

AMNESTY INTERNATIONAL PUBLIC STATEMENT

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Kenyan authorities cannot wait for the International Criminal Court to end impunity for crimes

Kenya cannot miss another opportunity to fight against impunity for the crimes committed during the post-election violence of 2007-2008, said Amnesty International.

The organization regrets that the Kenyan Parliament voted to reject the Constitution of Kenya (Amendment) Bill 2009 and the Special Tribunal for Kenya Bill, rather than adopting the necessary amendments to ensure that the Tribunal would be a powerful tool for justice.

Kenya is under an international legal obligation to investigate and, if admissible evidence is gathered, prosecute all those suspected of having committed crimes under international law.

Not taking any initiative, waiting for the International Criminal Court to intervene, is not an option. Kenyan authorities cannot wait for the International Criminal Court to end impunity for crimes, said Amnesty International.

If the International Criminal Court were to intervene, it would only be able to prosecute a few of those responsible for such crimes, thus leaving an enormous impunity gap, unless Kenya acts.

Amnesty International recommends that the Kenyan government use the next six months (during which a revised law may not be brought before Parliament) to address the flaws currently present in the Special Tribunal Bill. In particular, the Bill should ensure that:

- The definition of the crimes, principles of responsibility and defences are consistent with the strictest requirements of international law;
- The Special Tribunal is guaranteed independence from any political or other interference.
- Effective provisions on victim and witness protection are included.

In addition, Amnesty International emphasizes that not dealing with the issue of criminal responsibility for crimes committed during the post-elections violence and a failure to ensure that victims have a right to reparations will only store up underlying political and socio-economic problems in Kenya.

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