

Nairobi, Saturday January 05, 2008

Kenyans for Peace, Truth, Justice

**Statement from Concerned Citizens and Governance, Human Rights and
Legal Organizations**

We speak in the name of Kenya's governance, human rights and legal organizations, as well as the concerned citizens who have contacted and chosen to work with us over the last week.

We strongly condemn the violence that has erupted across the country following the questionable outcomes of the counting and tallying done under the electoral process. We express our deepest sympathy to all those who have been injured, raped or killed and their families, those who have lost property, those who have been internally displaced as well as those who continue to live in fear. We are only too acutely aware that the survivors and victims continue to be those with the most to lose from the violence as well as those who least deserve to experience it—Kenya's impoverished women and men in both low-income urban areas as well as in rural areas.

We are aware that the violence experienced has taken three primary forms. First, disorganized protest at the supposed results of the presidential tally. Second, instigated and organized militia activity particularly in the Rift Valley, but also through the re-activation of Mungiki in Central and Nairobi and, now, Chinkororo in Nyanza. And third, extraordinary use of force by Kenya's Police Force and General Service Unit to the extent of extrajudicial executions violating the most fundamental of freedoms and human rights—the rights to life and the safety and security of persons. We strongly condemn all three forms.

We note that the violence experienced is being used to legitimize the curtailing of the most basic of freedoms and human rights—the freedoms of expression, assembly and association. These freedoms and human rights are guaranteed by international law, regional law and our own Constitution. They must be upheld at all times—especially as the exercise of these freedoms and human rights is the

only way for Kenyans to legally and legitimately express their protest at the alleged presidential outcome of the electoral process. We believe that the repression and suppression of legal and legitimate forms of protest can only perpetuate further violence.

It is also clear to us that, at the heart of the violence now being experienced is a violation of other fundamental freedoms and rights directly related to the electoral processes. It is clear that the electoral anomalies and malpractices experienced during the counting and tallying of our electoral process were so grave as to alter its outcomes. Some of those electoral anomalies and malpractices were, in addition, illegal—thus rendering the supposed presidential outcome not only illegitimate but also illegal. We therefore consider Mwai Kibaki to be in office still on his first term.

Our hope lies in Kenyans standing up against the travesty that has been made of the electoral process. Our hope lies in Kenyans who have, at great personal risk, and without regard to ethnicity, on principle provided security, shelter and safe passage to those Kenyans targeted by the militia activity in the Rift Valley and elsewhere. We note the domestic humanitarian efforts coordinated by the National Council of Churches of Kenya with statistical support from the Catholic Relief Services—efforts to which many individual Kenyans and Kenyan businesses have now associated themselves. We note too the domestic peace initiatives being worked on by Amani Focus, the 'Ibrahim group' (including Ambassador Kiplagat and General Sumbeiywo) and Peacenet. And we now invite other concerned citizens to join the 'peace through truth and justice' efforts being carried out by domestic governance, human rights and legal organizations.

In particular, we would like to call on:

1. All efforts and initiatives to consistently stress that peace cannot and will not be achieved without electoral truth and justice;
2. All Kenyans to stand up to be counted not just for peace but also for electoral

truth and justice;

3. The state to respect and uphold the rights to the freedoms of expression, assembly and association so as to ensure Kenyans protest only legally, legitimately and non-violently;

4. All politicians and political parties to immediately desist from the re-activation, support and use of militia organizations such as those active in the Rift Valley, Mungiki and Chinkororo;

5. The Ministry of Internal Security, the Police Force and the General Service Unit to exercise their duties within the boundaries of the Constitution and the law and desist from any extraordinary use of force and, in particular, extrajudicial executions;

6. The Electoral Commission of Kenya to immediately resign for having participated in and condoned a presidential electoral process so flawed as to result in our nation's current crisis;

7. African states and the rest of the international community to pressurize for mediation between the Party of National Unity and the Orange Democratic Movement on addressing the electoral travesty that has occurred;

8. The mediation process to, as its first priority, agree upon an interim electoral oversight body to conduct a forensic audit into the polling, counting and tallying process with a view to recommending, depending on its findings, a re-count, a re-tallying or a re-run within a specified time period;

9. African states and the rest of the international community to, in the interim, deny official recognition to the man sworn in as President;

10. African states and the rest of the international community to immediately revoke any and all visas for any and all of the PNU's and ODM's leadership—as

well as all of their immediate family members—to ensure they remain in this country to resolve the electoral travesty that has occurred;

11. The man sworn in as President to desist from announcing a Cabinet and otherwise aggravating and inflaming the current violence.

Signed:

Africa Centre for Open Governance (AfriCOG)

Awaaz

Centre for Law and Research International (CLARION)

Centre for Multiparty Democracy (CMD)

Centre for Rights, Education and Awareness for Women (CREAW)

(CRADLE)

Constitution and Reform Education Consortium (CRECO)

East African Law Society (EALS)

Haki Focus

Hema la Katiba

Independent Medico-Legal Unit (IMLU)

Innovative Lawyering

Institute for Education in Democracy (IED)

International Commission of Jurists (ICJ-Kenya)

Kenya Human Rights Commission (KHRC)

Kenya Leadership Institute (KLI)

Kenya National Commission on Human Rights (KNCHR)

Kituo cha Sheria

Media Institute

Muslim Human Rights Forum

National Constitution Executive Council (NCEC)

Society for International Development (SID)

Urgent Action Fund (UAF)-Africa

Youth Agenda