



Kenya National Commission on Human Rights

1st Floor, CVS Plaza, Lenana Road, P.O. Box 74359 - 00200, Nairobi - Kenya.

Tel: 254-20-2717908/2717928/2717256/2712664, Fax: 254-20-2716160

Email: haki@knchr.org

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PUBLIC APOLOGIES BY POLITICIANS IN THE FACE OF DEATH ARE UNACCEPTABLE

The Kenya National Commission Human Rights has noted the creeping trend where politicians offer mere public apologies that threaten the enjoyment of human rights, especially as we head to the general elections next year.

On Monday, Kenyans were treated to shocking public utterances, under the watch of the police, by Embakasi MP Hon. Ferdinand Waititu calling for the eviction of members of the Maa community from Kayole area. The consequences of the utterances were the loss of two lives, injury to many, destruction of property, widespread looting and threat to national cohesion and inter - ethnic peace in the country.

While making a public apology in television, the Member of Parliament turned a cheek on the media whom he claims have blown the issue out of proportion to 'finish his political career in favour of one of his opponents'. Under such a guise, his apology becomes null and void, a mere cover for the blemish his utterances made which, should he be set free, accord many more politicians freedom to threaten human rights in the country.

While we acknowledge the absence of commissioners at the National Cohesion and Integration Commission, this should not be used as an excuse by the commission to avoid exercising its mandate through officers currently at work. NCIC must therefore act decisively against honorable Waititu in support of the actions of the Director of Public Prosecutions and the Minister for Internal Security.

The precedent set by Environment Minister Chirau Ali Makwere on public apologies that purport to set politicians free is setting Kenyans on the path of bloodshed and deepset inter - ethnic animosities. Utterances such as those of the legislator can cause retaliations from aggrieved parties not just in Kayole but throughout the country. It is disheartening to note that the legislator is vying for a crucial governance seat, that of Governor of the City of Nairobi, whose residents he has set against each other. Unlike the utterances he has made in the past on the existence of 'Embakasi style' of dealing with justice, the eye of the new constitution only knows of one style, the constitutional /judicial style which does not excuse any person regardless of their stature from acting outside the law.

Politicians and Kenyans at large should respect the offices of the police and other security agents that deal with suspected criminals and should those avenues fail, seek redress from organizations such as KNCHR for advice.

We the KNCHR are calling on the following actions to be taken;

1. That the president strips the legislator of his ministerial duties with immediate effect.
2. That Honourable Waititu apologizes to members of the fourth estate whose freedom and right of expression he threatened and to some extent their lives as they continue with their duty. His utterances can cause the public in affected areas to become hostile to journalists, who in the course of their work promote human rights by highlighting issues such as his.
3. That the Maa community and other aggrieved parties remain calm and desist from temptations of retaliation by being observant of the law and reporting further flaws to KNCHR and where need be the Commission will intervene through its legal officers.
4. That the courts demonstrate the new face of a reformed judiciary by taking firm action against honorable Waititu to serve as a deterrent to others who might cause disharmony in the country in these fluid times.

Lastly, like we did in 2007/2008, the Commission will not shy from monitoring, investigating, highlighting and acting on actions by any individual who threatens peace and human rights in Kenya. We urge members of the public to be vigilant during this electioneering time and report to the Commission human rights violations for our action.

Signed

Dr. Samuel Tororei
KNCHR Chairperson