

Public Statement

Kenya National Dialogue and Reconciliation Mediated by H.E. Kofi Annan and the Panel of Eminent African Personalities

Feb 1, 2008

Preamble:

Goal:

To ensure that the National Dialogue and Reconciliation is carried out in a continuous and sustained manner towards resolving the political crisis arising from the disputed presidential electoral results as well as the ensuing violence in Kenya, in line with the agreement between His Excellency Mwai Kibaki and Honourable Raila Odinga, as publicly announced on 24th January and reaffirmed on 29th January 2008 at County Hall in Nairobi.

The final goal of the National Dialogue and Reconciliation is to achieve sustainable peace, stability and justice in Kenya through the rule of law and respect for human rights.

Noting with concern the situation of insecurity in the country;

We need to take the following steps to immediately halt the violence:

1. To the Police:

- a) The police must act in accordance with the Constitution and the law and in particular the Police Act and the Force Standing Orders. While the police are entitled to use reasonable force to protect vulnerable populations and in case of self defence, live bullets must not be used on unarmed civilians in unjustifiable circumstances.
- b) The security forces must carry out their duties and responsibilities with complete impartiality and without regard to ethnicity, political persuasion, or other partisan consideration.
- c) The deployment of the security agents must at all times promote and reflect national integration and harmony.
- d) In order to harmonise security activities at all levels, there is a need for the cross flow of information between administrative units and the leadership at every level.

2. To the Public:

- a) All leaders should embrace and preach the peaceful coexistence of all communities and refrain from irresponsible and provocative statements.

- b) Mobilise local community, religious, political, business and civil society leaders to hold joint meetings to promote peace and tranquility and stand up for justice and fairness.
- c) All Kenyan citizens should stop acts of violence.
- d) All illegal armed groups and militias should be demobilized and disbanded.
- e) We appeal to all youths throughout the country not to participate in acts of lawlessness particularly those leading to harm or loss of human life and destruction of property.
- f) We call upon the victims and those affected by violence to exercise restraint and avoid any acts of revenge or retaliation.

3. As to the restoration of fundamental rights and civil liberties:

- a) Ensure that the freedom of expression, press freedom and the right to peaceful assembly are upheld. A suitable code of conduct on live coverage broadcasts, should be developed promptly by the Media Council in consultation with the Ministry of Information and implemented forthwith. This should include punitive measures against abuse.
- b) Peaceful assembly as guaranteed by the Constitution should be protected and facilitated. Leaders and the public attending such meetings must ensure that meetings are peaceful, orderly and conducted in conformity with the law.
- c) Impartial, effective and expeditious investigations on all cases of crime and police brutality and/or excessive use of force should be undertaken forthwith.
- d) Enforce law and order to protect life and property, and to ensure that roads and railways are open and safe for people, goods and services. Major transit routes must be secured and safe passage on all internal road networks throughout the country be guaranteed.
- e) All workers, both public and private, must be assisted to return safely back to their places of work. Reopen all institutions of learning and assist teachers and children to return in an environment of safety.
- f) All internally displaced persons should be protected and assisted to return safely to their homes and places of work and their rights to reside anywhere in the country be upheld.
- g) In order to promote food security, displaced farmers should be assisted to return to their farms. All farmers affected by the crisis should be assisted and encouraged to safely resume their farming activities.

- h) Hate and threatening messages, leaflets, sms, or any other broadcasts of that nature must cease forthwith.
- i) All criminal activities, particularly those of a violent nature, should be prosecuted forthwith.

Signed on this day, February 1, 2008

On behalf of Government/PNU:

On behalf of ODM:

Hon. Martha Karua

Hon. Musalia Mudavadi

Hon. Sam Ongeru

Hon. William Ruto

Hon. Mutula Kilonzo

Hon. Sally Kosgei

Hon. James Orengo

Witnessed by:

For the Panel of Eminent African Personalities

H.E. Kofi A. Annan

Chairperson