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ARTICLE 19

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Kenya: ARTICLE 19 welcomes adoption of Truth, Justice and Reconciliation Commission Bill

The Parliament of the Kenyan Coalition Government passed a Bill this month to establish a Truth, Justice and Reconciliation Commission (TJRC). This development was prompted by the widespread violence which followed the disputed Kenyan presidential elections of December 2007, during which over 1,100 people were killed, over 350,000 people were internally displaced and property worth millions of dollars was destroyed, in the country's worst outbreak of ethnic and partisan conflict since independence.

The Bill would establish a Commission of eminent persons to assess past human rights abuses since Kenya's independence in 1963, including the post-election violence of 2007 and 2008. The process has a number of aims, including bringing perpetrators of human rights violations to justice, promoting national reconciliation and resolving conflict between different groups, providing compensation or restitution for victims, and serving as a public acknowledgement of the suffering of the victims. The Bill has been passed by Parliament and is currently with the President, who needs to sign it into law.

ARTICLE 19 welcomes the adoption of the Bill and stresses the importance of the public's right to information in the truth and reconciliation process. The right to freedom of expression, as guaranteed by Article 19 of both the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR), protects the right to seek and receive, as well as impart information. It is now well established that this includes the right to access information held by public bodies. ARTICLE 19, however, believes that the right goes beyond just accessing pre-existing information and places an obligation on States to ensure that the truth is known about matters of grave public importance, including past human rights violations.

ARTICLE 19's Executive Director, Dr. Agnès Callamard, welcomed these developments stating: *"The 'right to truth' about past human rights violations is central to addressing underlying issues and to restoring the dignity of the victims. The TJRC is a positive step toward ensuring the public's 'right to truth' following recent incidents of mass human rights violations in Kenya."*

In welcoming the TJRC Bill, ARTICLE 19 urges all Kenyans, including the authorities, to engage fulsomely in the process of bringing the truth to light. We also urge the authorities to ensure that the information gathered by the TJRC is properly preserved for the future. ARTICLE 19 further urges the Kenyan authorities to address

the core issues raised by the post election violence, including the right to freedom of association, assembly, expression and democratic choice.

NOTES TO EDITORS:

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- ARTICLE 19 is an independent human rights organisation that works around the world to protect and promote the right to freedom of expression. It takes its name from Article 19 of the Universal Declaration of Human Rights, which guarantees free speech.