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On behalf of Kenyan human rights defenders and our colleagues throughout the East of Africa we would like to encourage you, Mr. President, and the Council to strongly support and strengthen the mandate of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, notably in light of the positive role that it continues to play in the fight against impunity and the attention and support this mandate offers to human rights defenders working on issues of accountability, extrajudicial killings and police reform throughout the region and beyond.

One of the key challenges highlighted in the SR'S report is the lack of cooperation and inaction by state actors to calls for reform and for accountability, which also hampers the fight against impunity. Time and again, as the report revealed, those seeking information on cases of extrajudicial killings and disappearances, amongst other issues, or providing in-depth recommendations are met with reprisals, see their work criticized and their motives and legitimacy questioned.

We note the overwhelming support by various delegations present for the need of the human rights council to address existing lacunae in offering protection to persons cooperating with special procedures.

We welcome the importance accorded in the report to cooperation by non-state actors, Human rights defenders, Victims, and witnesses to the treaty system and special procedures systems. We note that this cooperation remains crucial for providing the link between actualization of rights at the local level and constructive dialogue with states at the international platform.

States provide Guarantees of non-recrimination and interference by the state or its agents during and after such procedures have taken place.

Where recriminations occur by non state actors, the primary responsibility rests on the state to offer protection, but where the state and or its agents in position of influence are accused or suspected of the recriminations then the primary responsibility should also vest on the UN as such cooperation is crucial in gathering information and appreciating peculiar national contexts at the international level.

The consequences of a lack of protection has been seen very clearly in the Kenyan context notably in the killing of two human rights defenders following the visit of the SR, the mass exodus of many other defenders that have and continue to receive death threats. We should not forget the plight of Sudanese human rights defenders that worked on the Dafur and the consequences they have and continue face.

Secondly on the issue of the joint military operations in mount Elgon between march and October 2008 we observe that the state's position in November 2008 during the 41st Session of the CAT was in the spirit of constructive dialogue in acknowledgement of the violations having been committed. This resulted in the concluding observations made in point 21 which recommended a prompt, impartial and effective investigations of the allegations and Point 36 which obliged the state party to provide information within one year on measures taken in response to the recommendation above. We invite the council to associate itself with this recommendation. It should be realized that the ongoing transitional justice processes in Kenya have a periodic mandate from independence in 1963 to the 28th February 2008 when the peace accord was signed. This time limitation presents the risk of Mount Elgon violations being ignored and not addressed by the ongoing justice processes.

Finally It is therefore vital Mr President to strengthen the Mandate of SR on human rights defenders by requesting the mandate holder jointly with the OHCHR to formulate guidelines and procedures to offer protective assistance where an individual already at risk, faces reprisals after having participated in the spirit of cooperation with the treaty bodies procedures, or special procedures, the SR may report back to the council in subsequent session.

We thank you Mr. President for this opportunity and believe that the council shall take note of our sentiments.