

# **THE KENYA TRANSITIONAL JUSTICE NETWORK<sup>1</sup>**

## **KTJN PRESS RELEASE ON THE TJRC REPORT**

**12<sup>th</sup> June 2013**

### **I. Kenya Transitional Justice Network demands on the TJRC and CAJ!**

We, the members of the Kenya Transitional Justice Network (KTJN), are a network of individuals and organizations working on issues of transitional justice and human rights in Kenya. Having read the recently released Truth Justice and Reconciliation Commission's (TJRC) report detailing accounts of Kenya's historical injustices from 1963-2008 state as follows:

We thank the TJRC for fulfilling their mandate by handing over the long awaited report and note that this is a monumental step for Kenya in the transition to a more cohesive society.

Our appreciation notwithstanding we have grave and serious concerns which have been brought to light by the dissenting report (hereafter "Dissent") authored by the three international commissioners, Judge Gertrude Chawatama, Ambassador Berhanu Dinka, and Professor Ronald C. Slye regarding Volume IIB of the report which contains the crucial chapter on Land and Conflict .

The interference by the office of the President, revealed in the Dissent, constitutes unwarranted and gross violation of the 2008 Truth, Justice and Reconciliation Act (hereafter known as "the Act" or the "TJR Act"), the Constitution of Kenya, as well as the TJRC's own binding procedures. Further, we are concerned that this kind of unlawful interference in the TJRC's findings represents a sharp decline in the integrity of the process and undermines the work done by the Commission.

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<sup>1</sup> Members include; the Kenyan Section of the International Commission of Jurists (ICJ Kenya), Kenya Human Rights Commission (KHRC), Africa Center for Open Governance (AFRICOG), Kenya National Commission on Human Rights (KNCHR), International Center for Policy and Conflict (ICPC), Constitution and Reform Education Consortium (CRECO), Federation of Women Lawyers – Kenya (FIDA), Mazingira Institute.

It must also be understood that the conduct of those in government who secured an advance copy of the report and who pressed for changes; as well as the Commissioners and staff who acquiesced in making these changes violated several actionable provisions of the Act, the Constitution of Kenya, as well as the TJRC's own binding procedures.

For the sake of preserving the integrity and commitment the Kenyan people have made to the Truth, Justice and Reconciliation Process, we as KTJN therefore call for:

- 1. The Commission for Administrative Justice as legally mandated to expeditiously investigate the violations and transgressions of the law by the members of the TJRC.** In particular
  - a. breaches under Section 21 of the TJR Act on the interference with the independence of the Commission
  - b. Breaches under section 7(5) on obstruction and/or interference with the Commission's work
  - c. Breaches under section 23 on unlawful divulgence of confidential information by the Commission and/or its staff
  - d. Breaches of the Constitution by operating the Commission post 3<sup>rd</sup> May 2013
  
- 2. The TJRC to immediately publish the dissent of the International Commissioners as part of the final report of the Commission**

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### Media contacts:

The Kenya Human Rights Commission

The Kenyan Section of the International Commission of Jurists

Kenyans for Peace with Truth and Justice