

Seattle University School of Law

## Seattle University School of Law Digital Commons

---

VI. Financial Scandal Documents

The Truth, Justice and Reconciliation  
Commission of Kenya

---

4-23-2010

### TJRC Press Release on Finances

Truth, Justice, and Reconciliation Commission

Follow this and additional works at: <https://digitalcommons.law.seattleu.edu/tjrc-financial>

---

#### Recommended Citation

Truth, Justice, and Reconciliation Commission, "TJRC Press Release on Finances" (2010). *VI. Financial Scandal Documents*. 1.

<https://digitalcommons.law.seattleu.edu/tjrc-financial/1>

This Report is brought to you for free and open access by the The Truth, Justice and Reconciliation Commission of Kenya at Seattle University School of Law Digital Commons. It has been accepted for inclusion in VI. Financial Scandal Documents by an authorized administrator of Seattle University School of Law Digital Commons.



## **BRIEFING NOTE ON THE FINANCE OF THE TRUTH JUSTICE AND RECONCILIATION COMMISSION**

During the past few days an unfortunate impression has been created in the media regarding the finances of the Truth Justice and Reconciliation Commission (“TJRC”). This briefing note will set out the true facts concerning matter:

- Despite the provisions of the TJRC Act regarding the independence of the Commission as per Section 21 (1), the Commission has not had any control over monies allocated to it up to now. The Ministry of Justice, National Cohesion and Constitutional Affairs (the “Ministry of Justice” or the “Ministry”) has remained the accounting authority and the custodian for the budget for the TJRC.
- Further the Ministry has verbally informed the Commission that it would not be given authority over the funds until some time next fiscal year. This remains to be the case even though the Secretary of the Commission, who is by law supposed to be the accounting officer of the Commission (see Section 13 (2) of the Act), was sworn in on 15<sup>th</sup> February 2010. Consequently TJRC’s account number 1110001064 with NIC Bank Junction branch which the TJRC opened on 2<sup>nd</sup> March 2010 is still empty of funds.
- One thing must be made crystal clear . The TJRC has never had control over any monies allocated to it. Not only does it have no control over monies that have been nominally allocated to it, money has and continues to be spent on its behalf without its knowledge or consent.
- Repeated requests have been made to the Ministry for reimbursement of expenses, and many of these requests have been denied by the Ministry. These denials have included:
  - Money for the Commission’s outreach to Coast Province. Despite requests the Commission was not given any money in advance and had to rely upon the personal resources of its members during the early part of the trip.
  - Reimbursement for medical, travel and other expenses that were expressly approved by the Commission but were subsequently denied by the Ministry.
  - Reimbursement for moving expenses for the international Commissioners that has not yet been fully provided.



- A recent example of the Commission’s lack of control over its finances is that the Secretary to the TJRC wrote to the Permanent Secretary of the Ministry of Justice requesting money for provincial outreach visits. On 15<sup>th</sup> April the Commission received a response from a Mr. M.M. Omondi on behalf of the Permanent Secretary, acknowledging receipt of the letter and indicating that they would “revert in due course”. To date no response has been received to the request for those funds.
- In addition, although the Secretary of the Commission began working on 15<sup>th</sup> February 2010, she has received no salary to date.
- As early as October 2009 the TJRC requested an accounting of monies that had been spent on its behalf from its account with the Ministry. In early January the Commission we received two sets of papers that purport to explain payments made on its behalf. In April it received a third set of papers purporting to be a breakdown of monies spent on its behalf by the Ministry of Justice. In addition to the vagueness and inconsistencies among these three sets of documents:
  - Approximately KSh 16 million has been spent on the Council of Elders, and organization that has no relationship with the TJRC. The Commission has never been consulted about, much less given its consent to these payments.
  - Rent payments for TJRC offices that are inconsistent and that may include rent for other Commissions supported by the Ministry of Justice.
  - Bulk payments for Ministry of Justice officials for non-existent retreats , or for retreats that occurred six months prior to the payments. For example, while the Commission did have a retreat in Naivasha in September 2009, as late as January 2010 a Ministry official was paid over KShs 500,000 purportedly for that retreat.
  - Monies have been spent on what the Ministry refers to as “casual workers”. The Commission has only hired one staff person, the CEO and two consultants – a communications consultant and a research consultant. None of them has been paid until now. Individuals have been seconded to TJRC by the Ministry but to this date and despite repeated requests, it remains unclear as to who the “casual workers” are, their functions or how much they are being paid per month. The expenditure breakdown lists these payments in bulk form, making it impossible to ascertain who is being paid and for what activities.



- The above list is not exhaustive. Other payments are unclear, i.e KShs 396,182.00 for “Operational Needs of the TJRC”) or inconsistent ( the payment of airtime allowance to Commissioners and staff) TJRC has requested from the Ministry concerning expenditures undertaken “on its behalf” and is still eagerly awaiting their response.
  - On 11<sup>th</sup> December 2009, the TJRC submitted a two year operational budget for Kshs 2,055,462,700. 00To date it has received no official response from the Ministry with respect to the budget submitted.
  - On 11<sup>th</sup> December 2009, the TJRC also requested a supplementary budget for the the 2009-2010 fiscal year in the amount of KSh 631,146,300. 00. As that request continued to go unanswered and as with the passage of time, the amount that could be used by the end of the fiscal year decreased, the TJRC wrote on 25<sup>th</sup> January 2010 to the Ministry of Finance to lower our request to KShs 480,000,000.00
  - On 26<sup>th</sup> March 2010 we were informed by the Ministry of Justice that in response to our request for Kshs 480,000,000.00 in supplemental funding, the Treasury had allocated Kshs 30,000,000.00 for the rest of the fiscal year.

The Commission is united in its purpose and despite the lack of funding support from the Ministry is determined to press on with its mandate. The TJRC is seeking alternative means of funding.

The TJRC would like to emphasise the need for financial independence and to restate that at no time has the TJRC had control over any finances. The Ministry which has seconded one of its finance officers to the Commission, controls all and every aspect of our budget.

Delta House

23<sup>rd</sup> April 2010