



International Center for Policy and Conflict

**Press Statement
June 16, 2009**

Truth Justice and Reconciliation Commissioners Selection Process

The **International Center for Policy and Conflict (ICPC)** and the **Working Group on Transitional Justice (TJWG)** recognizes the decision to establish 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. ICPC and TJWG insists that the Commissioners be subjected to a rigorous vetting mechanism. The nomination per nominee must be accompanied by a brief statement articulating who the nominee is and why he or she was nominated. Such people must not have served in what ever capacity in the past and current regimes to avoid conflict of interest or act in manner to hinder or interfere with the objective(s) of the Commission.

A flawed selection process would hinder competence, independence and impartiality. The membership of truth commission is particularly important, indeed vital, for its effective functioning, as the actions and personal qualities of the commissioners will set the tone for the activities of the commission as a whole. Members of a truth commission should be selected on the basis of their competence in human rights and other relevant fields, proven independence and recognized impartiality.

The Truth Justice and Reconciliation (TJRC) is handling very sensitive matter that makes it imperative for people appointed as Commissioners must be people of integrity and beyond reproach particularly on all or any of the matter under investigation by the Commission. We are asking President to allow space for the members of public to raise any issue(s) they might have with the short listed candidates. This transparency and participation is necessary in order for victims groups, civil society and public to be supportive of the process.

The 14th March, 2008 agreement, which forms the basis of establishment the Truth Commission, recognized the importance of consultation in the selection of the Commissioners, "in keeping with international best practices and to ensure broad public trust in, and ownership of, the process of seeking the truth". If the Commission is to be accepted as credible and capable of achieving its vital objectives, its members must be selected by a transparent process that inspires public confidence. All those concerned, including civil society organizations, victims, human rights defenders and persons belonging to minorities and vulnerable groups should fully and actively participate in the process of selection and appointment of the Commissioners. A careful evaluation of the qualification and experience of each candidate being considered needs to be made public for legitimacy of the commission by all Kenyans.

Signed by

**Ndung'u Wainaina
Executive Director**