perpetrators of the post election violence to justice.

## **SEPTEMBER**

### **1. September 4, 2009**

#### **President Reinforcing Impunity while Deliberately Undermining Reconciliation**

#### *Summary*

ICPC stated that the President of the Republic of Kenya can have the audacity to contemptuously act in such an inappropriate and gross abuse of public trust, in relation to the Kenya Anti Corruption Commission. The systematic violation and undermining of the agreements set out under Agenda Four (4) of the mediation process, is an incredible regression as far as the institutionalization of democracy and promotion of genuine national reconciliation is concerned.

*Issues addressed pertain to Agenda Item 1: immediate action to stop violence and restore fundamental rights and liberties; Agenda Item 2: Addressing the humanitarian crisis, promoting national healing and reconciliation; and Agenda Item 4: Long-standing issues and solutions.*

### **2. September 22, 2009**

#### **ICPC and Kenya Transitional Justice Network (K-TJN) Joint Policy Statement on the ICC, Special Tribunal for Kenya and TJRC**

### ***Summary***

ICPC emphasized its stand and stated in summary that the primary objective of the ICC and the Tribunal are to promote and enhance accountability and reconciliation objectives. Furthermore, the Commission must strive to deal with the Kenyan past with integrity, legitimacy and respect to the rights of the Victims to justice.

Issues addressed pertain to Agenda Item 1: immediate action to stop violence and restore fundamental rights and liberties; Agenda Item 2: Addressing the humanitarian crisis, promoting national healing and reconciliation; and Agenda Item 4: Long-standing issues and solutions.

## **3. September 30, 2009**

### **What options, after the ICC deadline expiry?**

#### ***Summary***

September 30<sup>th</sup>, 2009, marks the deadline of the signing of the agreement by the Kenyan Government and Chief Prosecutor of the International Criminal Court (ICC) stating that, *“in order to prevent a recurrence of violence during the next election cycle, those most responsible for previous post-election violence must be held accountable”*. Kenyan authorities committed themselves to refer the situation to the ICC if efforts to conduct national proceedings fail. The International Center for Policy and Conflict (ICPC) believes that the issues of impunity and accountability remain key constraints to the implementation of the National Accord.

Under the International law countries are obliged to exercise jurisdiction over persons on their soil and are suspected of committing international crimes. We are delighted that international friends of Kenyans have underlined their unwavering support to pursue Post Election Violence justice including imposing tough sanctions on individuals suspected of deliberately obstructing accountability and reforms.

*Issues addressed pertain to Agenda Item 4: Long-standing issues and solutions.*

## **4. September 25, 2009**

### **ICC, Sanctions Beckons as Kenyan Government Remain Arrogant**

#### ***Summary***

ICPC stated that the argument that peace should prevail over justice is being used as an excuse by individuals or parties within the Kenyan government that have no real interest in actually moving the peace process forward. It is just a convenient argument for those who seek to escape accountability. If allowed to mature the end result would be neither justice nor peace. It is feeding into yet another cycle of violence and horrendous crimes.

ICPC is deeply concerned by utterances attributable to the Minister Mutula Kilonzo that International Criminal Court intervention would undermine the spirit of reconciliation in Kenya. It is a shocking revelation what finally the cabinet decision of July 30<sup>th</sup>, July 2009

meant. To ICPC this is unacceptable. Impunity cannot be an option. It is disappointing that African Union is turning moribund and ineffective just like its predecessor. We are urging Dr. Kofi Annan to seek robust re-engagement of the African Union with Kenyan government without further delay.

*Issues addressed pertain to Agenda Item 4: Long-standing issues and solutions.*

**5. Sunday September 27, 2009,  
Stop sabotage of constitutional review process**

***Summary***

ICPC wishes to register its disgust and utter dismay over narrow political interest derailing the completion of much-needed constitution-making process. It is quite clear that the effects of such parochial interest have started taking toll on the process and new constitution for Kenya remains a mirage. It is also evident that the coalition government has neglected and /or refused to midwife the realization of a new democratic constitutional dispensation as agreed in the National Accord and Reconciliation Agreement of 2008.

**6. September 25, 2009  
Kenyan Government attempts to undermine its legal obligation to bring post-election violence criminals to justice**

***Summary***

We are stating upfront that the current politically motivated attempt by certain key cabinet ministers and their Parliamentarians' supporters to obstruct wheels of justice is an incredible and reprehensible abuse of public office. It amounts to political dishonesty and hypocrisy, disregard for the rule of law and brutal subversion of justice.

The organizations undersigned reminds the Kenyan government and international community that those crimes remain unpunished and appeals for sustained pressure on the Government of Kenya to ensure that justice and reparation are eventually offered to the victims.

*Issues addressed pertain to Agenda Item 1: immediate action to stop violence and restore fundamental rights and liberties; Agenda Item 2: Addressing the humanitarian crisis, promoting national healing and reconciliation; and Agenda Item 4: Long-standing issues and solutions.*

**7. September 12, 2009**

## **Urgent Major Overhaul of the Kenya Police Force**

### ***Summary***

ICPC stated that it is calling for urgent major overhaul of the Kenyan Police force in order to raise it to international standards. The police continue to count on the public's fear, rather than their cooperation to keep law and order.

The new situation demands that the police change their role from one of a coercive colonial model to that of a service model in keeping with the pressures of modern times. This calls for immediate implementation of the preliminary recommendations of the Police Reforms Task Force that were handed over to the President. We want to see radical administrative changes, overhaul of the national security policy and transformation of the legal regime governing security and security agencies in Kenya.

The appointment of the new Commissioner of Police is not an end in itself but a means to an end. It only hastens the demand for police transformation. We maintain that the former Commissioner of Police must be held accountable for the atrocities committed by the police under his watch.

*Issues addressed pertain to Agenda Item 4: Long-standing issues and solutions.*

## **8. September 4, 2009**

### **President reinforcing impunity while deliberately undermining reconciliation**

#### ***Summary***

We are specifically disturbed that the President of the Republic of Kenya can have the audacity to contemptuously act in such an inappropriate and gross abuse of public trust, in relation to the Kenya Anti Corruption Commission.

We observe that only a month ago the President disregarded the Truth Justice and Reconciliation Act 2008 while appointing the Truth Commission's Commissioners. And on July 30<sup>th</sup>, 2009 the President led his cabinet in endorsing impunity by refusing to support the establishment of the Special Tribunal for Kenya to try perpetrators of post-election violence horrendous crimes. It is regrettable that the President disdains essential reforms instead of charting a course towards a Kenyan society based on respect for human rights and the rule of law.

*Issues addressed pertain to Agenda Item 1: immediate action to stop violence and restore fundamental rights and liberties; Agenda Item 2: Addressing the humanitarian crisis, promoting national healing and reconciliation; and Agenda Item 4: Long-standing issues and solutions.*

## **9. September 14, 2009**

### **Ringera Saga: Neither Speaker nor Parliament overstepped Mandate**

### *Summary*

It is callous for anyone to claim that the Speaker is undermining the Executive and attempting to cause constitutional crisis. We observe the Parliament reasserted its sovereignty and guarded jealously the freedom of Speech in Parliament. Further, the Parliament acted in the total respect of the Parliamentary jurisprudence in conduct of its business and management and articulation of public policy.

ICPC hails development of a “strong” accountable Legislature as it acts as a body, which exercises scrutiny and oversight over the Executive. It is the primary duty of Parliamentarians led by the Speaker to transform the National Assembly into an effective and efficient people's Assembly that is responsive to the needs of our people and driven by the ideal of realizing a better quality of life for all Kenyans.

*Issues addressed pertain to Agenda Item 4: Long-standing issues and solutions.*

## **OCTOBER**

### **1. October 1, 2009**

**Press Statement by ICPC, CMD, Haki Focus, political parties represented and other CSOs**

### *Summary*

Disappointed that the Government of Kenya has demonstrated lack of willingness or intention as well as extreme lethargy to end impunity in Kenya. Recognizing the ongoing public debate on whether to support the ICC of Special Tribunal in Kenya, we are of the strong view that each of these is necessary and important for this country so long as their functions, roles and boundaries are clearly defined to avoid conflict and confusion.

Accepting the need for a TJRC to look at the longstanding, gross and systematic violations of human rights, public corruption, forced displacements, political assassinations, economic crimes, sabotage and impunity as necessary for the wellbeing of a country; we however reject the position of Cabinet that a TJRC will resolve Post Election Violence and crimes.

## **2. October 6, 2009**

### *Summary*

The International Center for Policy and Conflict (ICPC) is urging the International Criminal Court (ICC) to keep pressure on the Kenya government and not to accept a watered down judicial process.

Kenyan political leaders across the board must rise above partisan and vested political interests to ensure that respect for human rights and accountability for past human rights violations is a central part of all government policy and strategy. We are asking the Two Principals to act immediately and destroy the pillars of impunity at the core of their administration.

