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2-2010

### Former Truth Commissioners Statement re Kiplagat

Truth, Justice, and Reconciliation Commission

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#### Recommended Citation

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## **CALL BY FORMER TRUTH COMMISSIONERS: KENYAN TJRC CHAIR SHOULD STEP DOWN**

We, former chairpersons and commissioners of truth commissions from around the world, respectfully call upon Ambassador Bethuel Kiplagat, Chairperson of the Truth Justice & Reconciliation Commission's (TJRC) to step down from his positions as Chairperson and Commissioner.

We are deeply troubled by serious allegations of bias and misconduct that have been made against Chairperson Kiplagat. The allegations about his role in the former Moi government have generated a widely held perception that he labours under an unavoidable conflict of interest and that he is unable to bring an impartial mind to bear on his important duties as TJRC Chairperson.

We are advised that in previous years, a statutory Commission of Inquiry as well as a Parliamentary Committee of Inquiry have made disturbing findings against Ambassador Kiplagat on matters that fall squarely within the TJRC's mandate. The Report of the Commission of Inquiry into Illegal and Irregular Allocation of Public Land (released in 2004) makes references to instances of the illegal acquisition of public land on the part of Ambassador Kiplagat. The Report of the Parliamentary Committee of Inquiry into the Murder of Dr. Robert Ouko includes a report from an investigation team which concluded that Ambassador Kiplagat was untruthful in his submissions. While Ambassador Kiplagat has disputed the references to him in these reports, they nonetheless have a direct and serious impact on public perceptions in relation to his fitness to hold high office in the Commission.

All truth commissioners must be seen to be upholding the highest standards of ethics and integrity. They need to be seen to be scrupulously independent and objective. We are constrained to point out that Ambassador Kiplagat does not meet these essential standards.

We note that truth commissions must enjoy the confidence of the public to succeed. Since objective grounds of a reasonable apprehension of bias on the part of Ambassador Kiplagat exist in the minds of the public, he is duty bound to resign for the greater good of the commission and country.

We believe that if the current state of affairs is not addressed the TJRC will not be able to deliver truth, justice and accountability for past injustices and gross human rights violations. For these reasons we call upon Ambassador Kiplagat to immediately step down so that the TJRC may proceed with its critical tasks of promoting justice and combating impunity in Kenya.

**Statement endorsed by:**

### **Archbishop Desmond Mpilo Tutu**

Former Chairperson of the South African Truth & Reconciliation Commission

Former Anglican Archbishop of Cape Town

Former General Secretary of the South African Council of Churches

Recipient of the Nobel Peace Prize

### **Bishop Joseph Christian Humper**

Former Chairperson of the Truth & Reconciliation Commission for Sierra Leone

Bishop of the United Methodist Church, Sierra Leone

Member of the General Board of Global Ministries, The United Methodist Church

Recipient of the Distinguished Peacemaker Award – Africa

### **Salomon Lerner Febre**

Former Chairperson of the Peruvian Truth and Reconciliation Commission

Former President of the Pontifical Catholic University of Peru

Current President of the Institute for Democracy and Human Rights at the Catholic University, Lima

### **Alexander Lionel Boraine**

Chairperson of the Mauritian Truth & Reconciliation Commission

Former Deputy-Chairperson of the South African Truth and Reconciliation Commission

Chairperson of the Board of the International Centre for Transitional Justice

Former member of the South African Parliament

Former President of the Methodist Church of Southern Africa

Global Visiting Professor of Law at the New York University School of Law

### **Advocate Dumisa Ntsebeza SC**

Former Commissioner of the South African Truth and Reconciliation Commission

Member of the South African Judicial Services Commission

Acting Judge of the Cape High Court

Member of the International Commission of Inquiry on Darfur

National Chairperson of Advocates for Transformation (South Africa)

### **Yasmin Sooka**

Former Commissioner of the South African Truth and Reconciliation Commission

Former Commissioner of the Truth and Reconciliation Commission for Sierra Leone

Former Acting Judge of the High Court of South Africa

Director of the Foundation for Human Rights

### **Reverend Bongani Blessing Finca**

Former Commissioner of the South African Truth and Reconciliation Commission

Provincial Electoral Officer for the Eastern Cape Province, South Africa

### **Mary Burton**

Former Commissioner of the South African Truth and Reconciliation Commission

Former President of the Black Sash

Deputy Chairperson of the Council of the University of Cape Town

Recipient of National Order of Luthuli Award

**Dr Fazel Randera**

Former Commissioner of the South African Truth and Reconciliation Commission

Former Inspector-General of Intelligence (South Africa)

Medical Director of the Aurum Institute

Former National Chairperson of the South African Human Rights Committee

**Richard Lyster**

Former Commissioner of the South African Truth and Reconciliation Commission

Former Director, Legal Resources Centre, Durban