

**COMMUNIQUE/POSITION BY VICTIMS AND SURVIVORS OF
HISTORICAL INJUSTICES DURING THE NATIONAL CONVENTION
AT THE KENYATTA INTERNATIONAL CONFERENCE CENTRE
(K.I.C.C), October 16-17 20 08**

A. PREAMBLE

WE the Victims of Historical and Contemporary Injustices in Kenya

CONVERGING under the auspices of the Multi-Sectoral Task Force on Truth, Justice and Reconciliation Commission (TJRC Task Force) which is a National Coalition of Civil Society Organizations and the Kenya National Commission on Human Rights (KNCHR)

BRINGING together the following categories of victims and survivors of gross human rights violations among other injustices in Kenya to date:

- Internally Displaced Persons in Kenya,
- Detentions, Torture, Degrading and Inhuman Treatments,
- Women victims and victims of Gender Based Injustices,
- Massacres and political assassinations,
- Historical Land Injustices,
- Irregular exploitation of natural and national resources,
- Economic marginalization of certain regions and communities,
- Colonial repression-Mau Mau Victims,
- Extra-judicial killings, civil strife and general insecurity, and
- Structural inequalities, economic crimes and general acts of impunity.

EXPRESSING and RE-AFFIRMING our commitment to effective victim and justice-centred transitional justice processes in Kenya.

DO HEREBY present our CONCERNS and propose the following to deal with the said concerns within the on-going and anticipated transitional justice and among other national reform processes

B. CONCERNS

Gross human rights violations and neglect of the victims' issues either characterised and/ or perpetrated by:

- Impunity occasioned by unjust and repugnant governance processes.
- Women rights and gender based injustices.
- Trauma and psychological distress to victims.
- Unresolved massacres, political assassinations, Extra-judicial killings and executions.
- Torture, inhuman and degrading treatments in cells among detention chambers.
- Gender, regional, generational and economic imbalances and marginalization in national opportunities and processes leading to increasing poverty and inequality levels among the victims and general citizenry.
- Government failure to prevent displacement, provide protection and durable solutions to all IDPs.
- Systemic civil strife, political, inter-communal tensions, violence and generalized insecurity
- Historical land injustices and irregular exploitation and allocation of national and natural resources.
- Massive corruption and lack of political and social accountability.
- Lack of awareness and understanding of the TJRC, transitional justice among other national reform processes.
- Exclusion of the victims and citizens in the TJRC and national reform processes.
- Repugnant and retrogressive policy, legal and institutional frameworks.
- A TJRC Bill whose formulation and content do not recognize the victims and respond to their above mentioned concerns.
- Poor documentation of the historical injustices among other national developments for justice and posterity.
- Parallel and uncoordinated national reform processes.

C. RECOMMENDATIONS AND WAY FORWARD

1. Adopt and implementation the proposed National Land Policy.
2. A new democratic constitution that is people driven and addresses the needs of the people
3. Renaming of the TJRC bill to the Truth, Justice and Reconciliation Act.
4. Formation of a credible and effective victims and people-centred Truth, Justice and Reconciliation Commission through a consultative and democratic process.
5. Harmonize and ensure people centred National reform processes for easier coordination and response to related issues of national interest.
6. Ensure documentation and public awareness on Kenya's historical injustices, transitional justice and national reform processes.
7. Development and dissemination of a Popular Version of the TJRC bill
8. Ensure victims centred amnesty and justice processes.
9. The State to officially recognise, acknowledge and apologize to all victims of gross human rights violations from pre-colonial to post-colonial era.
10. Ensure technical and financial support to victims' public interest litigation suits.
11. Ensure full reparations to victims and survivors of past gross human rights violations i.e. compensation, restitution, rehabilitation, satisfaction and guarantees for non repetition.
12. The State needs to put in place comprehensive policy and institutional measures for protection and assistance to IDPs.
13. Formulation and adoption of the national security; Peace and Conflict Management policies, Heroes and Heroines policy.
14. Promotion of individual and inter-communal reconciliation.
15. Advocate for the radical restructuring of state apparatus in our society.

16. Legislation for affirmative action specific to the economic, social, cultural and political needs of the marginalized and minority groups.
17. The press and media need to be more pro-active in truth-telling.
18. In light of the impact of the TJRC bill on the Kenyan society and given the fact that this bill has not been subjected to public scrutiny, this victims and survivors forum demand that they should be consulted for their input into the proposed law.
19. Institutionalization of mechanisms that allow for public participation in legislative process.
20. To form a network for themselves now to be referred to as 'The Kenya National Victims Network which shall comprise the signatories below.

D. SIGNATORIES AND SUPPORTERS

Signed by the following networks of victims and survivors:

- The Mau Mau Veterans Association
- Torture Victims Associations
- Victims of massacres
- Victims of marginalisation
- National Network For IDPs
- Survivors Of Political Assassinations
- Women Victims And Survivors Of Gender Based Injustices
- Victims of Historical Land Injustices

Supported by the following members of the Multi-Sectoral Task Force on TJRC:

- Kenya National Commission on Human Rights,
- Kenya Human Rights Commission,
- Federation of Women Lawyers-FIDA Kenya,
- International Centre for Policy and Conflict(ICPC),
- Coalition on Violence Against Women(COVAW),

- International Commission of Jurists(ICJ Kenya),
- Kenya Land Alliance(KLA),
- Urgent Action Fund (UAF)-Africa,
- Centre for Multiparty Democracy (CMD),
- Independent Medico-Legal Unit (IMLU),
- Centre for Rights, Education and Awareness for Women (CREAW),
- Mazingira Institute,
- CLICK-Kenya,
- Africa Centre for Open Governance (AfriCOG)
- Haki Focus
- Chemi Chemi ya Ukweli
- Catholic Justice and Peace Commission (CJPC)
- Internal Displacement Policy and Advocacy centre (IDPAC)
- Turkana Women's Association (TWA)
- Pastoralist Women Against Cattle Rustling (PWAC)
- Girl Kind Wajir
- Centre for Minority Rights Development (CEMIRIDE)
- IDP's Children's Rights Organisation
- Life Africa Centre
- Media in Development
- Kibera for Gender and Justice
- Reality Tested Youth Programme (RYP)
- Rural Community Development Agency (RCDA)
- National IDP network
- Ogiek People's Development Program
- Pastoralists Community Development Organization
- Narok Human Rights Network
- Association Of Sisterhood Of Kenya
- Ndula Resource Center
- Laikipia Human Rights Center
- Isiolo Human Rights Network
- Wajir Human Rights Network

