



# Kenya National Commission on Human Rights

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## **PRESS STATEMENT ON POLICE THREATS TO JOURNALISTS OVER WESTGATE PRESS COVERAGE**

The Kenya National Commission on Human Rights wishes to draw attention to threats by the Inspector General to journalists over recent coverage of Westgate incidences as aired on KTN Shows *Jicho Pevu* and *the Inside Story*. The Commission would like to re-emphasize that the rights provided for in the Constitution and in the international instruments ratified by Kenya constitute guarantees and are not enjoyed by Kenyans at the pleasure of the state or any agency.

Journalists and the media have a duty to inform the public and the public has a right to receive information and requires an enabling and secured environment to optimally enjoy this right. This environment should and can only be provided by the state as the duty bearer. The freedom being exercised by the media is clearly stipulated in Article 21, Article 33, Article 34, Article 35 and Article 36 and it is beyond the dictates of the state

Kenya National Commission on Human Rights strongly condemns any attempt to arrest, harass or prosecute the said journalists as well as any attempt to limit the right of free speech. Freedom of expression is an enabling right and limiting it means limitation of other rights within the Constitution and other written laws. The Commission would also like to remind the Inspector General of Police David Kimaiyo that his office exists as the primary agency in the protection and promotion of human rights and thus should be at the forefront in carrying out this protection duty. The media as are Kenyans, in search of the Truth.

This attempt to harassment of journalists is an indication that certain individuals are yet to reconcile themselves to the changed environment ushered in by the Constitution. It is noteworthy that the president has in no uncertain terms indicated to Kenyans that his government shall uphold the Constitution. It is of great concern that at a time when

debilitating security challenges exist virtually in all corners of the country with terrorists and criminals killing innocent Kenyans in broad daylight, – it is harmless journalists who are diligently pursuing their vocation who get targeted by security agents.

To date, no one in government has seen it fit to inform Kenyans the details of the Westgate terror attack. Who were the terrorists? Did they escape from the mall? What precisely is the government doing to prevent future occurrences? These are the fundamental questions these journalists are posing and Kenyans are eagerly waiting for the answers. If Kenya is to be the civilized, free country as all wish it to be, Kenyan citizens should never be subject to the whims of security agents stationed around the country. Every citizen, including members of the Fourth Estate, should have their constitutional rights protected. More attention should be given towards individual and personal security which is the cornerstone of any development. Media has been known to be a target of restraint the World – over, as it happened in the dark days of our history and we would strongly condemn any attempts to get us back to those days.

Until when these rights are protected and seen to be protected, the government will only be paying lip-service to human rights. The government should rid itself of the old mentality of insecurity that informs the kind of behavior displayed by its security agents. Therefore, Inspector General’s interpretation suggesting that the Journalists’ can be arrested is irredeemably erroneous. We call upon the Government to reassure Kenyans that they are not of the same thinking as the Inspector General and to reassure the media that no measures shall be taken to limit their constitutionally guaranteed freedoms.

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**Signed.....**

**Commissioner Ann Ngugi**  
**Acting Chairperson**